



# **ZONING CODE UPDATE**

November 22, 2024

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## CHAPTER 1220

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### CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.

Restrictions on percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

Zoning Inspector - see ADM. Ch. 1242

Application to oil and gas wells - see B.R. & T. 830.02

### 1220.01 TITLE; PURPOSE.

(a) Title. This Title Six of Part Twelve shall be known, and may be cited, as the Zoning Ordinance of the Village of Grafton, Ohio.

(b) Purpose. For the purpose of promoting public health, safety, comfort, and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; to facilitate adequate but economic provisions of public improvements, all in accordance with a comprehensive plan, Council finds it necessary and advisable to regulate the location, bulk, and size of buildings and other structures, all in accordance with a zoning map; as such, Council divided the incorporated area of the Village into districts or zones.

(Ord. 01-014. Passed 7-17-01.)

#### 1220.02 AUTHORITY

The authority for the preparation, adoption, and implementation of this Zoning Ordinance is derived from the State of Ohio Constitution Article II § 1 and Article XVIII, § 3, the Charter of the Village of Grafton Article VII-Section 2 and the Ohio Revised Code (ORC) Chapter 713.

#### 1220.03 JURISDICTION

The provisions of this Zoning Ordinance shall apply to all land, subdivisions of land, land development, use of all structures, and use of land within the Village of Grafton of Lorain County, State of Ohio.

#### 1220.04 EFFECTIVE DATE

This Zoning Ordinance shall take effect and be in force from and after (insert adoption date).

#### 1220.05 CONFORMANCE REQUIRED

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed, or arranged for any purpose other than that specifically permitted in the district in which the building or land is located except as hereinafter specified.

#### 1220.06 INTERPRETATION.

The provisions of this Zoning Code shall be the minimum requirements for all buildings, structures, lots, or parcels of land within the Village. In the event that a property is subject to other lawfully enforced rules, regulations, laws, ordinances, or resolutions, as well as this Zoning Code and where this Zoning Code imposes greater restrictions upon the use, development, or



construction of any property, the regulations of this Zoning Code shall govern. In the event that the other lawfully enforced rules, regulations, laws, ordinances, or resolutions impose greater restrictions than this Zoning Code, the more restrictive shall apply.

(Ord. 01-014. Passed 7-17-01.)

#### 1220.07 RELATIONSHIP WITH PRIVATE-PARTY AGREEMENTS.

In no case shall the Village be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the Village is involved as a party to the agreement.

#### 1220.08 DEVELOPMENT APPROVALS

No development activity shall occur on any property within the jurisdiction of the Zoning Ordinance until an applicable development approval for the activity has been granted.

#### 1220.09 VALIDITY AND SEPARABILITY

(a) If any provision or provisions of the Zoning Ordinance, or the application of any provision or provisions to any particular property, building or other structure, or situation, are declared by court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building or other structure, or tract of land immediately involved in the controversy.

(b) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

(c) All other provisions of this Zoning Ordinance shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

#### 1220.10 APPLICATIONS COMMENCED UNDER PREVIOUS ZONING ORDINANCE.

(a) Processing. Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Zoning Ordinance, shall be reviewed in accordance with the regulations in effect on the date the application was deemed complete unless the applicant requests otherwise. Any re-application of an expired project approval shall meet the standards in effect at the time of re-application.

(b) Violations Continue. Any violation of the previous version of this Zoning Ordinance shall continue to be a violation under this Zoning Ordinance and shall be subject to the penalties and enforcement set forth in Chapter 1246 "Zoning Permits, 1246.15-Penalty," unless the use, development, construction, or other activity complies with the provisions of this Zoning Ordinance.

#### 1220.11 USE OF GRAPHICS, ILLUSTRATIONS, FIGURES AND CROSS REFERENCES.

(a) The Zoning Ordinance contains graphics, pictures, illustrations, and drawings to assist the reader in understanding and applying the Zoning Ordinance. However, to the extent that there is any inconsistency between the text of the Zoning Ordinance and any such graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.

(b) In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the referenced chapter, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.

## CHAPTER 1242

### Administrative and Decision-Making Bodies

#### 1242.01 Purpose

#### 1242.02 Zoning Inspector

#### 1242.03 Planning Commission

#### 1242.04 Board of Zoning and Building Appeals

#### 1242.05 Village Council

#### 1242.06 Village Law Director

#### 1242.01 PURPOSE.

The purpose of this chapter is to identify the roles and responsibilities of various elected and appointed boards, as well as the duties of Village staff, in the administration of this Zoning Ordinance.

#### 1242.02 ZONING INSPECTOR.

The Zoning Inspector shall have the following powers and duties:

- (a) Zoning Ordinance Enforcement. The Zoning Inspector shall have all necessary authority on behalf of the Village to administer and enforce the provisions of this Zoning Ordinance. All officials and employees of the Village may assist the Zoning Inspector by reporting to the Zoning Inspector any new construction, reconstruction, land uses, or violations that are observed.
- (b) Inspections. Conduct inspections of buildings and uses of land to determine compliance with this Zoning Ordinance.
- (c) Violations. In the event violations of the Zoning Ordinance are observed, take immediate action by identifying and notifying in writing the person or persons responsible, outlining the nature of the violation and ordering corrective action within a specified time and if not corrected may refer the matter to the Village Law Director for appropriate action.
- (d) Zoning Ordinance Administration. Establish application requirements and schedules for development review applications, and to take any other actions necessary to administer the provisions of this Zoning Ordinance.
- (e) Applications. Receive planning and zoning applications required by this Zoning Ordinance.
- (f) Reports. Prepare reports and recommendations as needed for all development review procedures that require planning commission, Board of Zoning and Building Appeals, or Village Council reviews and/or decisions.

- (g) Review and Issuance of Permits and Certificates. Review and make decisions on applications for all zoning permits and certificates in accordance with this Zoning Ordinance and other applicable ordinances of the Village.
- (h) Revoke Approval. Revoke a permit, certificate or approval issued contrary to this Zoning Ordinance or based on a false statement or misrepresentation on the application.
- (i) Zoning Verification Letters. Prepare letters as may be requested by an individual who is seeking verification of the zoning status of a specific parcel of land A nominal fee will be assessed for the zoning verification letter.
- (j) Technical Support and Assistance. Coordinate meetings related to this Zoning Ordinance and provide support, expertise, and technical assistance to the Village Council, Planning Commission, and the Board of Zoning and Building Appeals.
- (k) Interpretation. Review and make decisions on questions of interpretation related to this Zoning Ordinance.
- (l) Maintain Records. Maintain a record of all administrative and legislative proceedings under this Zoning Ordinance.
- (m) Zoning Map. Maintain in current status the zoning map which shall be kept on permanent display in the Village Offices.

#### 1242.03 Planning Commission

(a) Authorization. The Planning Commission has been established by Village Council pursuant to the Village Charter, Article VII Section 2 and consists of the Mayor and/or his designee, one member of council to be selected by the vote of council for a term not to exceed his or her term as a member of council, and three electors of the municipality appointed by the Mayor with approval by a majority vote of council to serve four year terms.

(b) Proceedings. The Planning Commission may adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Zoning Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep records of its official actions, all of which shall be a public record.

(c) Quorum. A simple majority of the Planning Commission, if in attendance, shall constitute a quorum.

(d) Powers and Duties. The Planning Commission shall have the powers and duties as set forth below and otherwise provided in the Village Charter and ORC Section 713.02;

(1) Site Plan Review. Review and act on Major Site Plans pursuant to this Zoning Ordinance.

(2) Conditional Uses. Review and recommend on applications for conditional uses according to provisions and criteria in this Zoning Ordinance to Council for approval.

(3) Planned Unit Developments. Review all applications for PUD districts and forward recommendations on development plans, conditions, and amendments to Village Council for final action as provided in this Zoning Ordinance.

(4) Zoning Map and Text Amendments. To review all proposed amendments to and re-zonings of this Zoning Ordinance and map and to forward recommendations to Village Council.

(5) Code Review. Carry on a continuous review of the effectiveness and appropriateness of this Zoning Ordinance and initiate and recommend to Village Council such changes or amendments as it feels would be appropriate.

(6) Planning. To make plans and recommendations within and contiguous to the Village for the character, location, and extension of public and private streets, bridges, parks, open spaces, waterways, utilities, public ways, grounds, buildings, property, terminals for water, light, sanitation, transportation, communication, power, and other purposes as provided in the Village Charter and ORC 713.02.

#### 1242.04 Board of Zoning and Building Appeals

- (a) Purpose.
- (b) Organization and procedure.
- (c) Governing guidelines.
- (d) Jurisdiction and powers.
- (e) Procedure and requirements for appeals and variances.
- (f) Appeals; fees; stay of proceedings.
- (g) Application and standards for variances.
- (h) Requirements for granting variances.
- (i) Conditions imposed.
- (j) Lapses of variances.
- (k) Public hearing by the Board.
- (l) Notice of public hearing.
- (m) Notice to parties in interest.
- (n) Decisions of the Board.
- (o) Duties of officials on matters of appeal.

(p) Appeal to courts.

#### CROSS REFERENCES

Board of Zoning and Building Appeals - see CHTR. Art. VII

Administrative board; powers and duties - see Ohio R.C. 713.11

Notice and hearing on municipal zoning regulations - see Ohio R.C. 713.12

#### (a) PURPOSE.

The purpose of the Board of Zoning and Building Appeals shall be to decide any issue involving the interpretation of the provisions contained in this Zoning Code, to grant variances from the strict letter of the Code in instances of unnecessary hardship, as herein provided.

(Ord. 01-014. Passed 7-17-01.)

#### (b) ORGANIZATION AND PROCEDURE.

(1) Appointment. The Board of Zoning and Building Appeals shall be composed of five members, all of whom are residents of the Village. Members shall be appointed by the Mayor with approval of the majority of council for a period of four years. Members of the Board shall hold no other Municipal office or appointment. Should any vacancy on the Board occur for any reason, the Mayor shall appoint a successor to serve the unexpired term. The Mayor shall have the right to remove any members of the Board with due cause subject to the approval of two-thirds (2/3) of the membership of Council.

(EDITOR'S NOTE: Charter Article VII, Section 1 was amended November 8, 2011, so that appointments to the Board of Zoning and Building Appeals are for a period of four years.)

(2) Organization and Rules. The Board shall organize annually and elect a Chairman, Vice-Chairman, and Secretary from its membership. The Secretary need not be a member of the Board. The Board shall adopt rules as may be necessary to carry into effect the provisions of this Zoning Code and to exercise the powers and jurisdiction conferred upon it by the Code.

(3) The Chairperson shall preside at all meetings of the Board. He or she shall decide on all points of order and procedure, unless otherwise directed by a majority of the Board. The Chairperson may appoint committees deemed necessary to carry out the business of the Board. The Chairperson may administer oaths and compel the attendance of witnesses. The Chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.

(4) The Vice-Chairperson shall serve in the absence of the Chairperson. He or she shall have all the powers and responsibilities of the Chairperson during his/her absence, disability, or disqualification.

(5) The Secretary shall keep minutes of all meetings and shall be responsible for all official correspondence of the Board.

(6) Meetings. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings shall be open to the public.

(7) Quorum. All actions of the Board shall be taken by motion, the vote of each member being recorded. The majority of the Board shall constitute a quorum to do business, and the concurring vote of three members shall be necessary to reverse any order, requirement,

decision, or determination of the Building Inspector. No member of the Board shall vote on any matter in which he or she is personally or financially interested.

(8) Minutes and Records. The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be certified correct and filed in the Village Hall and shall be a public record.

(9) Witnesses and Oaths. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, and other evidence pertinent to any issue before the Board.

(10) Department Assistance. The Board may call on the Village departments or consultants for assistance in the performance of its duties, and such departments shall render assistance to the Board as may be required. In addition, the Planning Commission may make an analysis and present a report on any matter before the Board. Such report shall be considered by the Board at the time of hearing on the matter.

(11) Compensation. The Board shall be compensated for each meeting attended at a rate to be determined by the Village Council.

(Ord. 01-014. Passed 7-17-01.)

#### (c) GOVERNING GUIDELINES.

(1) The Board of Zoning and Building Appeals shall be governed by the provisions of all applicable State statutes, local laws, the Village Charter, other applicable ordinances, and rules set forth herein.

(2) The Board shall become familiar with all enacted ordinances and laws of the Village under which it may be expected to act, as well as with applicable State enabling legislation.

(3) The Board shall uphold the Zoning Code and official Zoning Map as adopted and shall serve primarily as a judicial review in the performance of its duties.

(4) The Board shall become familiar with the community goals, desires, and policies as expressed in an adopted Comprehensive Plan and the proposals set forth therein. All decisions shall be guided by such Plan and relief only granted which will ensure that the goals and policies of the Plan will be preserved, substantial justice is done, and the public interest is protected. Through the performance of its duties, the Board may not act as a legislative body; or through interpretation, the granting of variances, or the setting of conditions, alter the basic intent of the Zoning Code to be generally and equally applicable to all persons covered by a zoning district.

(Ord. 01-014. Passed 7-17-01.)

#### (d) JURISDICTION AND POWERS.

The Board of Zoning and Building Appeals shall operate to carry into effect the powers and jurisdiction conferred upon it as follows:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this Zoning Code.

- (2) To hear and decide upon application for variances under the terms provided in this Code.
  - (3) To interpret the provisions of the Zoning Code or Zoning Map where there is doubt as to meaning or application. The Board shall have the specific power to:
    - (a) Interpret the precise location of the boundary lines between zoning districts.
    - (b) Interpret the classification of a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable conditionally permitted, permitted, or prohibited use in accordance with the intent and purpose of each district.
  - (4) To hear and decide whether or not a nonconforming use should be granted extensions, additions, or reconstruction (in case of a 50% or more loss) or change in use to another nonconforming use.
  - (5) To exercise such other powers as may be granted to the Board by this Zoning Code, amendment thereto, or by the general laws as set forth in the Ohio Revised Code as amended.
  - (6) The Board shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Zoning Code but does have power to act on those matters where the Zoning Code provides for judicial review, interpretation, or variance requests as defined in this chapter.
  - (7) Grant variances from the strict application of the provisions of the sign code, as set forth in Chapter 1288, in regard to an existing nonconforming sign or a new sign to be installed, erected, constructed or painted, if the Board finds that requiring strict compliance with the sign code may impose an undue hardship and that the granting of the variance will not depreciate or damage neighboring property, will not create a safety hazard and will not be contrary to the requirements of the sign code.
- (Ord. 01-014. Passed 7-17-01.)

(e ) PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES.

Appeals and variances shall conform to the procedures and requirements of this Zoning Code.  
(Ord. 01-014. Passed 7-17-01.)

(f) APPEALS; FEES; STAY OF PROCEEDINGS.

- (1) Appeals. Appeals to the Board of Zoning and Building Appeals concerning interpretation or administration of this Zoning Code may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Building Inspector. Such appeal shall be taken within 30 days after the decision by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (2) Fees. See Section 1243.17.
- (3) Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector from whom the appeal is taken certifies to the Board after the notice of appeal is filed with him or her, that by reason of facts stated in the application, a stay would, in his or her opinion, cause imminent peril to life and property. In



such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, with a written notice to the Building Inspector from whom the appeal is taken.

(Ord. 01-014. Passed 7-17-01.)

(g) APPLICATION AND STANDARDS FOR VARIANCES.

A variance from the terms of this Zoning Code shall not be granted by the Board of Zoning and Building Appeals unless and until a written application for a variance is submitted to the Responsible Authority and the Board, containing:

- (1) Name, address, and phone number of applicants.
- (2) Legal description of property.
- (3) Description of nature of variance requested.
- (4) A narrative statement demonstrating that the requested variance conforms to the following standards: That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

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

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

(c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code, to other lands, structures, or buildings in the same district.

(Ord. 01-014. Passed 7-17-01.)

(h) REQUIREMENTS FOR GRANTING VARIANCES.

(1) Variances may be granted by the Board of Zoning and Building Appeals where the strict application of any provision of this Zoning Code would result in peculiar and exceptional difficulties or undue hardship to the property owner. A request for a variance may be made to the Board through the Building Inspector by an aggrieved property owner.

(2) A variance from the provisions or requirements of this Zoning Code shall not be authorized by the Board unless it finds that all the following facts and conditions exist:

(a) That unnecessary hardships would result from the literal enforcement of the provisions of this Zoning Code. Alleged hardships, such as theoretical loss or limited possibilities of economic advantage, shall not be considered real hardships. A hardship based on conditions created by the owner shall not be considered a sufficient hardship for the granting of a variance. It must be demonstrated that peculiar and special hardships exist which apply only to the property in question and are separate and distinct from the general conditions pertaining throughout the district.

(b) That there are unique physical circumstances or conditions applying to the property in question, such as irregularity, narrowness, or shallowness of lot size or shape, exceptional topographical, or other physical conditions.

(c) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Code and that authorization of a variance is, therefore, necessary to enable the reasonable use of the property.

(d) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, and that the granting of such variance will not be injurious to persons working or residing in the neighborhood.

(e) That the granting of such variance will not be contrary to the public interest (health, safety) or the intent and purpose of this Code and other adopted plans.

(f) That such variance will not permit the establishment within a district of any use other than those permitted by right within that district, or any use for which a conditional permit is required.

(g) That such variance may not be construed to mean a change of use, but shall mean only a variation or modification from the strict provisions of this Code.

(h) That such variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building, or structure.

(i) That in no instance shall a variance be considered for the following reasons:

A. Presence of nonconformities in the zoning district.

B. Previous variances granted in the zoning district.

C. Uses in adjoining zoning districts.

D. The applicant's belief that the intended use would be permitted upon his/her purchase of the land.

E. The character standing of the applicant.

F. Hardship being demonstrated beyond the context of zoning; for example, economics.

(j) Variations to nonconforming uses and buildings: The Board shall have no powers to authorize, as a variance, the establishment of a nonconforming use or extensions of or changes in nonconforming uses. Regulation of existing nonconforming uses are provided for in Chapter 1252.

(Ord. 01-014. Passed 7-17-01.)

(i) **CONDITIONS IMPOSED.**

The Board of Zoning and Building Appeals shall have the power to impose additional conditions and safeguards other than those stated in the Zoning Code when granting variances. Such additional conditions shall be reasonable and necessary to promote and preserve the public safety, general welfare, and economic viability of the neighborhood and community, and shall be imposed solely for the purpose of minimizing the effect of the variance on surrounding property and the community as a whole. Violations of such conditions and

safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code and punishable under Section 1246.15.

(Ord. 01-014. Passed 7-17-01.)

(j) LAPSES OF VARIANCES.

A variance, once granted, shall not be withdrawn or changed unless there is a change of circumstances, or if after the expiration of twelve months no construction has taken place in accordance with the terms and conditions for which such variance was granted. Thereafter, the variance shall be deemed null and void without notification to the applicant or variance holder, and all regulations governing the premises in question shall revert to those in effect before the variance was granted.

(Ord. 01-014. Passed 7-17-01.)

(k) PUBLIC HEARING BY THE BOARD.

The Board of Zoning and Building Appeals shall hold a public hearing within 45 days after the receipt of an application for an appeal or variance from the Building Inspector or an applicant.

(Ord. 01-014. Passed 7-17-01.)

(l) NOTICE OF PUBLIC HEARING (MEETING).

Before holding the public hearing, notice of such hearing shall be given within 45 days in one or more newspapers of general circulation of the Village at least ten days before the date of such hearing (meeting). The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

(Ord. 01-014. Passed 7-17-01.)

(m) NOTICE TO PARTIES IN INTEREST.

Before holding the public hearing, notice of such hearing shall be mailed by the Building Inspector by first-class mail, at least ten days before the day of the hearing, to all abutting property owners. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1243.

(Ord. 01-014. Passed 7-17-01; Ord. 12-023. Passed 5-1-12.)

(n) DECISIONS OF THE BOARD.

(1) The Board of Zoning and Building Appeals shall decide all applications for variances and appeals, and changes in nonconforming uses within 30 days after the final hearing thereon. The decision shall state any conditions and safeguards necessary to protect the public interest.

(2) The applicant shall be notified in writing of the Board's decision and the findings of fact which were the basis for the Board's determination.

(3) The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination made by the Building Inspector on an appeal.

(4) A certified copy of the Board's decision, including all terms and conditions, shall be transmitted to the Zoning Inspector and shall be binding upon and observed by him or her. The Zoning Inspector shall fully incorporate these terms and conditions in the permit to the applicant whenever a permit is authorized by the Board.

(5) All findings and decisions shall be clearly set forth in the minutes of the Board.

(6) In rendering a decision, the Board should show that:

(a) It has considered and evaluated all available information and evidence.

(b) It has heard all parties in question.

(c) Any personal knowledge the Board may have of the subject under question has been taken into account.

(Ord. 01-014. Passed 7-17-01.)

(o) DUTIES OF OFFICIALS ON MATTERS OF APPEAL.

It is the intent of this Zoning Code that all questions of interpretation and enforcement shall first be presented to the Building Inspector, and that such questions shall be presented to the Board of Zoning and Building Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board shall be to the courts as provided by Section 1242.04 (p) and Ohio R.C. Ch.713. It is further the intent of this Zoning Code that the duties of Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise; these being the powers of the Board. Under this Zoning Code, Council shall have only the duties of considering, adopting, or rejecting proposed amendments or the repeal of all or part of this Zoning Code, as provided by law and of establishing a schedule of fees and charges. If in the course of carrying out the intent of this chapter, and after review of all appeal cases brought before it, the Board finds a series of similar irregularities or inequities, it shall be incumbent upon the Board to inform Council and the Planning Commission of these inadequacies in order that the Zoning Code or Zoning Map may be appropriately amended. Nothing in this chapter shall prevent a member of Council from appealing the decision of the Zoning Board in a court of law.

(Ord. 01-014. Passed 7-17-01.)

(p) APPEAL TO COURTS.

A person aggrieved by a decision of the Board of Zoning and Building Appeals may appeal to the Court of Common Pleas of Lorain County. (Ord. 01-014. Passed 7-17-01.)

1242.05 VILLAGE COUNCIL.

Village Council shall have the following powers and duties with respect to the administration and enforcement of this Zoning Ordinance.

(a) Review and Act on Amendments. To review, render decision, and enact amendments to the proposed amendments of this Zoning Ordinance and official zoning map.

- (b) Initiate Amendments. To initiate amendments to the provisions of this Zoning Ordinance and official zoning map through an ordinance or resolution and forwarding said action to the Planning Commission for review and recommendation.
- (c) Establish Fees. Establish a schedule of fees necessary to effectively administer and enforce the provisions of this Zoning Ordinance.
- (d) Other Duties. Perform any other duties related to the administration and enforcement of this code as authorized by this Zoning Ordinance, the Village Charter and State Law.

#### 1242.06 VILLAGE LAW DIRECTOR

In case a building or structure is, or is intended to be, erected, constructed, reconstructed, altered or converted, or in case a building, structure or premises is, or is intended to be, used in violation of or is contrary to this Zoning Ordinance, the Village Law Director is hereby authorized, in addition to other remedies set forth in this Zoning Ordinance and after conferring with Mayor/Village Council and gaining their approval, to institute an action to enjoin or proceed with any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use.

## CHAPTER 1243

### COMMON REVIEW STANDARDS.

- 1243.01 Purpose
- 1243.02 Applicability
- 1243.03 Authority to file applications
- 1243.04 Application submission schedule
- 1243.05 Application contents
- 1243.06 Simultaneous processing of application
- 1243.07 Effect of pre-application meetings
- 1243.08 Public notification for public meetings
- 1243.09 Public notification for public hearings
- 1243.10 Conduct of public hearing
- 1243.11 Withdrawal of application
- 1243.12 Examination and copying of application and other documents
- 1243.13 Computation of time
- 1243.14 Effect of any approvals
- 1243.15 Building permit requires compliance
- 1243.16 Amendments of approved applications
- 1243.17 Fees and costs

#### **1243.01 PURPOSE.**

The purpose of this chapter is to establish common review standards that will ensure that the regulations set forth in this Zoning Ordinance are soundly and consistently applied.

#### **1243.02 APPLICABILITY.**

The requirements of this chapter shall apply to all applications and procedures subject to development review under this Zoning Ordinance, unless otherwise stated.

#### **1243.03 AUTHORITY TO FILE APPLICATIONS.**

- (a) Unless otherwise specified in this Zoning Ordinance, development review applications may be initiated by:
  - (1) The owner of the property that is the subject of the application; or
  - (2) The owner's authorized agent.
- (b) When an authorized agent files an application under this Zoning Ordinance on behalf of a property owner, the property owner shall be required to sign the application, which shall bind all decisions, and related conditions of approval, to the owner of the property.

#### **1243.04 APPLICATION SUBMISSION SCHEDULE.**

A schedule for the submission of applications in relation to the yearly establishment of meeting and hearing dates of the review bodies may be prepared by the Zoning Inspector and made available to the public.

#### **1243.05 APPLICATION CONTENTS.**

- (a) Applications filed under this Zoning Ordinance shall be submitted in a form and in such numbers as established by the Zoning Inspector and made available to the public.

- (b) When required by this Zoning Ordinance applications shall be accompanied with a list giving the names and addresses set forth on the County Auditor's mailing list of the owners of all properties within and contiguous to and directly across the street from the subject area.
- (c) A fee and any costs pursuant to Section 1243.17 "Fees and Costs."
- (d) Complete Application Determination.
  - (3) The Zoning Inspector shall only initiate the review and processing of applications submitted under this Zoning Ordinance if such application is determined to be complete.
  - (4) If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Zoning Ordinance.
  - (5) If an application is determined to be incomplete, the Zoning Inspector shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal application.
  - (6) If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.
  - (7) If the application fee has not been paid, the application will be deemed incomplete per Section 1243.17(b) "Fees to be Paid."

#### **1243.06 SIMULTANEOUS PROCESSING OF APPLICATION.**

Whenever two or more forms of review and approval are required under this Zoning Ordinance such as: a site plan review and a conditional permitted use; a site plan and a zoning map amendment; or a site plan and a building permit; the applications for those approvals shall, at the option of the applicant, be processed simultaneously, so long as all applicable requirements are satisfied for all applications.

#### **1243.07 EFFECT OF PRE-APPLICATION MEETINGS.**

- (a) Prior to filing an application, an applicant may request a meeting with the Zoning Inspector, Village Administrator, or a commission/board for a pre-application meeting to discuss the proposed application or project.
- (b) The purpose of the pre-application meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this Zoning Ordinance prior to the submission of an application.
- (c) Discussions that occur during pre-application meetings are not binding on the Village and do not constitute official assurances or representations by the Village or its officials regarding any aspects of the plan or application discussed.
- (d) No action can be taken by the staff and/or any commission/board until the applicant submits an actual application and/or plan to the Village.

#### **1243.08 PUBLIC NOTIFICATION FOR PUBLIC MEETINGS.**

All public meetings required by this Zoning Ordinance shall be done in accordance with established ordinances and requirements of State law.

#### **1243.09 PUBLIC NOTIFICATION FOR PUBLIC HEARINGS.**

- (a) Applications for development approval that require a public hearing shall comply with all applicable Ohio Revised Code requirements and the provisions of this Zoning Ordinance in regard to public notification.
- (b) Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:
  - (1) Identify the address or location of the property subject to the application and the name of the applicant or the applicant's agent;
  - (2) Indicate the date, time, and place of the public hearing;
  - (3) Describe the land involved by street address, County Auditor parcel identification number, or by property legal description;
  - (4) Describe the nature, scope, and purpose of the application or proposal;
  - (5) Identify the location (e.g., Village Office) where the public may view the application and related documents;
  - (6) Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application; and
  - (7) Include a statement describing where written comments will be received prior to the public hearing.
- (c) **Constructive Notice.** Minor defects in any required notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. Defects in timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed and are not minor defects. If questions arise at the public hearing regarding the adequacy of notice, the entity making the decision shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Zoning Ordinance.
- (d) **Courtesy Website Notice.** As a matter of practice, the Village may provide broader notice to supplement the above notice provisions on the Village's website.

#### **1243.10 CONDUCT OF PUBLIC HEARING.**

- (a) **Right of All Persons.** Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented. Reasonable but not excessive time should be given to each individual, depending on the number of people to testify. For the purposes of this section an allocation of five (5) minutes per individual is considered reasonable.
- (b) **Continuance of a Public Hearing or Deferral of Application Review.**
  - (1) An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Zoning Inspector prior to the publication of notice as may be required



- by this Zoning Ordinance. The Zoning Inspector may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- (2) A request for deferral of consideration of an application received by the Zoning Inspector after publication of notice of the public hearing as required by this Zoning Ordinance shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
  - (3) The review or decision-making body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place. No additional notice is required if the fixed date, time, and place is announced at the time of the continuance.

#### **1243.11 WITHDRAWAL OF APPLICATION.**

Any request for withdrawal of an application shall be either submitted in writing to the Zoning Inspector or made through verbal request by the applicant prior to action by the review or decision-making body.

- (a) The Zoning Inspector shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this Zoning Ordinance.
- (b) If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this Zoning Ordinance, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.

#### **1243.12 EXAMINATION AND COPYING OF DOCUMENTS.**

Applications and other documents and/or records may be inspected and/or copied as provided for by state law.

#### **1243.13 COMPUTATION OF TIME.**

The Grafton Codified Ordinances Chapter 202 Subsection 202.03(c): "Computation of Time" shall apply in computing any period of time prescribed or allowed by this Zoning Ordinance.

#### **1243.14 EFFECT OF ANY APPROVALS.**

All approvals shall run with the land or use and shall not be affected by change in ownership.

#### **1243.15 BUILDING PERMIT REQUIRES COMPLIANCE.**

No building permit shall be issued except in conformity with the provisions of this Zoning Ordinance-

#### **1243.16 AMENDMENTS OF APPROVED APPLICATIONS.**

- (a) Minor Amendments.
  - (1) For any review procedure, the Zoning Inspector is authorized to allow minor changes related to design of an approved application where the change is insignificant and has minimal impact to the overall design of the development. This shall not give the Zoning Inspector the authority to vary the requirements of this Zoning Ordinance or any conditions of approval.

- (2) In cases where the proposed minor amendment is related to a public improvement or another element that the Village Administrator has authority over, the Village Administrator shall have the same authority to authorize minor changes.
- (b) Unless otherwise stated, any approval granted through the provisions of this Zoning Ordinance may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

#### **1243.17 FEES AND COSTS.**

- (a) **Determination of Fees.** The determination of a fee schedule for the development review procedures of this Zoning Ordinance shall be established by a separate Village ordinance and made available to the public. Village Council may adjust the fees from time-to-time.
- (b) **Fees to be Paid.** No application shall be processed until the established fee has been paid.
- (c) **Refund of Fees.** Application fees are not refundable except where the Zoning Inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.
- (d) **Deposit for Notice Mailing and Publication Cost.** Wherever any notice or legal publication is required, the Village as determined by the Zoning Inspector, may require a deposit which is sufficient to defray the cost of name list preparation, mailing, and publication in addition to the above referenced fees in Section 1243.17(a) "Determination of Fees."

## CHAPTER 1244

### Amendments

- 1244.01 Initiation.
- 1244.02 Contents of application.
- 1244.03 Transmittal to Planning Commission.
- 1244.04 Amendment Submission to the Director of ODOT
- 1244.05 Public hearing by Planning Commission.
- 1244.06 Notice of public hearing.
- 1244.07 Notice to property owners.
- 1244.08 Planning Commission recommendations.
- 1244.09 Public hearing by Council.
- 1244.10 Notice of public hearing by Council.
- 1244.11 Council to notify property owners.
- 1244.12 Action by Council.
- 1244.13 Effective date and referendum.
- 1244.14 Zoning Text or Map Amendment Review Criteria

### CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.

Restrictions on percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

Zoning Inspector - see ADM. Ch. 1242

Application to oil and gas wells - see B.R. & T. 830.02

#### 1244.01 INITIATION.

Amendments to this Zoning Ordinance may be initiated in one of the following ways:

- (a) By adoption of a motion by the Planning Commission.
  - (b) By adoption of an ordinance by Council.
  - (c) By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by such amendment.
- (Ord. 01-014. Passed 7-17-01.)

#### 1244.02 CONTENTS OF APPLICATION.

The application for amendment shall contain at least the following information:

- (a) Name, address, and telephone number of applicant.
- (b) Proposed amendment to the text or legal description.
- (c) Present use.
- (d) Present zoning district.

- (e) Proposed use.
  - (f) Proposed zoning district.
  - (g) A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
  - (h) A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, including the tax mailing addresses of the property owners as listed by the Lorain County Auditor pursuant to 1243.05
  - (i) A statement on how the proposed amendment relates to the Comprehensive Plan, Land Use Plan, or similar adopted planning document.
  - (j) A fee as established by Council.
- (Ord. 01-014. Passed 7-17-01.)

#### 1244.03 TRANSMITTAL TO PLANNING COMMISSION.

- (a) Immediately after the adoption of an ordinance by Council or the filing of a complete application by at least one owner or lessee of property, such resolution or application shall be transmitted to the Planning Commission within 30 days
- (Ord. 01-014. Passed 7-17-01.)

- (b) The Zoning Inspector may distribute any amendment application to all appropriate Village departments and professional consultants for review and comment. The Zoning Inspector may also review and prepare a report. Any comments or expert opinions shall be returned to the Zoning Inspector for transmission to the Planning Commission.

#### 1244.04 AMENDMENT SUBMISSION TO THE DIRECTOR OF ODOT.

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of 500 feet from the point of intersection of such centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Commission may proceed as required by law; however, Council shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation. The Director of Transportation notifies the Village that he or she shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest or upon the expiration of the 120 day period or any extension thereof agreed upon by the Director of Transportation and the property owner, Council shall proceed as required by law.

#### 1244.05 PUBLIC HEARING BY PLANNING COMMISSION.

The Planning Commission may schedule a public hearing after the adoption of a motion, transmittal of a resolution from Council, or the filing of an application for zoning amendment. Such hearing shall be not less than 20 days from the date of the adoption of such motion, receipt of transmittal of such resolution, or the filing of such application.

(Ord. 01-014. Passed 7-17-01.)

#### 1244.06 NOTICE OF PUBLIC HEARING.

Before holding the public hearing, notice of such hearing shall be given by the Planning Commission by at least one publication in one or more newspapers of general circulation in the Village 20 days before the date of such hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing, the matter will be referred to Council for further determination.

(Ord. 01-014. Passed 7-17-01.)

#### 1244.07 NOTICE TO PROPERTY OWNERS.

Written notice of the hearing shall be mailed by first class mail, at least 20 days before the date of the hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted, to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by Council or the Planning Commission for this hearing. The notice shall contain the same information as required of notices published in newspapers as specified in this chapter. Failure to notify adjoining property owners shall not invalidate any actions taken.

(Ord. 01-014. Passed 7-17-01.)

#### 1244.08 PLANNING COMMISSION RECOMMENDATIONS.

Within 15 days after the public hearing, the Planning Commission shall recommend to Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted. The Commission shall transmit its recommendation to Council in writing.

(Ord. 01-014. Passed 7-17-01.)

#### 1244.09 PUBLIC HEARING BY COUNCIL.

Upon receipt of the recommendation from the Planning Commission, Council shall schedule a public hearing. Such hearing shall be not more than 40 days from the receipt of the recommendation from the Commission.

(Ord. 01-014. Passed 7-17-01.)

#### 1244.10 NOTICE OF PUBLIC HEARING BY COUNCIL.

Notice of the public hearing shall be given by Council by at least one publication in one or more newspapers of general circulation in the Village affected. Such notice shall be published within 30 days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

(Ord. 01-014. Passed 7-17-01.)

#### 1244.11 COUNCIL TO NOTIFY PROPERTY OWNERS.

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first-class mail, at least 10 days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted, to the address of such owners appearing on the County Auditor's current tax list or the Clerk-Treasurer's mailing list and to such other list or lists that may be specified by Council. The failure to deliver the notification, as provided in this section, shall not invalidate any such amendment. The notice shall contain the time and place of the public hearing and the nature of the amendment.

(Ord. 01-014. Passed 7-17-01.)

#### 1244.12 ACTION BY COUNCIL

Within 60 days after the public hearing. Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. No amendment which violates, differs, or departs from the recommendation of the Planning Commission shall take effect, unless passed by not less than three-fourths of the membership of Council.

(Ord. 01-014. Passed 7-17-01.)

#### 1244.13 EFFECTIVE DATE AND REFERENDUM.

(a) Such amendment adopted by Council shall become effective 30 days after the date of such adoption, unless within 30 days after the passage of the ordinance, there is presented to the Clerk-Treasurer a petition signed by a number of qualified voters residing in the Village, equal to not less than 10% of the total vote cast in such area at the last preceding general election at which a governor was elected, requesting Council to submit the Zoning Ordinance to the electors of the Village for approval or rejection at the next general election.

(b) No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

(Ord. 01-014. Passed 7-17-01.)

#### 1244.14 ZONING TEXT OR MAP AMENDMENT REVIEW CRITERIA.

Recommendations and decisions on zoning text or map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

(a) Relationship to Existing Plans. The proposed amendment is consistent with Village adopted plans, goals and policies.

(b) Changing Conditions. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

- (c) Public Interest. The proposed amendment will promote the public health, safety, and general welfare.
- (d) Suitability. The proposed amendment, if amending the zoning map, is suitable for the uses permitted under the proposed zoning.
- (e) Adverse Impacts. The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.
- (f) Compatibility. The proposed amendment is not likely to result in significant adverse impacts on surrounding uses and on the economic viability of existing developed and vacant land within the Village.
- (g) Public Facilities. The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.

et seq.

Restrictions on percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

Zoning Inspector - see ADM. Ch. 1242.02

## CHAPTER 1246

### ZONING PERMITS

1246.01 Purpose.

1246.02 Terminology.

1246.03 Applicability.

1246.04 Zoning Permit Application Contents.

1246.05 Permit Approval.

1246.06 Permit Expiration.

1246.07. Certificate of Compliance

1246.08 Record of Certificates of Compliance.

1246.09 Failure to Obtain a Zoning Certificate of Compliance

1246.10 Use to be as Authorized.

1246.11 Complaints regarding Violations.

1246.12 Schedule of Fees, Charges, and Expenses.

1246.13 Supplement, Change or Repeal of Regulations.

1246.14 Penalty.

### CROSS REFERENCES

Board of Zoning and Building Appeals - see CHTR. Art. VII; P. & Z. Ch. 1242

Administrative board; powers and duties - see Ohio R.C. 713.11

Notice and hearing on municipal zoning regulations - see Ohio R.C. 713.12

Violation of zoning ordinance may be enjoined - see Ohio R.C. 713.13

Zoning Inspector - see Ch. 1242.02

#### 1246.01 PURPOSE.

Zoning Permits shall be required in accordance with the provisions of this chapter to ensure that the proposed development complies with the standards of this Zoning Ordinance, and to otherwise protect the public health, safety, and general welfare of the citizens of the Village.

#### 1246.02 TERMINOLOGY.

For the purposes of this Zoning Ordinance, the zoning permit review shall be an administrative review that may be applied to permits or certificates of other names (e.g., sign permits, certificates of compliance, minor site plan, temporary use permits, etc.) if so stated in this Zoning Ordinance.

#### 1246.03 APPLICABILITY.

(a) No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a zoning permit issued by the Zoning Inspector.

(b) A zoning permit is required for the establishment of specific uses as established in Chapter 1253 Use Specific Regulations”.



(c) A zoning permit shall be required for any changes to any site element, off-street parking area, or other improvements to land as may be established in this Zoning Ordinance unless otherwise specifically exempted.

(d) The establishment of a use of vacant land shall require issuance of a zoning permit.

(e) Signs shall require a zoning permit unless otherwise specifically exempted in Chapter 1288 Signs and Outdoor Advertising.

(f) Zoning permits shall be issued only in conformity with the provisions of this Zoning Ordinance unless the application is subject to an approval by the Board of Zoning and Building Appeals, Planning Commission, or Village Council providing for additional standards, conditions, or modifications, in which case, the zoning permit shall be issued in conformity with the provisions of those approvals, as applicable.

(g) Failure to obtain a zoning permit shall be a violation of this Zoning Ordinance subject to the provisions of Chapter 1246.14 Penalties.

(h) After completion of work allowed under an approved zoning permit, the applicant shall also be required to obtain a certificate of compliance demonstrating that all work was completed under the provision of the approvals and this Zoning Ordinance.

#### 1246.04 ZONING PERMIT APPLICATION; CONTENTS.

The application for a zoning permit shall be signed by the owner and applicant attesting to tell the truth and to the exactness of all information supplied on the application pursuant to Section 1243.03- Authority to File Application. Each application shall clearly state that the permit shall expire without notification to the applicant or permit holder and may be revoked if work has not begun within one year or been substantially completed within two years. Zoning Permit Forms are available from the Zoning Inspector's Office. At a minimum, the application shall contain the following information:

(a) Name, address, phone number, and email of applicant.

(b) Address, legal description and zoning district of property.

(c) Existing and proposed use(s).

(d) Minor Site Plan. When review is not required per Chapter 1248 Site Plan Review, plans in triplicate drawn to scale typically 1 inch equals 20 feet or 1 inch equals 40 feet, showing:

(1) The actual dimensions of and the shape of the lot to be built upon;

(2) Location of all adjacent streets, alleys, and drives;

(3) The exact size and location of existing buildings on the lot, if any;

(4) The location and dimensions of the proposed building(s) or alterations;

(5) Building heights;

(6) The dimensions of all yards, open spaces and easements;

(7) Location of off-street parking spaces and number, loading berths, and access drives;

(8) Number of dwelling units with square footage.

(e) An application for a zoning permit shall be accompanied by any applicable approved plan such as a Major Site Plan, Conditional Use Site Plan, PUD, Landscape Plan and Parking Lot Plan, revised to incorporate any conditions of approval.

(f) Such other information as may be required or necessary to determine conformance with, and provide for the enforcement of this Zoning Code.

(Ord. 01-014. Passed 7-17-01.)

#### 1246.05 PERMIT APPROVAL.

Within fifteen days after the receipt of an application with complete information, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Zoning Code, and if the application is accompanied by the proper fee. One copy of the plan shall be returned to the applicant by the Zoning Inspector, after he or she marks such copy either as approved or disapproved and attests to same by his/her signature on such copy. One copy of the plan, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a permit to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Zoning Code.

(Ord. 01-014. Passed 7-17-01.)

#### 1246.06 PERMIT EXPIRATION.

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, the permit shall expire without notification to the applicant/permit holder and it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two years of the date of issuance thereof, the permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or an extension of not more than six months is granted by the Zoning Inspector. If a permit is revoked, the owner is in violation of this Zoning Code and subject to penalty according to Section 1246.14.

(Ord. 01-014. Passed 7-17-01.)

#### 1246.07 CERTIFICATE OF COMPLIANCE

(a) Use prohibited without Certificate of Compliance. No person shall use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of (compliance) is issued therefore by the Zoning Inspector, stating that the proposed use of the building or land conforms to the requirements of this Zoning Code.

(b) Coordination with Zoning Inspector for building permit compliance. It is the responsibility of the owner to contact and coordinate with the Responsible Authority for the review, inspection and compliance of any construction work performed on the building that is subject to building code requirements.

(Ord. 01-014. Passed 7-17-01.)

#### 1246.08 RECORD OF CERTIFICATES OF COMPLIANCE

The Zoning Inspector shall maintain a record of all certificates of compliance and a copy shall be furnished upon request to any person.

(Ord. 01-014. Passed 7-17-01.)

#### 1246.09 FAILURE TO OBTAIN A ZONING CERTIFICATE OF COMPLIANCE

Failure to obtain a zoning certificate of compliance shall be a violation of this Zoning Code and is/shall be punishable under Section 1246.14.

(Ord. 01-014. Passed 7-17-01.)

#### 1246.10 USE TO BE AS AUTHORIZED.

Zoning certificates of compliance issued on the basis of plans and applications approved by the Responsible Authority authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use or arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Zoning Code and shall be punishable as provided in Section 1246.15.

(Ord. 01-014. Passed 7-17-01.)

#### 1246.11 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof shall be filed with the Zoning Inspector. He or she shall properly record such complaint, immediately investigate, and take action thereon as provided by this Zoning Code.

(Ord. 01-014. Passed 7-17-01.)

#### 1246.12 SCHEDULE OF FEES, CHARGES AND EXPENSES.

Council shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of occupancy, appeals, and all other matters pertaining to the administration and enforcement of this Zoning Code. The schedule of fees shall be posted in the office of the Zoning Inspector and Village Clerk-Treasurer, and may be altered or amended only through Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ord. 01-014. Passed 7-17-01.)

#### 1246.13 SUPPLEMENT, CHANGE OR REPEAL OF REGULATIONS.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Council may by ordinance after receipt of written recommendation thereof from the Planning Commission, and subject to procedures as described by Chapter 1244, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

(Ord. 01-014. Passed 7-17-01.)

#### 1246.14 PENALTY.

Whoever violates any provision of this Zoning Code or fails to comply with any of its requirements shall be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violations.

(a) Civil Action. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of law or of this Zoning Code or any amendment thereto, Council, Law Director, the Responsible Authority, or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other appropriate action, enter proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

(b) Remedies Cumulative. The exercise of the rights and remedies granted in this Zoning Code and the provisions of this section shall in no way preclude or limit the Village or any person from exercising any other right or remedy now or hereafter granted to them under the laws of the Village or the State of Ohio.

(Ord. 01-014. Passed 7-17-01.)

## CHAPTER 1248

### Site Plan Review

1248.01 Purpose.

1248.02 Initiation.

1248.03 Applicability.

1248.04 Types of Site Plan Review.

1248.05 Procedure for site plan review.

1248.06 Access control requirements.

1248.07 Traffic impact study.

1248.08 Enforcement.

### CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07

#### 1248.01 PURPOSE.

The purpose of the site plan review procedure is to ensure that large-scale residential developments and all nonresidential developments comply with the development and design standards of this Zoning Ordinance. Zoning permits for any building, structure, expansions, or use of land subject to this Chapter shall not be issued without an approved site plan.

#### 1248.02 INITIATION.

Pursuant to Section 1243.03 "Authority to File Applications" any person having authority to file applications may initiate an application for site plan review.

#### 1248.03 APPLICABILITY.

(a) **Site Plan Review Required.** The following uses and developments shall require submittal of a site plan:

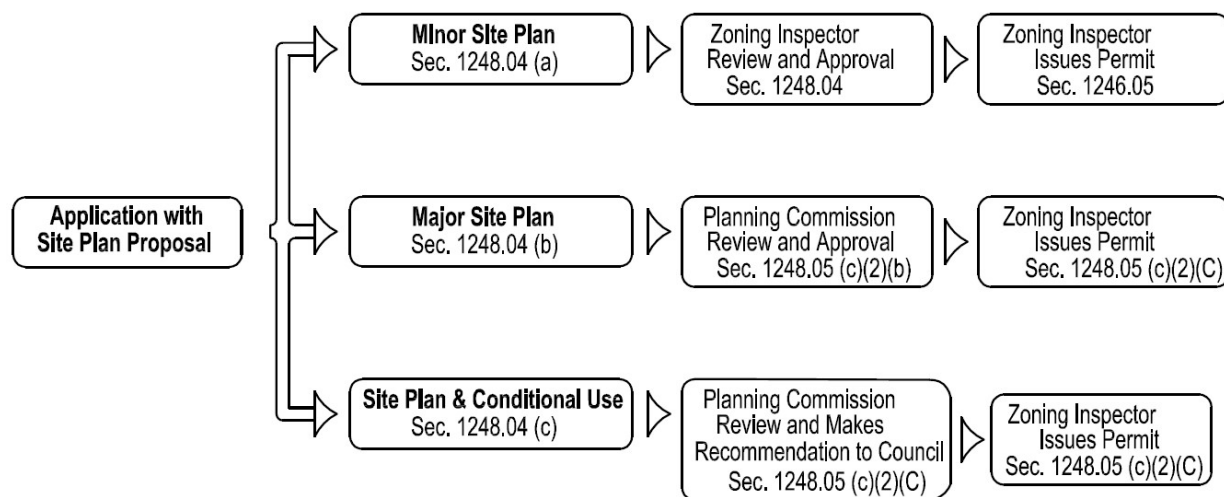
- (1) New nonresidential development including conditional uses;
- (2) New multi-family residential structures or expansions;
- (3) Expansions of existing nonresidential structures representing a substantial increase in gross floor area as determined by the following Table 1248-1 "Substantial Expansion;"

| Table 1248-1 Substantial Expansion |                               |
|------------------------------------|-------------------------------|
| When existing structure is....     | A substantial expansion is... |
| 0 - 25,000 square feet             | 30% or greater                |
| 25,001 – 50,000 square feet        | 20% or greater                |
| 50,001 square feet or larger       | 10% or greater                |

- (4) Any changes in a previously approved site plan;
  - (5) The conversion of an existing residential use to a business, industrial or higher density residential use;
  - (6) Modifications to an existing development where site plan requirements are modified; and
  - (7) Any uses or developments expressly required by this Zoning Ordinance to submit a site plan.
- (b) **Exemptions.** The following applications are exempt from the site plan review procedures outlined in the above Subsection 1248.03(a) "Site Plan Review Required:"
- (1) New single-family and two-family residential dwellings;
  - (2) Expansions of existing nonresidential uses not representing a substantial increase in gross floor area as determined by Table 1248-1 "Substantial Expansion;"
  - (3) A change in use of a nonresidential building provided the change in use does not increase the amount of parking required for the site;
  - (4) Accessory structures and uses;
  - (5) Temporary structures and uses as permitted in Section 1253.34 "Temporary Uses not Listed;" and
  - (6) Signs.

#### **1248.04 TYPES OF SITE PLAN REVIEW.**

- (a) **Minor Site Plan Review.** The Zoning Inspector shall have decision-making authority for all site plans exempted from review under this chapter. Zoning Inspector approval shall be considered a Minor Site Plan Review. See Section 1246.04(d) "Minor Site Plan."
- (b) **Major Site Plan Review.** The Planning Commission shall have decision-making authority for all site plan reviews as provided for in this chapter including conditional use permits. Planning Commission approval shall be considered a Major Site Plan Review.
- (c) **Conditional Uses.** The Planning Commission shall have decision-making authority for major site plan reviews including those with conditional uses as provided for in this Chapter and Chapter 1250 Conditional Uses.



#### 1248.05 PROCEDURE FOR SITE PLAN REVIEW

Formal submission and approval of a site plan is required before any zoning permit may be issued. Submission and approval of a site plan includes following the review procedures and submission requirements defined herein. An applicant seeking site plan approval shall follow the preliminary and final review process for site plan review as defined in this chapter. For developments also requiring conditional use approval, the procedure established in Chapter 1250 shall be followed. The Planning Commission and/or Village Council may concurrently address the issue of site plan approval and consider a recommendation on a conditional use approval, and in such case, the approval of the site plan shall be contingent upon conditional use approval.

If a variance is required, the applicant shall be required to seek a variance in accordance with Chapter 1242.04 (g) before submitting plans for formal site plan approval in accordance with this chapter.

(a) **Optional Concept Review.** At any time prior to the formal submission and review of a site plan, an applicant may engage the Planning Commission and/or Council in an optional concept review process. In order to receive this review, the applicant shall submit a sketch site plan to the Planning Commission and/or Council. The applicant shall be required to submit the sketch plan at least 14 days before the next scheduled monthly meeting in order to be placed on the agenda for review. The purpose of such a sketch site plan is to provide an opportunity to conceptually discuss a proposed development, and to provide general guidance to assist in the preparation of a formal site plan. There are no applied standards to the site sketch plan. However, the applicant is encouraged to provide enough detail in order to be able to accurately represent the concept. All comments and suggestions shall be considered informal by the applicant and shall not be a binding agreement with the Planning Commission and/or Council for approval. This concept review is a service provided to benefit the applicant, and formal site plan approval is dependent upon the outcome of the preliminary plan review and final site plan review described herein.

(b) Preliminary Plan Review. The applicant shall be required to submit a plan for preliminary site plan review. In order for the application to be deemed complete, the application form, application fees, and 12 copies of the plan shall be submitted to the Zoning Inspector at least 14 days before the next regularly scheduled monthly meeting in order to be considered for placement on the agenda for review. If the applicant fails to provide a complete application as described herein, the Zoning Inspector shall notify the applicant promptly of the missing items. An additional fee may be required to be paid by the applicant to defray the expenses associated with the Village review of the plans, including the need to retain a registered professional engineer, architect, or landscape architect, or other professional consultant to advise the Village on any or all aspects of the site plan.

(1) Required information. A site plan shall be prepared at a scale of 1 inch equals 20 feet (developments more than 5 acres may be drawn at a scale of 1 inch equals 50 feet), on standard 24-inch by 36-inch sheets, with narrative on 8 1/2-inch by 11-inch sheets as necessary. All site plans shall be prepared by a registered professional engineer, architect, or landscape architect. Minimum information to be provided in the site plan drawing includes:

A. The location of the proposed development in relation to existing community facilities, thoroughfares, and other transportation modes, shopping centers, manufacturing establishments, residential development; and existing natural features such as vegetation, general soil conditions, and topography in the neighboring area.

B. Applicable zoning district/proposed zoning district.

C. Width and names of public rights-of-way that are adjacent to the site and/or will be used for access.

D. The layout and acreage of the site and proposed location of all uses, along with parking areas, and planned access and traffic circulation on the site, and planned changes that will take place in any existing public right-of-way.

E. The location of all existing and proposed buildings structures on and adjacent to the site.

F. The location of utilities, if available, and the location and size and capacity of the sewer and water lines that are proposed to serve the development.

G. The scale, title, a north arrow, and date of submission.

H. Name, address, phone number, fax number, and emails of all applicants and their representatives.

I. Adjoining land uses and zoning.

(2) Zoning Inspector review. The Zoning Inspector shall review the application for compliance to all applicable sections of this Zoning Code, based on the information provided in the application. If the Zoning Inspector finds that the plan will not comply with this Zoning Code, the Zoning Inspector shall notify the applicant of the discrepancies of the site plan. If the applicant disagrees with the Zoning Inspector's decision or chooses to seek a variance, he or she can appeal to the Board of Zoning and Building Appeals for such relief, as described in Chapter 1242.04 (f) as a separate process. Submission of the preliminary site plan to the Planning Commission shall not be permitted unless the Zoning Inspector determines that the



plans are in compliance with this ordinance, or an appeal or variance has been granted from the Planning Commission.

(3) Planning Commission/Village Council review. The Zoning Inspector shall forward the preliminary application to the Planning Commission for review and discussion, after determining that the application is complete and the applicant complies with this Zoning Code, based on the information required and provided at this stage of review. Within 60 days of receipt of the preliminary application and plan from the Zoning Inspector, the Planning Commission shall meet and shall consider the proposed site plan and make a recommendation to Council according to the following criteria:

A. The adequacy of the information presented to determine the impacts of the proposed site.

B. The impacts of the proposed development compared with the following standards:

1. Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.

2. Parking. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.

3. Services. Reasonable demands placed on Village services and infrastructure.

4. Pollution control. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface water and groundwater. This includes controlling soil erosion both during and after construction.

5. Nuisances. Protection of abutting properties from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.

6. Existing vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

7. Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside planting, and the retention of other green areas.

8. Community character. The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape.

(4) Final Action of the Preliminary Site Review. Council, within 30 days of receipt of the Planning Commission's recommendation on the preliminary site plan shall grant either:

A. Approval to prepare the site plan for Final Plan Review, in accordance with all applicable regulations and developmental requirements imposed by this Zoning Code.

B. Approval to prepare the site plan for Final Plan Review, conditional to incorporation of all conditions as set forth by the Planning Commission and any additional conditions set forth by Council, and all applicable regulations imposed by this Zoning Code.

(c) Final Site Plan Review procedure. The applicant shall prepare the final site plan in accordance with any conditions set by the Planning Commission and Council in the preliminary

review and all other applicable sections of this Zoning Code. All applicants are required to follow final site plan review procedures before receiving final approval of site plans and approval for a zoning permit. All applicants shall be required to submit a completed application, a final site plan (12 sets), and an application fee to the Zoning Inspector 14 days before the next regularly scheduled meeting in order to be placed on the agenda for review. An additional fee to be the responsibility of the applicant may be required to defray the expenses associated with the Village review of the plans, including the need to retain a registered professional engineer, architect, or landscape architect, or other professional consultant to advise the Village on any or all aspects of the site plan.

(1) Final site plan content. Site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. A site plan shall be prepared at a scale of 1 inch equal 20 feet (developments more than five acres may be drawn at a scale of 1 inch equal 50 feet) or as determined by the Village Engineer, on standard 24-inch by 36-inch sheets, with narrative on 8 1/2-inch by 11-inch sheets as necessary. All site plans shall be prepared by a registered professional engineer, architect, or landscape architect. Items required for submission include:

A. Name of the project, boundaries, and location maps showing the site's location in the Village, date, north arrow, and scale of the plan.

B. Name, address, phone number, ~~and~~ fax number, and email addresses of the owner of record, developer, engineer, architect, landscape architect, and seal of the engineer, architect, or landscape architect who prepared the site plan.

C. The legal description of the site that will be developed.

D. Existing or proposed deed restrictions or covenants associated with the development.

E. Names and addresses of all owners of record of abutting parcels and those within 100 feet of the property lines.

F. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, and abutting land uses.

G. The location and use of all existing and proposed buildings and structures within the development including building footprints, overhangs, site coverage, building-ground contact, and area. A brief description of the use of the site shall be included with an estimate of the number of employees.

H. All dimensions of height and floor area and showing all exterior entrances.

I. Illustrations of traffic movement, ingress and egress, and the location of all present and proposed public and private drives, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls, and fences.

J. Illustrations of the proposed changes in any public right-of-way, and typical pavement sections and plans showing other improvements, including new streets and infrastructure to be constructed for the development which shall be dedicated to public use.

K. The location, height, intensity, lighting pattern, and bulb type (e.g., fluorescent, sodium, incandescent) of all external lighting fixtures.

L. The location, height, size, materials, and design of all proposed signage.

M. The location of all present and proposed utility systems, including sewage or septic systems, water supply system, telephone, cable and electrical systems and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales, detention areas, and storm system design calculations.

N. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

O. Existing and proposed topography upon and within 75 feet of the site at a 1-foot contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Benchmark. If any portion of the parcel is within the 100-year floodplain, the area will be shown, and base flood elevations given. If the area is not located within the 100-year floodplain, this fact shall be noted on the plan.

P. A landscape plan showing all existing natural land features, trees, forest cover, and water resources, and all proposed changes to these features, including size and type of plant material. Water resources will include ponds, lakes, streams, wetlands, floodplains, and drainage retention areas.

Q. For new construction or alterations to any existing building, a table containing the following information must be included:

1. Area of building to be used for a particular use such as retail operation, office, storage, etc.
2. Maximum number of employees.
3. Maximum seating capacity, where applicable.
4. Number of parking spaces existing and required for the intended use.
5. A complete set of building drawings and plans.

(2) Zoning Inspector review. The Zoning Inspector shall review the application for compliance to all applicable sections of this Zoning Code, and all previous conditions imposed by the Planning Commission and Council in the preliminary review. Such review shall be based on the information provided by the applicant. If the Zoning Inspector finds that the plan will not comply with this Zoning Code or the applicant has not met all previous conditions as stated in the preliminary review, the Zoning Inspector shall notify the applicant of the discrepancies of the site plan. Final review of the site plan by the Planning Commission and Council shall not be permitted unless the applicant complies with this Code and any prior conditions established as a result of the preliminary review.

A. Within 30 days of receipt of an accurate and complete final plan from the Zoning Inspector, the Planning Commission shall make a recommendation to Council.

B. Council, within 60 days of receiving The Planning Commission's recommendation, shall grant either:

1. Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development, and the plan meets all standards set forth in this Zoning Code and agreements during the preliminary review process.

2. Approval of the site plan subject to any additional conditions, modifications, and restrictions as required to ensure that the project meets the standards for review. If the site plan is approved subject to conditions, the Zoning Inspector shall not issue a permit until the site plan has been redrawn and resubmitted and checked for compliance with the imposed conditions.

(Ord. 01-014. Passed 7-17-01; Ord. 029. Passed 12-20-05; Ord. 12-024. Passed 5-1-12.)

#### 1248.06 ACCESS CONTROL REQUIREMENTS.

General standards for parking areas, circulation, and access shall be incorporated as part of the site plan, as set forth in Chapter 1290. As part of the site plan review process, access shall be reviewed relative to the distance from other drive approaches and from roadway intersections. The preferred method of providing access to parcels is to minimize or eliminate driveways by using service roads, rear access roads, or shared driveways. The Planning Commission and/or Council may, as part of the site plan review process, require that driveways be moved, combined, re-aligned, or eliminated to reduce the potential for accidents.

(a) Conditional Approval of Driveways. As part of the site plan review process, Council may approve a site plan with a specific driveway location, with the condition that an agreement be first entered into between the property owner and the Village requiring that if a service road is constructed in the future, or if the opportunity for a shared driveway should present itself with development of adjacent property, one or more approved driveways shall be closed and measurements taken to utilize such service road or shared drive. Approval of driveways may also include restrictions on turning movements, locations, or other requirements to ensure safe and efficient traffic movement.

(b) Construction and Use of Service Roads. When a service road is required, such improvement shall be constructed by the developer of the involved property before any zoning use permit is granted. When a service road is provided, all access to an adjacent property shall use that service road, and no direct access to the main thoroughfare shall be provided.

(Ord. 01-014. Passed 7-17-01.)

#### 1248.07 TRAFFIC IMPACT STUDY.

A traffic impact study shall be a requirement for site plan review if the expected trip generation of the use is 100 or more cars per hour as identified in the Institute of Traffic Engineers (ITE) Manual. A traffic impact study shall be prepared by a qualified professional engineer at the developer's expense. The traffic impact study shall investigate the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations, and other relevant information to the site to protect the safety of the traveling public. The traffic impact study shall include the following elements:

- (a) A description of the site and study area.
- (b) Anticipated development of adjacent parcels.
- (c) Trip generation and distribution, including a description of all assumptions used to generate findings of trip distribution.
- (d) Modal split (if applicable).

- (e) Traffic assignment resulting from the development.
  - (f) Projected future traffic volumes.
  - (g) An assessment of the impact that would result from driveway alternatives.
  - (h) Recommendations for site access and transportation improvements needed to maintain traffic flow within and past the site at an acceptable and safe level of service.
  - (i) An evaluation of the effects the proposed development will have on the level of service and roadway capacity.
- (Ord. 01-014. Passed 7-17-01.)

#### 1248.08 ENFORCEMENT.

The Village may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. It may suspend any zoning permit when work is not performed as required. Site plan approval issued under this section shall lapse within one year if the work described in the plan has not been substantially completed, except for good cause.

(Ord. 01-014. Passed 7-17-01.)

## **CHAPTER 1250**

### **Conditional Uses**

1250.01 Purpose.

1250.02 Application for a conditional use permit.

1250.03 Standards applicable to conditional uses.

1250.04 Supplementary conditions and safeguards.

1250.05 Public hearing notice.

1250.06 Notice to parties of interest.

1250.07 Expiration of conditional use permit.

#### **CROSS REFERENCES**

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.

Restrictions on percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

Nonconforming uses - see P. & Z. Ch. 1252

Zoning Districts and Zoning Map - see P. & Z. Ch. 1254

General district regulations - see P. & Z. Ch. 1287

Signs and outdoor advertising - see P. & Z. Ch. 1288

Off-street parking and loading - see P. & Z. Ch. 1290

#### **1250.01 PURPOSE.**

It is recognized that an increasing number of new kinds of uses are appearing daily and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses are classified as "conditional uses" in each zoning district, and because of their special nature, may be permitted according to procedures outlined in this chapter.

(Ord. 01-014. Passed 7-17-01.)

#### **1250.02 APPLICATION FOR A CONDITIONAL USE PERMIT.**

An application for a conditional use permit shall be filed with the Zoning Inspector by at least one owner or lessee of property for which such conditional use is proposed. The Planning Commission, with the consent of Council, or Council without the consent of the Planning Commission, may grant conditional use permits for certain uses which are not permitted by right under the Zoning Code. At a minimum, the application shall contain the following information:

- (a) Name, address, phone number, email address, and fax number of applicants.
- (b) Legal description of property.
- (c) Description of existing use.

- (d) Present zoning district.
  - (e) Description of proposed conditional use.
  - (f) Twelve copies of the plan (scale 1 inch = 100 feet) of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the Commission or Council may require to determine if the proposed conditional use meets the intent and requirement of this Zoning Code.
  - (g) A narrative statement evaluating the economic effects on adjoining property; the effect of such elements as noise, glare, flashing lights, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.
  - (h) Such other information as may be required.
  - (i) Names and addresses of all owners of record of abutting parcels.
- (Ord. 01-014. Passed 7-17-01.)

#### 1250.03 STANDARDS APPLICABLE TO CONDITIONAL USES.

In addition to the specific requirements for conditionally permitted uses, the Planning Commission and Village Council shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- (a) Must be, in fact, a conditionally permitted use in the zoning district where the permit is sought.
- (b) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village's Comprehensive Plan and/or the Zoning Code.
- (c) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- (d) Will not be hazardous or disturbing to existing or future neighboring uses.
- (e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- (f) Will not create additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (h) Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public streets or roads.
- (i) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(Ord. 01-014. Passed 7-17-01.)

#### 1250.04 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting any conditional use, the Planning Commission with the consent of Council or Council without the consent of the Planning Commission may prescribe appropriate other conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Code and punishable as allowed in Section 1246.15. Such conditions may include, but not be limited to the regulation of:

- (a) Setbacks;
- (b) Screening and buffers;
- (c) Noise;
- (d) Hours of operation;
- (e) Access and traffic;
- (f) Glare;
- (g) Vibration;
- (h) Odors;
- (i) Dust;
- (j) Smoke;
- (k) Hazardous materials; and
- (l) Refuse matter or water-carried waste.

#### 1250.05 PUBLIC HEARING NOTICE

(a) Public Hearing. The Planning Commission or Council shall hold a public hearing within 35 days from the receipt of the properly completed application for a conditional use.

(b) Notice. Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least ten days before the date of such hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed conditional use.

(Ord. 01-014. Passed 7-17-01.)

#### 1250.06 NOTICE TO PARTIES OF INTEREST.

Before holding the public hearing, notice of such hearing shall be mailed by the Zoning Inspector for the Planning Commission by first-class mail, at least ten days before the day of the hearing, to all abutting property owners. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1250.05.

(Ord. 01-014. Passed 7-17-01; Ord. 12-025. Passed 5-1-12.)



#### 1250.07 EXPIRATION OF CONDITIONAL USE PERMIT.

A conditional use permit shall become null and void if construction of the proposed use, or the proposed use for which a conditional use permit has been granted, has not begun within one year after approval by Council. The Zoning Inspector may revoke a conditional use permit upon finding that the use does not comply with the conditions and safeguards established for such use pursuant to Section 1250.03. Upon revocation of a conditional use permit, all uses shall conform to the standards and requirements of permitted main and accessory uses established by the zoning district. A conditional use permit shall be deemed to authorize only one particular conditional use and such permit shall automatically expire without notice if, for any reason, the conditional use shall cease for more than six months.

(Ord. 01-014. Passed 7-17-01.)

## **CHAPTER 1252**

### **Nonconforming Uses**

- 1252.01 Nonconforming uses generally.
- 1252.02 Nonconforming lots of record.
- 1252.03 Standards applicable to change of nonconforming use.
- 1252.04 Supplementary conditions and safeguards.
- 1252.05 Notice of public hearing.
- 1252.06 Decision by the Board.
- 1252.07 Expiration of change permit for a nonconforming use or building.
- 1252.08 Discontinuance of a nonconforming use.
- 1252.09 Extension, enlargement, removal.
- 1252.10 Repair and maintenance.
- 1252.11 Destruction, damage and reconstruction.

#### **CROSS REFERENCES**

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

Nonconforming uses; retroactive measures - see Ohio R.C. 713.15

Amendments - see P. & Z. Ch. 1244

Nonconforming signs - see P. & Z. 1288.07

#### **1252.01 NONCONFORMING USES GENERALLY.**

The lawful use of a building or parcel of land existing at the time of the adoption of this Zoning Code may be continued, although such use of a building or parcel of land does not conform to the provisions hereof, provided no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure and provided further, that such extension does not displace any residential use in a residential district. A nonconforming use may be extended, changed, or enlarged in accordance with the provisions found in this chapter.

(Ord. 01-014. Passed 7-17-01.)

#### **1252.02 NONCONFORMING LOTS OF RECORD.**

In any Residential District, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-family dwelling may be erected on any single lot of record not less than 66 feet in width, existing at the effective date of the adoption or amendment of this Code, provided that yard requirements of the lot shall conform to the regulations for the district in which such lot is located. A variance shall not be required for a permit unless yard requirements are to be altered.

(Ord. 01-014. Passed 7-17-01.)

#### 1252.03 STANDARDS APPLICABLE TO CHANGE OF NONCONFORMING USES.

Any change in the use of a building or lot from a nonconforming use to another nonconforming use shall require approval by the Board of Zoning and Building Appeals, who shall review the particular facts and circumstances of each change in a nonconforming use application in terms of the following standards:

(a) Required Information. Adequate evidence shall be required which shows that the following statements are true when considering changes to a nonconforming use:

(1) If the change is a nonconforming use, then the proposed nonconforming use shall have the same or less impact on the existing district when compared to the previous nonconforming use.

(2) The proposed nonconforming use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed nonconforming use or building shall be able to provide adequately any such services.

(3) The proposed nonconforming use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

(4) The proposed nonconforming use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, flashing lights, or odors.

(5) The proposed nonconforming use will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public streets or roads.

(6) The proposed nonconforming use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(7) Whenever a nonconforming use of a building or land has been changed to a more restricted use, or to a conforming use, such use shall not thereafter be changed to a less restricted use.

(b) Application for Change in Nonconforming Use or Building. An application for a change in a nonconforming use or building shall be filed with the Zoning Inspector by at least one owner or lessee of property for which such change is proposed. At a minimum, the application shall contain the following information:

- (1) Name, address, phone number, email, and fax number of applicants.
- (2) Legal description of property.
- (3) Description of the existing nonconforming feature/use of the property.
- (4) Present zoning district.
- (5) Description of the proposed change to the nonconforming feature/use of the property.

(6) A plan of the property showing the location of buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the Board may require to make a determination.

(7) If the change is a nonconforming building or is an extension or enlargement of the nonconforming use, then the applicant must demonstrate that he or she would suffer undue hardship by not being able to expand the building as requested in the application. The applicant must also demonstrate that other sites were sought after and/or considered, and shall prepare a statement why another site, in which a new building could be constructed, or in which the use proposed could conform, was not a feasible alternative.

(8) Such other information as may be required.

(9) Names and addresses of all owners of record of abutting parcels.

(Ord. 01-014. Passed 7-17-01.)

#### 1252.04 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting a nonconforming use, extension or addition to any building or property, the Board of Zoning and Building Appeals may prescribe appropriate other conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the nonconforming use or extension is granted, shall be deemed a violation of this Zoning Code and punishable as allowed in Section 1246.15. Supplementary conditions may include:

(a) Limits on the amount of time that the nonconforming use will be permitted.

(b) The construction of barriers/buffers (such as fences) or screening.

(Ord. 01-014. Passed 7-17-01.)

#### 1252.05 NOTICE OF PUBLIC HEARING.

(a) Public Hearing. The Board of Zoning and Building Appeals shall hold a public hearing at the next regularly scheduled meeting after providing general notice according to Section 1242.04(l) and notice to parties of interest according to division (b) of this section.

(b) Notice to Parties of Interest.

(1) Newspaper. Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least ten days before the date of such hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed change in the nonconforming use or building.

(2) Written notice. Before holding the public hearing, written notice of such hearing shall be mailed by the Zoning Inspector, by first-class mail, at least ten days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in this chapter.

(Ord. 01-014. Passed 7-17-01.)

#### 1252.06 DECISION BY THE BOARD.

A decision by the Board of Zoning and Building Appeals on an application for change in a nonconforming use shall be in accordance with Section 1242.04 (n).  
(Ord. 01-014. Passed 7-17-01.)

#### 1252.07 EXPIRATION OF CHANGE PERMIT FOR A NONCONFORMING USE OR BUILDING.

A change permit for a nonconforming use or building shall be deemed to authorize only what is specifically permitted by the Board of Zoning and Building Appeals. If changes as permitted to the nonconforming use or building are not made within six months, the permit shall expire without notice.

(Ord. 01-014. Passed 7-17-01.)

#### 1252.08 DISCONTINUANCE OF A NONCONFORMING USE.

If any nonconforming use of any land is discontinued or abandoned for any reason for a period of one year, such use of the land shall conform to the regulations specified by this Zoning Code for the district in which such land is located. Whenever a nonconforming use of a building or portion thereof has been discontinued for a period of at least two years, such nonconforming use shall not thereafter be reestablished, and the future use shall be in conformity with the provisions of this Zoning Code.

(Ord. 01-014. Passed 7-17-01.)

#### 1252.09 EXTENSION, ENLARGEMENT, REMOVAL.

A nonconforming building or use shall not be enlarged, increased, or extended to occupy a greater area of building or land than was occupied at the effective date of the adoption or subsequent amendment of this Zoning Code, unless the Board of Zoning and Building Appeals approves such change to the nonconforming use or building. The nonconforming use shall not be increased by more than 10%. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel of land occupied at the effective date of adoption or amendment of this Code, unless the Board of Zoning and Building Appeals approves such change in accordance with procedures in Chapter 1242.04.

(Ord. 01-014. Passed 7-17-01.)

#### 11252.10 REPAIR AND MAINTENANCE

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done for ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed when it became nonconforming, shall not be increased unless in accordance with this chapter. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order by such official.

#### 1252.11 DESTRUCTION, DAMAGE, AND RECONSTRUCTION.

Any nonconforming building or structure damaged by fire, explosion, act of God, or act of the public enemy may be reconstructed in size, but such restoration and extension shall not exceed an increase of 10% percent in the cubical contents of the original damaged nonconforming use and such restoration shall be started within one year from the time the building is damaged. Provided such calamity does not result in the building or structure being damaged to the extent of more than 50% of its reproduction cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code, unless the Board of Zoning and Building Appeals approves the reconstruction in accordance with procedures in Chapter 1242.04.

(Ord. 01-014. Passed 7-17-01.)

## **CHAPTER 1253**

### **Use Specific Regulations**

- 1253.01 Purpose
- 1253.02 Accessory Buildings and Structures
- 1253.03 Adult Entertainment Business
- 1253.04 Adult Family Homes or Small Residential Facilities
- 1253.05 Adult Group Homes or Large Residential Facilities
- 1253.06 Bed and Breakfast Inns
- 1253.07 Car Wash Facilities
- 1253.08 Cemeteries
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- 1253.10 Craft or Artisanal Production of Beer, Liquor, or Wine
- 1253.11 Day Care Centers and Type A Family Day-care Homes
- 1253.12 Drop-off Boxes
- 1253.13 Electric Vehicle (EV) Charging Stations
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1253.30 Self-Service Storage Facilities

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1253.34 Vehicle Repair Shops

1253.35 Vehicle Service Stations

1253.36 Veterinary Offices/Hospital or Kennels

1253.37 Wireless Telecommunications Facility

1253.01 PURPOSE.

This chapter provides use specific standards for certain land uses separate from any standard that applies to development within the applicable zoning district.

1253.02 ACCESSORY BUILDINGS AND STRUCTURES.

(a) General Limitation on all Accessory Structures.

- (1) Accessory uses and structures may not exist before a permitted primary use of the land is in operation, or after a permitted primary use of the land has ended, unless otherwise stated in this Zoning Ordinance.
- (2) Unless otherwise stated in this Zoning Ordinance accessory buildings and structures shall not be located in any front yard.

(b) One story garages or other accessory buildings.

- (1) Setback. Unless otherwise stated in this Zoning Ordinance in residential or business districts one-story detached garages or other accessory buildings may be located a minimum of five (5) feet from side and rear property lines and a minimum of ten (10) feet to the back of the principal building.
- (2) Size. Such accessory building may occupy the equivalent of two-thirds of the living space of the residential principal dwelling or two-thirds of the ground floor area of a commercial principal building but shall not exceed 1,200 square feet.
- (3) Height. Accessory buildings shall not exceed a height of fifteen (15) feet.

(c) Other accessory structures and exemptions.

- (1) Play equipment including swing sets, and trampolines, and outdoor fire pits are permitted in the side or rear yards and do not require a permit.
- (2) Birdbaths, basketball hoops, fountains, flagpoles, and statues are permitted in any yard and do not require a permit.

(d) Attached Garages. A private garage, carport, or similar structure, which is attached to the principal building, shall be considered structurally a part thereof and shall comply in all respects with the requirements applicable to the principal building.



- (e) Prohibited Structures for Accessory Uses. Except as provided in this Zoning Ordinance, the use of inflatable garages or storage structures, portable carports or garages that are not permanently anchored into a foundation, portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any zoning district.

#### 1253.03 ADULT ENTERTAINMENT BUSINESS.

- (a) 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 adult entertainment businesses, as defined in Chapter 1298 “Definitions” and delineated in Chapter 1294 Sexually-Oriented Businesses in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishments of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, places of worship, parks and playgrounds within the Village.
- (b) Conditional Use Permit Required. No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Chapter 1250 “Conditional Uses.”
- (c) Conditional Use Criteria. An adult entertainment business shall comply with the following additional conditional use criteria:
  - (1) Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located.
  - (2) No adult entertainment business shall be permitted in a location which is within 800 feet of another adult entertainment business.
  - (3) No adult entertainment business shall be permitted in a location which is within 800 feet of any place of worship, any school, any park, any playground, or any social services facility or neighborhood center.
  - (4) No adult entertainment business shall be permitted in a location which is within 800 feet of any residence or boundary of any residential district.
- (d) Zoning Of Adult Entertainment Business. Adult entertainment businesses shall be conditionally permitted in the General Business (GB) District.
- (e) View Of Interior. All building openings, entries, windows, etc., for these facilities or 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. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

- (f) Equipment Use. No screens, loudspeakers or sound equipment shall be used for any adult motion picture theaters (enclosed or drive in) that can be seen or discerned by the public from public or semi-public areas.
- (g) Parking Facilities. Off-street parking shall be provided as required in accordance with Chapter 1290 "Off-Street Parking and Loading."
- (h) Required Lot Area. When located on an existing lot, the lot area shall be not less than three-fourths (3/4) acre and the lot width shall be at least 100 feet. New lots shall conform to the underlying zoning district minimum lot size.
- (i) Building Height Limit. No building or structure shall be erected to a height in excess of thirty-five feet.
- (j) Yards Required. The following yard requirements shall apply:
  - (1) Front Yard. Setback of one-hundred feet from the road right-of-way line. A fifteen foot deep obstructed open buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.
  - (2) Rear Yard. Forty feet.
  - (3) Side Yards. Abutting a side street: forty feet.
- (k) Accessways. Each lot shall have not more than two accessways to any street or highway with forty-five feet separation between centerlines. The width of the access way leading to or from a highway shall be not less than twenty feet nor shall it exceed thirty-six feet.
- (l) Percentage Of Lot Coverage. All buildings, including accessory buildings shall not cover more than thirty percent (30%) of the area of the lot.
- (m) Permitted Signs. The provisions of Chapter 1288 "Signs" shall apply.
- (n) Certificate Of Compliance. The provisions of Section 1246.07 "Certificate of Compliance" shall be in full force and effect.
- (o) Screening Requirements. In addition to the provisions of Chapter 1292 "Landscaping," a fifteen foot deep obstructed open buffer strip shall be provided next to the right-of-way and parking in this strip shall be prohibited.
- (p) Nonconforming Status. An adult entertainment business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of any use or zoning district identified in Section 1250.03 "Conditional Use Standards."

#### 1253.04 ADULT FAMILY HOMES or SMALL RESIDENTIAL FACILITIES.

The residential character of all structures shall be maintained.

#### 1253.05 ADULT GROUP HOMES or LARGE RESIDENTIAL FACILITIES.

- (a) The minimum lot area shall be 30,000 square feet.
- (b) All structures and activity areas, except off-street parking, shall be set back a minimum of thirty-five (35) feet from all lot lines.

- (c) Each individual home shall have a person or persons maintaining permanent residence in the unit to avoid shift changes and to provide the same type of use and activities otherwise typical of residences in the area.
- (d) In order to prevent the creation of a de facto social service district and to avoid impacting a residential block or neighborhood, no more than one adult group home within a 500-foot radius of another group home.
- (e) The residential character of all structures shall be maintained.
- (f) An adult group home shall not be permitted to be constructed or operated until the agency, organization, or institute supervising such home satisfies the Board of Zoning and Building Appeals that the home and its operation will comply with all licensing or certification requirements of the appropriate state or local agency, pursuant to law.
- (g) No exterior sign shall be permitted except as specifically allowed by the Board of Zoning and Building Appeals.
- (h) A conditional use shall be granted for a specific type of group home. The type of home shall be defined as and by the specific nature of the individuals being treated or rehabilitated. Any change in the type of adult group home shall require a new conditional use permit.

#### 1253.06 BED AND BREAKFAST INNS.

##### Conditions for Bed and Breakfast Inns:

- (a) The Inn must be owner operated and be the principal residence of the owner and occupied by the owner.
- (b) One (1) individual not residing in the Inn may be employed in the operation of the Inn.
- (c) No more than four (4) rooms may be offered for rent.
- (d) Each room rented shall contain a minimum of one hundred (100) square feet. No rented room shall have independent outside entrance (emergency fire exits are permitted).
- (e) Neither any rented room nor the owner's dwelling space shall be located in an accessory structure.
- (f) No cooking facilities of any type shall be permitted in the rented rooms.
- (g) Parking areas for rented rooms shall be located behind the bed and breakfast establishment. A minimum of one on-site parking space per room offered for rent and two (2) spaces for the owner shall be required.
- (h) The home shall not change its residential appearance.

One sign not exceeding four (4) feet in area shall be permitted identifying the dwelling as a "Bed and Breakfast Inn."

#### 1253.07 CAR WASH FACILITIES.

General conditions for automatic car wash and self- served coin operated facility:

- (a) All car wash facilities shall be subject to the vehicle stacking space requirements of Section 1290.19 "Drive Through Stacking Space Requirements."
- (b) Setbacks:
  - (1) Where applicable, the building shall be located a minimum of forty (40) feet from the side lot line.
  - (2) Such use, including any outside vacuuming and/or detailing areas, shall be located at least seventy-five (75) feet from any lot used residentially.
- (c) Each lot for an automatic car wash and polishing establishment shall contain a minimum frontage of one hundred (100) feet.
- (d) Such waste-water shall be handled according to accepted County Health Board practices.
- (e) Retail sales of related commercial products shall be permitted.
- (f) Vehicle service work shall not be permitted.
- (g) Car washing services shall be performed wholly within a totally enclosed building, with the exception that finishing of vehicles may be conducted outside the building.
- (h) Car washing facilities when located adjacent to a residential area shall be used only during the hours of 7:00 a.m. to 10:00 p.m.

#### 1253.08 CEMETERIES.

- (a) Minimum site size: ten (10) acres.
- (b) All burial buildings or accessory buildings shall be setback at least seventy-five (75) feet from any street right-of-way bounding the cemetery. There shall be two (2) side yards and a rear yard of at least fifty (50) feet each.
- (c) All graves or burial lots shall be setback at least forty (40) feet from any street right-of-way bounding the cemetery and at least forty (40) feet from the side and rear yards.
- (d) A minimum of two (2) points of entry at least two hundred (200) feet between centerlines shall be required.

#### 1253.09 COMMUNITY GARDENS.

Community gardens are subject to the following standards:

- (a) Community gardens are permitted in any yard except within the required front yard.
- (b) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- (c) The name and telephone number of the owner and any person designated as the person in-charge of the garden coordination along with a copy of the operating rules shall be kept on file with the Zoning Inspector.

- (d) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- (e) There shall be no retail sales on site, except for produce grown on the site.
- (f) Benches, bike racks, raised/accessible planting beds, picnic tables, garden art, and rain barrel systems are permitted.
- (g) The community garden may include one storage shed and one farm market per lot (not per individual garden plot) for the purposes of communal storage and/or communal sales of produce that is grown on-site.
- (h) Fences and walls shall be subject to the provisions of Section 1253.15 "Fences, Hedges, and Walls."

#### 1253.10 CRAFT OR ARTISANAL PRODUCTION OF BEER, LIQUOR, OR WINE.

- (a) Within each zoning district where permitted no more than one establishment shall be a permitted use for beer production, and no more than one establishment shall be a permitted use for liquor production, and no more than one establishment shall be a permitted use for wine production.
- (b) Craft or artisanal production of beer liquor, or wine may be allowed in additional establishments subject to such conditions as the Board of Zoning and Building Appeals imposes under the review procedures of Chapter 1242.04 e "Variances."

#### 1253.11 DAY CARE CENTERS and TYPE A FAMILY DAY-CARE HOMES.

- (a) Outdoor playgrounds, tot lots, exercise areas, etc., shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning and Building Appeals.
- (b) The applicant shall submit a parking and traffic circulation plan to the Board of Zoning and Building Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning and Building Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.
- (c) One (1) sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.
- (d) A Day-Care Center may be for either children or adults.

#### 1253.12 DROP-OFF BOXES.

Drop-off boxes, donation boxes, and dumpster style recycling collection containers for public use are permitted in accordance with the following standards:

- (a) A drop-off box may be located in any yard area but shall not be located in any area that is required to be landscaped. No more than two drop-off boxes shall be clustered together in any one location.

- (b) Drop-off boxes must be placed on a hard surface and located outside of driveways and parking spaces required in conformance with Chapter 1290 "Off-Street Parking and Loading."
- (c) Drop-off boxes must either be enclosed per the requirements of Section 1292.04 "Screening for Dumpster/Trash Area," or kept in a clean, new appearing condition.
- (d) Drop-off boxes that result in the overflow of material shall be declared a nuisance and shall be removed immediately upon notification by the Zoning Inspector at the expense of the property owner or business owner.
- (e) The Village, Township, or County shall have the authority to place more than two drop-off boxes on a single lot when providing recycling services to the public.

#### 1253.13 ELECTRIC VEHICLE (EV) CHARGING STATIONS.

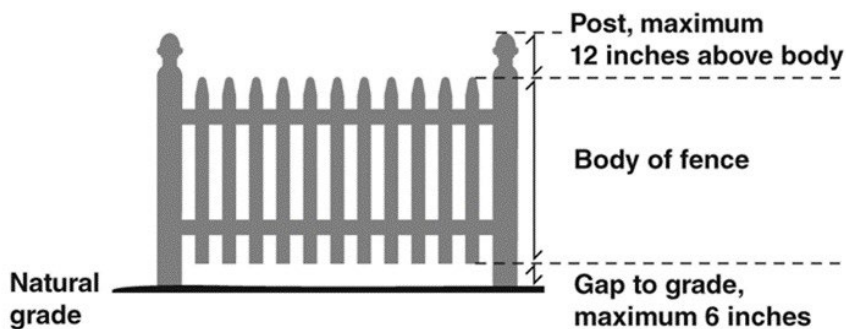
- (a) Applicability.
  - (1) Electric vehicle charging stations utilizing parking stalls located in a parking lot or parking garage or in on-street parking spaces shall comply with the standards in this section.
  - (2) Due to the fact the technology associated with electric vehicles, batteries and electric vehicle charging stations is relatively new and is anticipated to change, and that there is a lack of municipal experience on consumer and community preferences and attitudes regarding electric vehicles, the Zoning Inspector may authorize variations from these standards, so long as the intent and goal of the standards and this section are addressed.
- (b) Reserved Parking. Except when located in conjunction with single- and two- family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only.
- (c) Service Fees. The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to residents, employees and visitors to the property. Collection of charging station fees shall not affect the zoning land use classification of properties where electric vehicle charging stations are installed as accessory uses. See Section 1253.36 "Vehicle Service Stations," for electric vehicle charging stations as a primary use.
- (d) Signage. Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes. Signage shall include items contained in subsection 1253.14(f) "Signage Notification." Way finding signs conveniently located to guide motorists to the charging stations are permitted with approval of the Zoning Inspector.
- (e) Equipment Standards. Equipment for electric vehicle charging stations shall comply with the following standards:

- (1) Installation shall meet applicable electric code.
- (2) Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging station shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.
- (3) Charging station outlets and connector shall be no less than thirty-six inches or no higher than forty-eight inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface.
- (4) Equipment shall be protected by wheel stops or concrete-filled bollards.
- (f) Signage Notification. The following information shall be posted at all electric vehicle charging stations:
  - (1) Voltage and amperage levels;
  - (2) Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;
  - (3) Usage fees;
  - (4) Safety information;
  - (5) Contact information for reporting when the equipment is not operating or other problems.
- (g) Calculation for Required Parking. See Chapter 1290.20 (a) (6) "Electric Vehicle Charging Station Spaces."

#### 1253.14 FENCES, HEDGES AND WALLS.

- (a) Height. Fences, hedges and walls may be constructed to:
  - (1) a maximum height of six feet in any required side or rear yard beginning at the building lot line; and
  - (2) to a height of three feet in any required yard abutting a street.
- (b) General Requirements.
  - (1) All fences, walls, and hedges shall be subject to the visibility requirements of Section 1286.06 "View Clearance."
  - (2) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two similarly finished sides, either side may face the adjacent property.
  - (3) Fences, walls, and hedges shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district.
  - (4) All fences, walls, and hedges shall be maintained in a neat and orderly manner.
- (c) Materials.

- (1) Fences and walls shall be constructed of stone, brick, finished wood, iron, metal, or synthetic look-alike products.
- (2) No fence shall be composed of scrap materials, tires, canvas, cardboard, asphalt-style shingles, or corrugated metal, welded rolled wire, chicken wire, or sheet metal, with the following exceptions:
  - i. Metal, welded and woven wire, shall be allowed in the R-1A district to fence in farm animals and protect crops.
  - ii. Wire mesh, chicken wire, and welded wire shall be allowed as a backing material for split-rail fences.
- (3) Injurious materials, such as barbed wire, razor ribbon, electric fences, or spike fences, are not permitted in any zoning district, unless the same are used to protect a public facility, and then the same shall not be lower than six feet.
- (d) Temporary Fences. Temporary fences such as construction site fences and snow fences shall be allowed subject to Building Code requirements.
- (e) Measurement. Fence height is measured to include the body of the fence, plus allowing a maximum of six inches (on average between posts) above the natural grade (i.e., for drainage purposes). Fence posts are permitted to extend a maximum of twelve (12) inches above the body of the fence.



*Figure 1253-A: Measuring Fence Height*

**1253.15 FUNERAL HOMES.**

- (a) Minimum site size shall be one (1) acre with a minimum width of one hundred fifty (150) feet.
- (b) The proposed site shall front upon a primary thoroughfare. The ingress and egress to the site shall be directly from such thoroughfare.
- (c) No more than thirty (30%) percent of the gross site area shall be covered by buildings, including accessory buildings.
- (d) All signs shall conform to the requirements set forth in Chapter 1288 "Signs."



- (e) Off-street parking shall be provided in conformance with the schedule outlined in Chapter 1290 "Off-Street and Loading." Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking area. Parking and assembly areas shall be screened from surrounding residential areas according to Chapter 1292 "Landscaping."

#### 1253.16 GOLF COURSES.

- (a) The site shall contain a minimum of eighty (80) acres for a nine (9) hole golf course and one hundred sixty (160) acres for an eighteen (18) hole golf course.
- (b) All principal and accessory buildings shall be located not less than one hundred (100) feet from the road right-of-way, and not less than two hundred (200) feet from any property line of abutting residential zoned property.
- (c) All tees, fairways, greens, and golf driving ranges shall not be located in any required front yard.
- (d) In addition to the sign code regulations in Chapter 1288 "Signs," no signs shall be greater than three (3) feet in height and shall be located at least twenty (20) feet from all road rights-of-way and seventy-five (75) feet from any abutting residential property lines.
- (e) All parking areas shall be located not less than seventy-five (75) feet from any residential district and fifty (50) feet from the road right-of-way side line.
- (f) All access drives shall be a minimum of twenty (20) feet in width and constructed of a hard-surfaced material.
- (g) Pro-shops and sale of goods incidental to principal use shall be permitted.
- (h) Fencing: a minimum of six (6) feet in height shall be provided around all recreation areas (tennis courts, swimming pools and shuffleboard courts), thereby permitting access only to members or users of the golf course.

#### 1253.17 HOME OCCUPATIONS.

- (a) Standards. The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by this section.
  - (1) No person is employed other than residents of such dwelling;
  - (2) Such occupation is conducted wholly within the dwelling or an accessory building;
  - (3) Floor area devoted to such occupation does not exceed thirty (30) percent of the area of the ground floor of the dwelling;
  - (4) Such use is not objectionable due to noise, hours of operation, hazards, or noxious processes;

- (5) There is neither regular nor frequent traffic to the property by the public for business or professional purposes;
  - (6) There shall be no exterior sign, except as permitted in Chapter 1288 "Signs;" and
  - (7) There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the Home Occupation or variation from the residential character of the principal building.
- (b) Exemption. Home offices within a principal dwelling or attached garage which is carried on by a resident of that dwelling, and which involves no signs, public access, on premises sales, on premises client visits, outdoor storage or displays are not subject to this section.

#### 1253.18 KEEPING OF LIVESTOCK, CHICKENS, BEES AND EXOTIC ANIMALS.

The keeping of livestock, chickens, bees and exotic animals shall be permitted as an accessory use provided the requirements of Chapter 618 "Animals" of the General Offenses Code of the Village of Grafton are met and the following restrictions:

- (a) Livestock. Property owners are permitted to raise and keep livestock on farms in the R-1A district of five acres or more in size without complying with the requirements of this section.
- (b) Chickens, Ducks, Rabbits and Similar Small Livestock. The keeping of chickens, ducks, rabbits and similar small livestock animals, and cages, coops, and enclosures for the keeping of such animals, shall be governed by the following regulations:
  - (1) Number. No more than one (1) such animal shall be kept on a parcel of land for each eight hundred (800) square feet of parcel or lot area. For a residential lot of 7,200 square feet, this regulation would permit no more than a total of nine (9) such animals.
  - (2) Setbacks. The coops or cages housing such animals may not be located in front yard or side yard areas and shall not be located within ten (10) feet of a side yard line or of a rear yard line and a minimum of twenty-five (25) feet from any residential structure on an adjoining lot. No animals shall be kept in required front yard or side street yard areas.
  - (3) Prohibitions. No roosters, geese or turkeys may be kept in a residential district except on a parcel that is at least one (1) acre in area and only if the coop or cage housing the bird(s) is at least one hundred (100) feet from all property lines. For parcels greater than one (1) acre in area, one (1) additional such bird may be kept for each 24,000 square feet in excess of one (1) acre. No predatory birds may be kept on any property under the regulations of this section.
- (c) Keeping of Bees.
  - (1) Setbacks. No beehive shall be kept closer than ten (10) feet to any lot line and no beehive shall be kept in a required front yard or side yard
  - (2) Post Certificate. All beekeeping shall be in compliance with ORC Chapter 909 "Apiaries," and all other applicable State of Ohio rules and regulations. Property owners keeping

bees must post a copy of their certificate of registration from the Ohio Department of Agriculture on or near the hives.

- (d) Sanitation and Nuisances. Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.
- (e) Animal or Bird Noise. It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.
- (f) Slaughtering of Animals. Chickens, ducks, rabbits and similar small animals may be slaughtered on site only if for use by the occupants of the premises and not for sale. No other farm animal may be slaughtered on site.
- (g) Exotic Animals. The raising or keeping of exotic animals shall be prohibited as defined in Chapter 1298 "Definitions." [Any cat other than *felis catus*; any canine, other than *canis familiaris*, non-human primates; poisonous reptiles; alligators, crocodiles or lizards over two feet long; snakes over six feet long; bears; kangaroos; eagles; poisonous stinging insects; or arachnids].

#### 1253.19 MULTI-FAMILY DWELLINGS.

- (a) Minimum Floor Area Per Dwelling. The units shall meet the minimum floor area requirements in Section 1286 "Dwelling Floor Area Requirements."
- (b) Building Design Standards. Multi-family developments shall meet the building design standards established in Section 1291 "Building Design Standards for Multi-Family Dwellings."
- (c) Landscape Design Standards. Multi-family developments shall meet the landscaping requirements established in Section 1292 "Multi-family Landscape Requirements,"
- (d) Accessory Structures. All accessory structures not attached to the principal structures shall be set back twenty (20) feet from the principal building and not less than ten (10) feet from any alley or street or five (5) feet from the rear lot line, whichever is greater.
- (e) Minimum Livable Open Space.
  - (1) A minimum of forty five (45) percent of the gross land area shall be livable open space for the use and enjoyment of the residents of the project.
  - (2) Livable open space is the minimum required non-vehicular open space unobstructed to the sky, generally in lawn and forested areas (including required yard areas that are left as lawn areas) or paved areas for recreation. The minimum recreation space performance standard listed for this district shall be included as a part of the livable open space. No parking spaces, loading areas or access drives can be included as part of the livable open space to be provided on the lot.

**(f) Minimum Recreation Space.**

- (1) A minimum of ten (10) percent of the gross land area shall be usable recreation space. The recreation space shall be counted as a part of required livable open space.
- (2) The recreation space can include open space for both passive and active recreation. Passive recreation facilities might include common sitting areas in the form of sun decks or garden areas. Active recreation areas may include swimming pools, tennis courts, shuffleboard courts, playground and playfields, or tot lots.

**(g) Distance Between Buildings on the Same Lot.** No principal building shall be closer to any other principal building than the average of the heights of such buildings.

**(h) Multi-family Dwellings in the CB Districts.** Multi-family dwellings in the Central Business (CB) district shall meet all requirements of the CB district and all other sections of this Zoning Ordinance applicable to multi-family dwellings except as modified by the following provisions:

- (1) The maximum density in the CB district shall be as shown in Section 1286.11 "Site Development Standards for Business and Industrial Districts," Table 1286-3.
- (2) The livable open space in subsection (e) above shall not be required.
- (3) Landscape design standards may be modified as necessary within the CB district during site plan review.
- (4) No distance between buildings on the same lot except as may be required in the CB district.

**1253.20 NURSERY (PLANT MATERIALS).**

**Conditions for Plant Materials Nursery:**

- (a) Minimum site size shall be five (5) acres.
- (b) Any building or accessory structures shall be setback one hundred (100) feet from any road right-of-way side line and seventy-five (75) feet from all other property lines.
- (c) No burying or composting of dead plant material shall be permitted.

**1253.21 NURSING HOME or INSTITUTIONAL CARE FACILITIES.**

- (a) The building shall be set back a minimum of 40 feet from all side and rear lot lines.
- (b) All parking areas shall be set back a minimum of 10 feet from all side and rear lot lines.
- (c) All other site development standards of the applicable zoning district shall apply to the site.
- (d) New uses shall be on a lot with primary vehicular access on a primary through route or primary local street without going through a residential neighborhood to minimize the impact on less intense residential uses.

**1253.22 OUTDOOR BULK STORAGE.**

Outdoor bulk storage areas may be permitted, as an accessory use in allowed districts, where such storage areas comply with the following standards:

- (a) Outdoor bulk storage shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways. All materials shall be stored in such a fashion as to be accessible to firefighting equipment at all times.
- (b) Outdoor bulk storage shall comply with all applicable state and federal regulations.
- (c) Outdoor bulk storage areas are located in the side or rear yard. In no case shall the outdoor storage of goods be permitted between a principal building and a street without the approval of the Board of Zoning and Building Appeals.
- (d) Storage of any goods or materials shall not exceed six (6) feet in height unless the storage is fully screened by a six (6) foot high opaque screen that is architecturally compatible with the principal structure in material type and color. Said height may be increased to eight (8) feet in industrial districts.
- (e) The use of banners, pennants, strings of pennants, or similar decoration shall not be included in outdoor bulk storage.
- (f) In all cases, any areas designated for outdoor storage areas shall be set back a minimum of 75 feet from any adjacent residential lot.

#### 1253.23 OUTDOOR DINING AREA.

Any accessory dining area shall leave an unobstructed passageway at least five (5) feet wide along each public sidewalk and to/from the primary pedestrian entryway to the building.

#### 1253.24 OUTDOOR SALES.

Temporary and permanent facilities for outdoor sales (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to the principal use may be permitted upon compliance with the following:

- (a) Outdoor sales areas may be permitted provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building in the front yard.
- (b) Outdoor sales are not permitted in the right-of-way, except for sidewalks in the Central Business (CB) district.
- (c) Outdoor sales areas may also be permitted in the side or rear yard.
- (d) Outdoor sales areas that are not located adjacent to the principal building shall not be located more than 20 feet away from the principal building.
- (e) The placement of merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five (5) feet of sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
- (f) Outdoor sales areas may be permitted in the front yard, away from sidewalks and buildings, under the following provisions:

- (1) The outdoor sales area shall not reduce the amount of off-street parking spaces provided to a number below the minimum number of required spaces;
- (2) No more than 2,400 square feet of the front yard (exclusive of display areas on a sidewalk or walkway) shall be dedicated to outdoor sales; and
- (3) Outdoor sales and displays are prohibited on vacant lots unless approved in advance by the Zoning Inspector as a temporary use.

#### 1253.25 OUTDOOR WOOD FURNACES.

- (a) Outdoor furnaces that supply heat to the principal structure are prohibited in any recorded residential subdivision.
- (b) Outdoor furnaces shall require a lot area of five (5) acres. The use shall be set back a minimum of 200 feet from any adjacent property line.
- (c) Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.
- (d) Outdoor furnaces shall not include temporary or permanent outdoor fire pits.

#### 1253.26 PARKS AND PLAYGROUNDS.

##### Conditions for Parks and Playgrounds:

- (a) Minimum size 5 acres. Setback requirements for all buildings and accessory structures shall be seventy-five (75) feet from side and rear lot lines and one hundred (100) feet from all bordering road rights-of-way.
- (b) Setback areas on the site shall be appropriately landscaped to maintain a park like atmosphere.
- (c) Playground apparatus must be set-back fifty (50) feet from any bounding street right-of-way or lot line.

#### 1253.27 PLACES OF WORSHIP.

- (a) A lot area of one (1) acre per one hundred (100) seating capacity in the sanctuary or main room with a minimum development of three acres shall be provided.
- (b) All buildings, including accessory buildings shall be setback a minimum of fifty (50) feet from the side and rear lot lines. Parking areas shall be setback a minimum of twenty (20) feet from the lot lines.
- (c) Access to the site shall comply with the driveway spacing standards of Section 1290 "Off-Street and Loading." In addition, a minimum of two (2) access points at least seventy (70) feet center to center shall be provided for ingress and egress to the off-street parking area. All points of entrance or exit shall be located no closer than two hundred (200) feet from two major intersecting streets or one hundred (100) feet from the intersections of a major and minor street or two minor streets.

#### 1253.28 PRIVATE SWIMMING POOLS.

A private swimming pool shall be allowed only as an accessory use to a residence and in compliance with the following conditions and requirements:

- (a) Exclusive Private Uses. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building(s) of the property on which it is located and their guests.
- (b) Distance Requirements. The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than six (6) feet to a property line of the property on which it is located.
- (c) Fencing. The property on which the swimming pool is located shall have a wall or fence of not less than four (4) feet but not more than six (6) feet in height with a gate and lock as to prevent uncontrolled access by children from the street or from adjacent properties. The swimming pool, if four (4) feet or greater in height, may meet the fencing requirement if the top of the steps is gated and locked or the deck is gated and locked to prevent uncontrolled access by children. In this case, a fence around the property is not required.
- (d) Lighting. Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties in accordance with Section 1289 "Outdoor Lighting."
- (e) Permit Required. No person shall construct or install a swimming pool or make any alteration without having first submitted an application and plans to the Zoning Inspector.
- (f) Abandonment. Should the owner abandon the pool, he or she shall arrange to remove the depression and return the surface of the ground to its original grade and approximately the same condition as before the pool was constructed, and notify the Zoning Inspector of the abandonment of said pool, so that the inspection of the site may be made, and the records of the permit marked accordingly.

#### 1253.29 ROADSIDE STANDS.

- (a) Roadside stands shall only be permitted as a conditional use in the R-1A district for the sale of products grown on the property where such stand is located.
- (b) All structures shall be set back a minimum of twenty (20) feet from any right-of-way sideline.
- (c) Adequate off-street parking shall be provided for a minimum of four (4) vehicles or more as determined by the Board of Zoning and Building Appeals depending on the type and size of operation.
- (d) Signs shall be subject to provisions contained in Chapter 1288 "Signs."

#### 1253.30 SELF-SERVICE STORAGE FACILITY.

- (a) Facility limits within the General Business GB district:

- (1) A self-service storage building shall not be over twenty feet high measured to the peak and meet the requirements of Chapter 1291 "Building Design Standards."
- (2) Provide one or more separate storage spaces of not over 300 square feet each, with individual access for rental to the public for storage of non-hazardous personal goods.
- (b) No outside storage shall be permitted except for recreational vehicles or motorized equipment in operable condition.
- (c) Any outside storage including boats, trailers, equipment, vehicles and/or vehicles/equipment for rental use shall be screened and shielded from view (in all seasons) of adjacent property or a public right -of-way.
- (d) Landscaping and screening in accordance with Chapter 1292 "Landscaping."

#### 1253.31 SMALL WIND ENERGY SYSTEMS.

This section regulates wind energy systems designed to primarily serve the on-site needs of a home, farm, institution, business, or industry with a generating capacity of 10 megawatts or less and not subject to State Power Siting Board review.

- (a) Small wind energy systems that are attached to a roof or structure are permitted provided that the measurement from the average grade to the tip of the blade of the system does not exceed the maximum height of buildings permitted in the applicable zoning district.
- (b) Stand-alone small wind energy systems may be permitted on lots with a minimum lot area of one acre. The pole or supporting structure shall be set back a minimum of 50 feet from any lot line.
- (c) The maximum height shall be 100 feet measured from the average grade to the highest point on the blade.
- (d) The height and location of a stand-alone small wind energy system shall be such that if the system were to collapse it would fall within the boundaries of the subject lot.

#### 1253.32 SOLAR PANELS.

The standards of this section apply to all solar panel energy systems that are accessory to a principal structure.

- (a) Freestanding solar panels shall be limited to a maximum height of 16 feet and shall be located in the rear yard and shall be set back a minimum of ten (10) feet from all lot lines.
- (b) The surface area of any freestanding solar panel system, regardless of the mounted angle, shall be calculated as part of the overall allowed lot coverage.
- (c) Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.



- (d) Roof-mounted solar panels that do not face a street shall not exceed more than 36 inches in height from the roof plane.
- (e) All power transmission lines from a ground-mounted solar energy system to any structure must be located underground.

#### 1253.33 TEMPORARY USE NOT LISTED.

The Board of Zoning and Building Appeals may issue a zoning permit for a temporary use not listed in Section 1255.05 Permitted or Conditionally Permitted Principal and Accessory Use Tables,” if the Board determines that the duration of the activity will not impose significant adverse impacts on surrounding areas and if the applicant has taken reasonable steps to mitigate or prevent adverse impacts on surrounding properties.

#### 1253.34 VEHICLE REPAIR SHOPS.

##### General Conditions for Automobile Repair Garages

- (a) Landscaping and screening requirements in accordance with Chapter 1292 “Landscaping.”
- (b) Buildings used for such purposes shall not be nearer than seventy-five (75) feet from any residential area.
- (c) Automobile, truck and trailer repairs shall be conducted completely within an enclosed building.
- (d) No partially dismantled or junked vehicles shall be stored outside the building on the premises.

#### 1253.35 VEHICLE SERVICE STATIONS.

##### General conditions for vehicle service stations:

- (a) Site. Minimum of one (1) acre.
- (b) Frontage. Minimum frontage on the primary street of one hundred twenty-five (125) feet.
- (c) Setbacks. Requirements as follows:
  - (1) Building Setback: Required minimum setback of one hundred (100) feet from all street right-of-way lines.
  - (2) Rear Yard: A required minimum of seventy-five (75) feet where the use abuts a residential area or forty (40) feet abutting a non-residential area.
- (d) Side Yard: A required minimum of seventy-five (75) feet where the use abuts a residential area or forty (40) feet where abutting a non-residential area
  - (1) Canopies shall be set back a minimum of 15 feet from all lot lines and 25 feet from all adjacent residential lot lines.

- (2) Canopies shall be designed to be consistent with the building materials and colors of the principal building. An example are canopy support columns in brick, brick base, or other durable materials compatible with the principal building
- (e) Driveways. Access to the site shall comply with the driveway spacing standards of Section 1290 "Traffic and Access Management" to the fullest extent possible and to the following standards:
  - (1) There shall be no more than two driveway openings along any frontage. A corner lot should have one driveway per roadway that is placed as far from the intersections as possible.
  - (2) No driveway or curb cut for a driveway shall be located within ten (10) feet of any adjoining property line.
  - (3) Any two (2) driveways giving access to a single street shall be separated by a buffer strip with a minimum distance of twenty (20) feet between the edge of the two driveways.
- (f) Landscaping and Screening.
  - (1) A fifteen (15) foot deep unobstructed buffer strip shall be provided next to the right-of-way.
  - (2) Any unpaved areas of the site shall be landscaped in accordance with Chapter 1292 "Landscaping," and separated from the paved areas by a curb or other barrier.
- (g) Exterior Lighting. Exterior lighting shall be shielded from adjacent properties to prevent possible glare in accordance with Section 1289.03 "Outdoor Lighting." In addition, canopy lighting must be recessed within a canopy and shall not protrude downward beyond the ceiling of the canopy.
- (h) Signs. The provisions of Chapter 1288 "Signs," shall apply.
- (i) Service equipment.
  - (1) Gasoline pump islands, compressed air connections, and other equipment shall be setback a minimum of thirty (30) feet from the right-of-way line.
  - (2) Hydraulic hoists, pits and all lubrication, washing and repair equipment shall be enclosed within a building.
- (j) Repair work.
  - (1) No major repair work shall be conducted in a vehicle service station.
  - (2) Outdoor storage of vehicles under any and all conditions shall be limited to seventy-two (72) hours.
- (k) Combined Uses. A vehicle service station may be combined with other uses, such as convenience store, vehicle wash, and/or restaurant; provided all relevant requirements are met and the most restrictive requirements applicable to any single use shall apply.

#### 1253.36 VETERINARY OFFICES/HOSPITAL OR KENNELS.

General conditions for veterinary hospitals or kennels:

- (a) Outdoor run and exercise areas. All riding or exercising of animals shall be conducted solely on the premises. All outside small animal runs or kennels shall be enclosed by a six (6) foot woven chain link fence, maintained in a clean, orderly and sanitary condition and free from any conditions that would menace the health of the animals enclosed therein, the public or constitute a nuisance.
- (b) Buildings and enclosures.
  - (1) The main building and any buildings housing animals shall be no closer than one hundred (100) feet from any other lot in any district. Enclosed runways and kennels or outside exercise areas shall be no closer than one hundred (100) feet from any property line.
  - (2) Manure piles shall be disposed of daily in a sanitary, non-odorous condition. Open manure piles shall not be permitted.
  - (3) The sale of incidental products is permitted.

1253.37 WIRELESS TELECOMMUNICATIONS FACILITY.

- (a) Purpose. Establish standards for the siting of telecommunications towers and antennas.
- (b) Applicability. All new wireless telecommunications facilities, collocation of antennas on a single tower, antennas to be attached to existing buildings or structures, or replacement towers to be constructed at the site of a current tower shall be subject to review as conditional use unless specifically exempted within this section.
- (c) Location.
  - (1) Wireless telecommunications facilities are a conditional use and may be located in most districts with the exception of the Mobile Home Park (MHP), Central Business (CB) and Professional Office (PO) districts contingent upon a number of requirements being met as established throughout this Zoning Ordinance.
  - (2) Wireless telecommunications facilities may be located, with Council approval, on any Municipally owned land, buildings, or structures. Wireless telecommunications towers located on municipal or government owned land, building or structures will follow the requirements of this section.
  - (3) Towers and antennae may be approved on or near historic structures and sites only if so concealed as to be substantially invisible. The views of, and vistas from, such structures, and corridors and sites shall not be impaired or diminished by the placement of telecommunications towers and antennae.
- (d) Application for Conditional Use. In addition to any other materials required for a conditional use permit application all applicants for a new tower shall submit:
  - (1) A site plan at scale of not less than one inch is equal to 100 feet indicating all properties, buildings and structures within 300 feet of the proposed tower.

- (2) A visual impact demonstrations using photo simulations of the proposed facility as it would be seen from residential areas, public rights of way, and public parks and other sites as deemed appropriate by the Zoning Inspector.
  - (3) Submission of a landscape plan prepared in compliance with Chapter 1292 "Landscaping."
  - (4) Any other information which, in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Zoning Ordinance.
- (e) Co-location Encouragement.
- (1) In all applications for construction of a new facility, the applicant must prove by substantial evidence that a bona fide need exists for the facility and that no reasonable combination of locations, techniques, or technologies will obviate the need. The applicant must further prove that it has made all reasonable efforts to procure antenna space on existing facilities.
  - (2) The applicant shall sign an instrument, maintained by the village, agreeing to encourage and promote the joint use of telecommunications towers within the village and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing, or delaying joint use of any tower where fair and just market reasonable compensation is offered for such use.
- (f) Sole Use on a Lot. Wireless telecommunications facilities may be located as the sole use of a lot if approved as a conditional use subject to the following requirements:
- (1) Minimum lot size. 5 acres as an accessory use to a public facility or the minimum lot size shall be that of the underlying zoning district as determined by the planning commission.
  - (2) Minimum yard requirements. Towers shall not be located closer than 200 feet to any residentially zoned property.
  - (3) Maximum height. No tower, including the antenna, shall exceed 200 feet in height.
- (g) Combined with Another Use(s). A wireless communications facility may be located on a property as a conditional use with an existing use subject to the following conditions:
- (1) Minimum lot area. The minimum leased lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment shelter or supporting facilities, security fencing and buffer plantings.
  - (2) Minimum yard requirements. Towers shall not be located closer than 200 feet to any residentially zoned property.
  - (3) Maximum height. No tower, including the antenna, shall exceed 200 feet in height.
- (h) Combined with an Existing Structure. An antenna for a wireless telecommunications facility attached to an existing structure or building is subject to a maximum height of 20

feet or twenty percent of the building or structure height above the existing building or structure, whichever is greater.

(i) Equipment Shelters.

- (1) No equipment shed for a telecommunications facility shall exceed 750 square feet in area nor 20 feet in height.
- (2) Equipment shelters or support facilities shall meet the minimum setback requirements of the underlying zoning district.
- (3) All such sheds shall be screened with vegetation or other aesthetically pleasing materials. Furthermore, all such sheds shall be secured with approved fencing and a locked gate.

(j) Landscaping Buffer. An evergreen screen shall be planted around the perimeter of the security fence that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees five feet on center maximum. Additional plantings may be required. The applicant shall be responsible for maintaining the approved plantings.

(k) Signs and Light.

- (1) No commercial messages nor any other signs beyond safety warnings and an identification sign shall be placed on any tower or facility.
- (2) No tower shall be artificially lighted except as required or prescribed by the Federal Aviation Administration (FAA).

(l) Removal. If at any time the use of this facility is discontinued for a period of 180 days, the applicant shall have an additional ninety days to either reactivate the facility or dismantle and remove the facility. In the event that the facility is deactivated or abandoned, the applicant shall provide notification by certified mail to the Zoning Inspector of such event as soon as possible, but in no event later than seven days following such deactivation or abandonment.

## **CHAPTER 1254**

### **Zoning Districts**

- 1254.01 Purpose
- 1254.02 Establishment of Zoning Districts
- 1254.03 Base Zoning District Purpose Statements
- 1254.04 Special Districts
- 1254.05 Overlay Districts
- 1254.06 Official Zoning Map
- 1254.07 Interpretation of District Boundaries
- 1254.08 Zoning of Newly Annexed Areas

#### **1254.01 PURPOSE.**

The purpose of this zoning ordinance for the Village of Grafton is to create a series of districts of such number and character necessary to achieve compatibility of uses within the Village and to provide opportunities for balanced community growth.

#### **1254.02 ESTABLISHMENT OF ZONING DISTRICTS.**

For the purposes of this Zoning Ordinance, all land within the incorporated territory of the Village of Grafton, Ohio, is hereby divided into the districts established in Table 1254-1 “Zoning Districts.”

| <b>Table 1254-1: Zoning Districts</b> |  |
|---------------------------------------|--|
| <b>Abbreviation</b>                   | <b>Zoning District Name</b>                        |
| <b>Residential Zoning Districts</b>   |  |
| R-1A                                  | Single-Family, Low Density Residential District    |
| R-1B                                  | Single-Family, Medium Density Residential District |
| R-2                                   | Two-Family, Medium Density Residential District    |
| R-3                                   | Multiple-Family Residential District               |
| MHP                                   | Manufactured Home Park District                    |
| <b>Business Zoning Districts</b>      |  |
| CB                                    | Central Business District                          |
| GB                                    | General Business District                          |
| PO                                    | Professional Office District                       |
| <b>Industrial Zoning Districts</b>    |  |
| LI                                    | Light Industrial District                          |
| GI                                    | General Industrial District                        |
| IP                                    | Industrial Park District                           |
| <b>Special Districts</b>              |  |
| ID                                    | Institutional Development District                 |
| <b>Overlay Districts</b>              |  |
| DTO                                   | Downtown Overlay District                          |
| PUD                                   | Planned Unit Development (PUD)                     |
| SR 57 OD                              | State Route 57 Overlay District                    |

### 1254.03 BASE ZONING DISTRICT PURPOSE STATEMENTS.

The following are the statements of purpose for each of the base zoning districts established in this Zoning Ordinance.

- (a) **Single-Family Low Density Residential District (R-1A).** The Single-Family Low Density Residential District is created to:
  - 1) Preserve and protect for agricultural use those land areas needed and best suited for agriculture.
  - 2) Prevent the indiscriminate spread of urban uses into rural areas which are incompatible with agricultural pursuits, and which contribute to their premature termination.
  - 3) Retain land which could eventually be developed for urban uses currently in productive agricultural use.
  - 4) Permit orderly, efficient, and economical development of land to urban uses in compliance with a comprehensive plan at a time when the community can feasibly provide the required-urban public services.
  - 5) Have a minimum lot area of five acres for agricultural uses, and
  - 6) Have a density of not more than 2.59 dwelling units per acre.
- (b) **Single-Family, Medium Density Residential District (R-1B).** The R-1B District is created to provide for single-family residential uses at a density of not more than five (5) dwelling units per gross acre.
- (c) **Two-Family, Medium-Density Residential District (R-2).** The R-2 District is created to provide for single-family residential uses at a density of not more than 7.3 dwelling units per gross acre. Single-family, Two-family and zero-lot line dwelling units are also permitted.
- (d) **Multi-Family Residential District (R-3).** The R-3 District is created to provide for a variety of housing types to include garden apartments, townhouses, condominiums, or other housing facilities of a similar character and density and in areas suitable for such development within the Village. This district may be used only when public sewer and water services are available or when water and adequate sewage treatment plants are provided.
- (e) **Manufactured Home Park District (MHP).** The MHP District shall be used in areas suitable for residential development. Permitted uses shall be limited to manufactured homes or other prefabricated types of single-family dwelling units. Manufactured home parks may only be located within an MHP District and in accordance with the standards and regulations established within this ordinance.
- (f) **Central Business District (CB).** It is the intention of Council that by the creation of the Central Business District and its appurtenant regulations, further expansion and renewal of the historical core business area will be encouraged in such a manner that it is pleasant, convenient, and efficient to use.
- (g) **General Business District (GB).** The General Business District is created to provide retailing and personal services which require larger tracts of land and encompass a larger service area. This district is so designed to permit commercial development of permitted uses which will be limited only by standards set forth to protect the abutting districts and

as directed against the extension of strip zoning. The General Business District shall be considered for use in limited areas adjacent to the Central Business District and in accessible locations along arterial streets on the Major Thoroughfare Plan. Strip zoning utilizing this district shall be prohibited.

- (h) **Professional Office Business District (PO).** The Professional Office Business District is intended to help protect existing and developing residential neighborhoods by providing a more gentle land use transition (buffer) between areas of general commercial development and single-family neighborhoods. This district also provides for appropriate locations for the establishment and expansion of multi-family, professional office, institutional, and related uses with development standards designed to minimize negative impacts to adjacent single-family residential neighborhoods.

**PO is used**

(Ord. 01-014. Passed 7-17-01)

- (i) **Light Industrial District (LI).** The purpose of the Light Industrial District is to encourage the development of manufacturing and warehouse business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare, operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between general industrial uses and other less intensive business and residential uses.

**LI is used for industrial park**

- (j) **General Industrial District (GI).** The purpose of the General Industrial District is to encourage the development of major manufacturing, processing, warehousing and major research and testing operations. These activities require extensive community facilities, and reasonable access to rail lines and arterial highways. They may have extensive open storage and service areas, generate heavy traffic, but shall be prohibited if they create nuisances beyond the limitations set up by the Planning Commission.

(Ord. 01-014. Passed 7-17-01.)

- (k) **Industrial Park District (IP).** The purpose of the IP Industrial Park District is to encourage, in appropriate locations, the development of industrial subdivisions which will be characterized by a park-like openness with attractive modern buildings set in appropriated landscape environments. Industries located therein shall be harmoniously integrated with each other and compatible to adjacent land uses. Area requirements for the district are designed to promote the concentration of these desirable industries so that necessary common facilities may be provided and used in order that problems of utilities, access, fire control, traffic control, and other services may be more easily solved.

(Ord. 01-014. Passed 7-17-01.)

#### **1254.04 SPECIAL DISTRICTS.**

Special districts are areas that are separately zoned and intended to allow for and encourage types of development other than that normally associated with conventional zoning districts. Table 1254-2 lists the special districts.



| Table 1254-2: Special Districts |                              |
|---------------------------------|------------------------------|
| Abbreviation                    | Special Zoning District Name |
| ID                              | Institutional District       |

**(a) Institutional District (ID).** The intent of the Village in the creation of the Institutional District is to encourage and promote the development of institutional uses in accordance with an adopted comprehensive plan subject to certain minimum requirements necessary in the maintenance of the health, safety, and general welfare of the residents of the Village.

#### 1254.05 OVERLAY DISTRICTS.

**(a) Intent.** The intent of an overlay district is to establish regulations in addition to the applicable regulations of the existing (underlying) base zoning district that either supplement or replace those existing regulations. Overlay districts are applied to achieve zoning objectives within a defined area when deemed necessary to address unique characteristics of that area.

**(b) Planned Unit Development (PUD).** A PUD is a floating overlay district which generally does not appear on the zoning map until a designation is requested. This is applied at the time a project is approved. The purpose of the PUD is to achieve, to the greatest extent possible, land development that is responsive to the natural and environmental assets and liabilities of a given site. The PUD provides an alternative zoning category that is intended to encourage imaginative development design. The PUD should be a well-integrated development in terms of major design elements such as roads, streetscaping, landscaping, drainage systems, utilities, open space, and connectivity. The PUD allows for greater design flexibility so that natural features may be protected, and development concentrated in an innovative and efficient manner.

**(c) State Route 57 Overlay District (SR 57 OD).** The purpose of this district is to promote quality development, stable property values, provide for orderly development, and efficient and safe movement of traffic, including implementation of access management strategies, and secure the general safety and welfare of the community by regulating land uses and the exterior architectural/landscape characteristics of the property throughout the State Route 57 Overlay District.

**(d) Downtown Overlay District (DTOD).** The purpose of the Downtown Overlay District is to promote quality development that will preserve and protect the historic and architectural character of downtown Grafton. Such protection will include places, buildings, structures, sites, and works of art that are unique to the downtown. The protection and preservation of these downtown elements will enhance property values and area a public necessity in the interest of public health, safety, and general welfare of the Village of Grafton.

**(e) Zoning Map Designation.** The overlay district boundary shall be shown on the zoning map as dashed lines and the district designation labeled is placed alongside the base district designation, such as "R1-PUD, GB-SR57 OD, DTOD."

#### **1254.06 OFFICIAL ZONING MAP.**

The location and boundaries of zoning districts are shown on the map entitled, the “Official Zoning Map of Grafton Village.” A certified copy of this Map is on file in the Village Office, and said map together with all notifications, dimensions, and designations shown thereon are hereby declared to be a part of this Zoning Code. Such Zoning Map, properly attested, shall remain on file in the office of the Zoning Inspector and shall be available for public inspection.

- (a) **Zoning Map Legend.** There shall be provided on the Official Zoning Map, a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the Official Zoning Map shall provide sufficient space for compliance with Zoning Map amendments.
- (b) **Identification of the official Zoning Map.** The Official Zoning Map shall be drawn on either permanent reproducible material or prepared using Geographic Information System (GIS) technology and be identified by the signature of the Mayor, attested by the Clerk-Treasurer, and bearing the seal of the Village with the date of adoption or amendment of this Zoning Code. The Map shall be maintained by the Zoning Inspector and shall remain on file in the Office of the Clerk-Treasurer.
- (c) **Unofficial Zoning Map Online.** Zoning district information is available at the Village and County Auditor websites. This information is deemed a reliable point of reference but is not guaranteed and should be independently verified with the Village of Grafton.
- (d) **Zoning Map Amendments.** Yearly, within any change of a zoning district classification or boundary, the Zoning Inspector shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change together with appropriate reference to the Zoning Code authorizing such change. The Official Zoning Map shall then be signed by the Mayor and attested to by the Clerk-Treasurer.  
(Ord. 01-014. Passed 7-17-01.)

#### **1254.07 INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of any of the districts shown on the Zoning Map, the following rules shall apply:

- (a) Where district boundaries are indicated as approximately following the center line of streets or highways, street lines or highway lines, such centerlines, street lines, or highway right-of-way lines shall be considered to be such boundaries.
- (b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- (c) Where district boundaries are so indicated that they are approximately parallel to the centerline or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and of such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined using the scale shown on the zoning map.
- (d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of the railroad line.

- (e) Where the boundary of a district follows a stream, lake, or other body of water, the boundary line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- (f) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Zoning Ordinance shall be determined by dimension notes on the map, or by using the scale appearing on the map.
- (g) Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

#### **1254.08 ZONING OF NEWLY ANNEXED AREAS.**

- (a) All land annexed to the Village subject to the adoption of this Zoning Ordinance shall remain subject to the previous township zoning district regulations until such time as the Official Zoning Map is amended according to the provisions of this Zoning Ordinance. All land annexed to the Village which, prior to annexation, is not subject to township zoning shall remain unzoned until the Official Zoning Map is amended according to the provisions of this Zoning Ordinance.
- (b) In Ohio, the process of annexation is regulated by ORC Chapter 709.

## **CHAPTER 1255**

### **Permitted Uses**

1255.01 Applicability

1255.02 Explanation of the Permitted Use Tables

1255.03 Unlisted uses

1255.04 Use categories

1255.05 Permitted or Conditionally Permitted Principal and Accessory Use Tables

1255.06 Prohibited Uses in all Zoning Districts

#### **1255.01 APPLICABILITY.**

The Permitted Principal Use Table 1255-1 and Permitted Accessory Use Table 1255-2 lists the uses allowed within all zoning districts except for special districts, planned unit developments, and overlay districts.

#### **1255.02 EXPLANATION OF THE PERMITTED USE TABLES.**

This section provides an explanation of all the symbols and information contained within the Permitted Principal Use Table 1255-1, and the Permitted Accessory Use Table 1255-2 which identifies where and how uses are permitted within the base zoning districts.

- (a) **[P] Permitted Uses.** A “P” indicates that a use is permitted by right, subject to compliance with all other applicable regulations of this Zoning Ordinance.
- (b) **[C] Conditional Permitted Uses.** A “C” indicates that a use is allowed only if reviewed and approved in accordance with the Conditional Use procedures of Chapter 1250 “Conditional Use Review.”
- (c) **Not Allowed.** A blank cell (one with a “-” and does not contain a “P” or “C”) indicates that the listed use is not allowed in the respective zoning district.
- (d) **Use Standards.** The existence of use standards for a use category is noted two ways:
  - (1) By a bracketed table note reference “[x]” within the table cell containing the “P” or “C.” Unless otherwise noted uses are also subject to other applicable regulations of this Zoning Ordinance, and/or
  - (2) Uses may be subject to additional use-specific standards as identified in the last column of Table 1255-1 and Table 1255-2. Unless otherwise noted uses are also subject to other applicable regulations of this Zoning Ordinance.

#### **1255.03 UNLISTED USES.**

When a proposed land use is not explicitly listed in the Permitted Principal Use or Permitted Accessory Use Tables, the Board of Zoning Appeals shall determine whether it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such interpretation shall be binding on future decisions of the Village. If no similar use determination

can be made, the Planning Commission or Village Council may then determine if the zoning code should be amended to specifically include the use.

#### 1255.04 USE CATEGORIES.

The use categories listed in the Permitted Principal Use Table 1255-1 are organized into five major use groups: Agricultural; Residential; Public and Institutional; Commercial; and Industrial. Each major use group is further divided into a series of use categories. Table 1255-2 lists accessory use categories. All of the use categories listed in the tables are defined in Chapter 1298 "Definitions."

#### 1255.05 PERMITTED OR CONDITIONALLY PERMITTED PRINCIPAL AND ACCESSORY USE TABLES.

Table 1255.05-1 Permitted or Conditionally Permitted Principal Uses

| Use Category                                       | Residential |      |     |     |     | Commercial |    |    |    | Industrial |    |    | Additional Regulation  |
|--|-------------|------|-----|-----|-----|------------|----|----|----|------------|----|----|------------------------|
|  | R-1A        | R-1B | R-2 | R-3 | MHP | CB         | GB | PO | ID | LI         | GI | IP |                        |
| Agriculture  |             |      |     |     |     |            |    |    |    |            |    |    |                        |
| Agriculture (raising of crops)                     | P           | P    | P   | P   | P   | P          | P  | P  | P  | P          | P  | P  | Per ORC 929.94         |
| Agriculture (raising of livestock)                 | P           | P    | P   | P   | P   | P          | P  | P  | P  | P          | P  | P  |                        |
| Farm   | P           | -    | -   | -   | -   | -          | -  | -  | -  | -          | -  | -  |                        |
| Greenhouse   | P           | -    | -   | -   | -   | -          | -  | -  | -  | -          | -  | -  |                        |
| Roadside stand                                     | C           | -    | -   | -   | -   | -          | -  | -  | -  | -          | -  | -  |                        |
| Nursery (plant materials)                          | C           | C    | C   | -   | -   | -          | -  | -  | -  | -          | -  | -  |                        |
| Residential  |             |      |     |     |     |            |    |    |    |            |    |    |                        |
| Single-family dwelling                             | P           | P    | P   | -   | -   | -          | -  | -  | -  | -          | -  | -  |                        |
| Two-family dwellings                               | -           | C    | P   | P   | -   | -          | -  | -  | -  | -          | -  | -  |                        |
| Multi-family dwellings                             | -           | -    | -   | P   | -   | -          | -  | -  | -  | -          | -  | -  |                        |
| Manufactured Home Park                             | -           | -    | -   | -   | P   | -          | -  | -  | -  | -          | -  | -  | OAC 4781, ORC 3781.184 |
| Group Living                                       |             |      |     |     |     |            |    |    |    |            |    | -  |                        |
| Small Adult family homes or residential facilities | P           | P    | P   | C   | -   | -          | -  | -  | -  | -          | -  | -  |                        |
| Large Adult group homes or residential facilities  | -           | -    | -   | C   | -   | -          | -  | -  | -  | -          | -  | -  |                        |
| Institutional Nursing Home or care facilities      | -           | -    | -   | C   | -   | -          | P  | -  | -  | -          | -  | -  |                        |

| Use Category                              | Residential      |                  |                  |                  |                  | Commercial        |                  |                  |    | Industrial |    |    | Additional Regulation |
|---|------------------|------------------|------------------|------------------|------------------|-------------------|------------------|------------------|----|------------|----|----|-----------------------|
|   | R-1A             | R-1B             | R-2              | R-3              | MHP              | CB                | GB               | PO               | ID | LI         | GI | IP |                       |
| Public and Institutional Uses             |                  |                  |                  |                  |                  |                   |                  |                  |    |            |    |    |                       |
| Cemeteries                                | C                | C                | C                | -                | -                | -                 | -                | -                | -  | -          | -  | -  |                       |
| Community center, public                  | C                | C                | C                | C                | P <sup>[2]</sup> | P                 | P                | P                | P  | -          | -  | -  |                       |
| Cultural institutions                     | C                | -                | -                | -                | -                | P                 | P                | P                | P  | -          | -  | -  |                       |
| Day Care                                  |                  |                  |                  |                  |                  |                   |                  |                  |    |            |    | -  |                       |
| Type A Family day care home               | -                | -                | C                | C                | -                |                   | -                | -                | -  | -          | -  | -  |                       |
| Type B Family day care home               | C                | C                | C                | C                | C                | -                 | -                | -                | -  | -          | -  | -  |                       |
| Day care center (child or adult)          | C <sup>[3]</sup> | C <sup>[3]</sup> | C <sup>[3]</sup> | C <sup>[3]</sup> | C <sup>[3]</sup> | C                 | C                | -                | -  | -          | -  | -  |                       |
| Educational institutions (K-12)           | P                | P                | P                | P                | P <sup>[2]</sup> | -                 | -                | C                | -  | -          | -  | -  |                       |
| Educational institutions, higher          | -                | -                | -                | -                | -                | C                 | P                | C                | P  | -          | -  | -  |                       |
| Essential services                        | P                | P                | P                | P                | P                | P                 | P                | P                | P  | P          | P  | P  |                       |
| Government facilities                     | C                | C                | C                | C                | C                | P                 | P                | P                | P  | P          | P  | P  |                       |
| Government offices                        | C                | C                | C                | C                | C                | P                 | P                | P                | P  | P          | P  | P  |                       |
| Library                                   | C                | C                | C                | C                | C                | P                 | P                | P                | -  | -          | -  | -  |                       |
| Municipal and other parks and playgrounds | C                | C                | C                | C                | P <sup>2</sup>   | C <sup>[10]</sup> | -                | -                | -  | -          | -  | -  |                       |
| Places of worship                         | C                | C                | C                | C                | C <sup>[2]</sup> | C                 | P                | -                | -  | -          | -  | -  |                       |
| Wireless telecommunications facilities    | C                | C                | C                | C                | -                | -                 | C                | -                | C  | C          | C  | C  |                       |
| Commercial                                |                  |                  |                  |                  |                  |                   |                  |                  |    |            |    |    |                       |
| Adult entertainment businesses            | -                | -                | -                | -                | -                | -                 | C                | -                | -  | -          | -  | -  |                       |
| Animal day care / animal grooming         | -                | -                | -                | -                | -                | -                 | P <sup>[4]</sup> | C <sup>[4]</sup> | -  | C          | -  | -  |                       |
| Bicycle shop                              | -                | -                | -                | -                | -                | P <sup>[5]</sup>  | P                | -                | -  | C          | -  | -  |                       |
| Building trades and services              | -                | -                | -                | -                | -                | -                 | P                | -                | -  | C          | -  | -  |                       |
| Business and Professional offices         | -                | -                | -                | -                | -                | P <sup>[5]</sup>  | P                | P                | P  | C          | -  | -  |                       |
| Business Service Establishments           | -                | -                | -                | -                | -                | -                 | P                | P                | P  | C          | -  | -  |                       |
| Commercial Entertainment Facilities       | -                | -                | -                | -                | -                | -                 | C                | C                | -  | -          | -  | -  |                       |
| Conference Center and Assembly Halls      | -                | -                | -                | -                | -                | -                 | P                | C                | C  | -          | -  | -  |                       |
| Drug Stores                               | -                | -                | -                | -                | -                | P <sup>[5]</sup>  | P                | -                | -  | -          | -  | -  |                       |
| Eating and drinking establishments        |                  |                  |                  |                  |                  |                   |                  |                  |    |            |    | -  |                       |

| Use Category   | Residential      |                  |                  |                  |     | Commercial       |                  |                  |    | Industrial |    |                  | Additional Regulation |
|--|------------------|------------------|------------------|------------------|-----|------------------|------------------|------------------|----|------------|----|------------------|-----------------------|
|  | R-1A             | R-1B             | R-2              | R-3              | MHP | CB               | GB               | PO               | ID | LI         | GI | IP               |                       |
| Bar, tavern, cocktail lounge                           | -                | -                | -                | -                | -   | P                | P                | C                | -  | -          | -  | -                |                       |
| Café, doughnut, and sandwich shops                     | -                | -                | -                | -                | -   | P <sup>[5]</sup> | P                | P                | -  | -          | -  | -                |                       |
| Craft or artisanal production of beer, liquor, or wine | -                | -                | -                | -                | -   | P                | P                | C                | -  | C          | -  | -                |                       |
| Drive-in/Drive-through restaurants                     | -                | -                | -                | -                | -   | -                | P                | -                | -  | -          | -  | -                |                       |
| Restaurants (No drive-in/drive through), cafeterias    | -                | -                | -                | -                | -   | C                | P                | C                | -  | -          | -  | C <sup>[6]</sup> |                       |
| Financial Institutions                                 |                  |                  |                  |                  |     |                  |                  |                  |    |            |    |                  |                       |
| Drive-through banks                                    | -                | -                | -                | -                | -   | -                | P                | C                | -  | -          | -  | -                |                       |
| Financial institutions                                 | -                | -                | -                | -                | -   | P                | P                | P                | -  | -          | -  | -                |                       |
| Food and Beverage Retail Sales                         |                  |                  |                  |                  |     |                  |                  |                  |    |            |    |                  |                       |
| Farmers' Market  | -                | -                | -                | -                | -   | P                | P                | -                | -  | -          | -  | -                |                       |
| Food preparation/Specialty foods                       | -                | -                | -                | -                | -   | P <sup>[5]</sup> | P                | -                | -  | -          | -  | -                |                       |
| Grocery and Convenience stores                         | -                | -                | -                | -                | -   | P <sup>[5]</sup> | P                | -                | -  | -          | -  | -                |                       |
| Supermarkets   | -                | -                | -                | -                | -   | C                | P                | -                | -  | -          | -  | -                |                       |
| Food Pantries  | C <sup>[3]</sup> | C <sup>[3]</sup> | C <sup>[3]</sup> | C <sup>[3]</sup> | -   | P <sup>[5]</sup> | P                | -                | -  | -          | -  | -                |                       |
| Funeral Home   | -                | -                | -                | -                | -   | -                | C                | -                | P  | C          | -  | -                |                       |
| Garden and nursery center                              | -                | -                | -                | -                | -   | -                | P                | -                | -  | C          | -  | -                |                       |
| Laundry, Cleaning, and Garment Services                | -                | -                | -                | -                | -   | P <sup>[5]</sup> | P                | -                | -  | C          | -  | -                |                       |
| Liquor store   | -                | -                | -                | -                | -   | P                | P                | -                | -  | C          | -  | -                |                       |
| Lodging  |                  |                  |                  |                  |     |                  |                  |                  |    |            |    | -                |                       |
| Bed and Breakfast Inns                                 | C                | C                | C                | C                | -   | C                | C                | C                | -  | -          | -  | -                |                       |
| Air B&Bs   | C                | C                | C                | C                |     | C                | C                | -                |    |            |    |                  |                       |
| Motels, Hotels and Apartment Hotels                    | -                | -                | -                | -                | -   | C                | P                | C <sup>[1]</sup> | -  | C          | -  | C                |                       |
| Lumber Yards/Building Materials, sale or storage       | -                | -                | -                | -                | -   | -                | C <sup>[7]</sup> | -                | -  | P          | P  | C                |                       |
| Medical or Dental Clinics/Offices                      | -                | -                | -                | -                | -   | C                | P                | P                | P  | -          | -  | -                |                       |

| Use Category   | Residential      |                  |                  |                  |                  | Commercial       |                  |    |    | Industrial |    |                   | Additional Regulation |
|--|------------------|------------------|------------------|------------------|------------------|------------------|------------------|----|----|------------|----|-------------------|-----------------------|
|  | R-1A             | R-1B             | R-2              | R-3              | MHP              | CB               | GB               | PO | ID | LI         | GI | IP                |                       |
| Monument sales   | -                | -                | -                | -                | -                | -                | P <sup>[8]</sup> | -  | -  | C          | -  | -                 |                       |
| Personal Service Establishments                          | -                | -                | -                | -                | -                | C                | C                | C  | -  | -          | -  | -                 |                       |
| Radio and Television Studios                             | -                | -                | -                | -                | -                | -                | P                | P  | -  | -          | -  | -                 |                       |
| Recreational Facilities                                  |                  |                  |                  |                  |                  |                  |                  |    |    |            |    |                   |                       |
| Recreational facility, commercial                        | -                | -                | -                | -                | -                | -                | P <sup>[9]</sup> | -  | -  | C          | -  | C <sup>[11]</sup> |                       |
| Golf Courses   | C                | C                | C                | C                | C                | -                | -                | -  | -  | -          | -  | -                 |                       |
| Clubs, (social, fraternal, hunting/fishing, or athletic) | C                | -                | -                | -                | -                | C                | P                | C  | C  | C          | -  | -                 |                       |
| Retail Commercial Uses                                   | -                | -                | -                | -                | -                | P <sup>[5]</sup> | P                | -  | -  | -          | -  | -                 |                       |
| Vehicle Sales and Service                                |                  |                  |                  |                  |                  |                  |                  |    |    |            |    | -                 |                       |
| Vehicle service stations                                 | -                | -                | -                | -                | -                | C                | C                | -  | -  | C          | -  | -                 |                       |
| Vehicle service stations and convenience stores combined | -                | -                | -                | -                | -                | -                | C                | -  | -  | C          | -  | C                 |                       |
| Vehicle and Equipment Sales                              | -                | -                | -                | -                | -                | -                | P                | -  | -  | C          | -  | -                 |                       |
| Electric Vehicle Charging Stations Private/Personal use  | P                | P                | P                | P                | P                | C                | P                | P  | P  | P          | P  | P                 |                       |
| Electric Vehicle Charging Stations Commercial Use        | C <sup>[3]</sup> | C <sup>[3]</sup> | C <sup>[3]</sup> | C <sup>[3]</sup> | C <sup>[3]</sup> | C                | P                | P  | P  | P          | P  | P                 |                       |
| Vehicle repair shops                                     | -                | -                | -                | -                | -                | C                | C                | -  | -  | C          | -  | -                 |                       |
| Car wash facilities (automatic and self-service)         | -                | -                | -                | -                | -                | -                | P                | -  | -  | P          | -  | -                 |                       |
| Veterinary offices/hospital                              | -                | -                | -                | -                | -                | -                | P                | -  | -  | C          | -  | -                 |                       |
| Kennels  |                  |                  |                  |                  |                  |                  | C                | -  |    | C          |    | -                 |                       |
| Industrial   |                  |                  |                  |                  |                  |                  |                  |    |    |            |    |                   |                       |
| Laundries, dry cleaning and dyeing plants                | -                | -                | -                | -                | -                | -                | -                | -  | -  | P          | P  | -                 |                       |
| Manufacturing, heavy or outdoors                         | -                | -                | -                | -                | -                | -                | -                | -  | -  | -          | P  | -                 |                       |
| Manufacturing, light                                     | -                | -                | -                | -                | -                | -                | -                | -  | -  | P          | P  | P                 |                       |
| Manufacturing, limited                                   | -                | -                | -                | -                | -                | -                | -                | -  | -  | P          | P  | P                 |                       |



| Use Category  | Residential |      |     |     |     | Commercial       |    |    |    | Industrial |    |    | Additional Regulation |
|---|-------------|------|-----|-----|-----|------------------|----|----|----|------------|----|----|-----------------------|
|   | R-1A        | R-1B | R-2 | R-3 | MHP | CB               | GB | PO | ID | LI         | GI | IP |                       |
| Moving and storage companies                        | -           | -    | -   | -   | -   | -                | -  | -  | -  | P          | P  | -  |                       |
| Recycling Collection/Processing Facilities          | -           | -    | -   | -   | -   | -                | -  | -  | -  | C          | P  | -  |                       |
| Research laboratories and facilities                | -           | -    | -   | -   | -   | C <sup>[5]</sup> | P  | C  | C  | P          | P  | P  |                       |
| Self-service storage facilities                     | -           | -    | -   | -   | -   | -                | P  | -  | -  | C          | -  | -  |                       |
| Warehouse   | -           | -    | -   | -   | -   | -                | -  | -  | -  | P          | P  | C  |                       |
| Wholesale Sales and Distribution Centers (indoors)  | -           | -    | -   | -   | -   | -                | -  | -  | -  | P          | P  | C  |                       |
| Wholesale Sales and Distribution Centers (outdoors) | -           | -    | -   | -   | -   | -                | -  | -  | -  | C          | C  | C  |                       |

Notes:

- [1] Only located on the second or higher floor of any building in the CB district. First floor dwelling units allowed in motels, hotels, apartments and one- and two-family dwelling units.
- [2] Provided any principal building or activity areas shall be located not less than fifty (50) feet from any other lot in any R district.
- [3] When an accessory use to an existing institution or public community center. Examples are a school or place of worship.
- [4] With no overnight boarding or outdoor areas.
- [5] Not exceeding 5,000 square feet of floor area.
- [6] Cafeterias or restaurants specifically designed and primarily intended for use by employees and managements of uses permitted in the Industrial Park District, but not necessarily exclusively for their use
- [7] Excluding concrete, asphalt or unfinished mixed products.
- [8] Provided cutting is done in an enclosed building.
- [9] Provided that the building used for such purpose is at least 100 feet from any residential district.
- [10] Pocket Park
- [11] Recreation area(s) specifically designed and primarily intended for use by employees and management of entities within the Industrial Park District

Table 1255-2 Permitted Accessory Uses

| Use Category                         | Residential |      |     |     |                  | Commercial |    |    |    | Industrial |    |    | Additional Regulation |
|--------------------------------------|-------------|------|-----|-----|------------------|------------|----|----|----|------------|----|----|-----------------------|
|                                      | R-1A        | R-1B | R-2 | R-3 | MH P             | CB         | GB | PO | ID | LI         | GI | IP |                       |
| Accessory Buildings and Uses         | P           | P    | P   | P   | p <sup>[1]</sup> | P          | P  | P  | P  | P          | P  | P  |                       |
| Accessory Dwelling Unit              | C           | C    | C   | C   | -                | -          | -  | -  | -  | -          | -  | -  |                       |
| Community Gardens                    | P           | P    | P   | P   | P                | C          | C  | C  | C  | C          | C  | C  |                       |
| Drop-off Boxes                       | -           | -    | -   | -   | -                | C          | C  | C  | C  | C          | -  | -  |                       |
| Fences, Hedges and Walls             | P           | P    | P   | P   | p <sup>[1]</sup> | P          | P  | P  | P  | P          | P  | P  |                       |
| Home Occupations                     | C           | C    | C   | C   | -                | -          | -  | -  | -  | -          | -  | -  |                       |
| Keeping of Livestock, Chickens, Bees | C           | C    | C   | C   | -                | -          | -  | -  | -  | -          | -  | -  |                       |
| Exotic Animals                       | -           | -    | -   | -   | -                | -          | -  | -  | -  | -          | -  | -  |                       |
| Outdoor Bulk Storage                 | -           | -    | -   | -   | -                | C          | C  | C  | C  | P          | P  | C  |                       |
| Outdoor Dining Area                  | -           | -    | -   | -   | -                | P          | P  | P  | -  | -          | -  | -  |                       |
| Outdoor Sales                        | -           | -    | -   | -   | -                | P          | P  | P  | -  | P          | -  | -  |                       |
| Outdoor Wood Furnace                 | C           | C    | C   | C   | C                | C          | C  | C  | C  | C          | C  | C  |                       |
| Outdoor Pools Private                | P           | P    | P   | P   | p <sup>[1]</sup> | -          | -  | -  | -  | -          | -  | -  |                       |
| Roadside Stands                      | C           | -    | -   | -   | -                | -          | -  | -  | -  | -          | -  | -  | Chapter 1253.30       |
| Small Wind Energy Systems            | P           | P    | P   | P   | P                | P          | P  | P  | P  | P          | P  | P  | Chapter 1253.32       |
| Wind Energy Systems and Facilities   | -           | -    | -   | -   | -                | -          | -  | -  | -  | C          | C  | -  | Chapter 1296          |
| Solar Panels                         | P           | P    | P   | P   | P                | P          | P  | P  | P  | P          | P  | P  | Chapter 1253.33       |
| Solar Power Plants/Solar Farms       | -           | -    | -   | -   | -                | -          | -  | -  | -  | C          | C  | -  | Chapter 1297          |

Footnotes

[1] See Section 1253.02 “Use Specific Regulations”

**1255.06 PROHIBITED USES IN ALL ZONING DISTRICTS.**

- (a) Uses not specifically listed or interpreted by the Board of Zoning Appeals to be included categorically under this chapter shall not be permitted, except by action of the Planning Commission and Village Council in accordance with Chapter 1255.03 “Unlisted Uses.”
- (b) **Medical Marijuana.** Pursuant to the authority set forth in ORC Section 3796.29, medical marijuana cultivation, processing, and retail dispensaries as licensed and defined under ORC Chapter 3796 shall not be permitted in any zoning district in the Village.

## CHAPTER 1282

### Downtown Overlay District

1282.01 Purpose.

1282.02 District boundaries.

1282.03 Permitted uses.

1282.04 Conditionally permitted uses.

1282.05 Review and approval procedures.

1282.06 Main Street Architecture and Design Guidelines.

1282.07 Landscaping requirements.

1282.08 Additional requirements.

### CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Enhancing property values as a result of enhancing prosperity – Ohio R.C. 713.06

Recognizing that controlling aesthetics was a legitimate general objective of the police power-  
Village of Hudson v. Albrecht, Inc., 9 Ohio St. 3d 69, 458 N.E.2d 852 (1984) (syl.1,2).

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.

Restrictions on percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

Nonconforming uses - see P. & Z. Ch. 1252

Zoning Districts and Zoning Map - see P. & Z. Ch. 1254

Signs and outdoor advertising - see P. & Z. Ch. 1288

Off-street parking and loading - see P. & Z. Ch. 1290

#### 1282.01 PURPOSE.

The purpose of the Downtown Overlay District is to promote quality development that will preserve and protect the historic and architectural character of downtown Grafton. Such protection will include places, buildings, structures, sites, and works of art that are unique to the downtown. The protection and preservation of these downtown elements will enhance property values and are a public necessity in the interest of public health, safety, and general welfare of the Village of Grafton. This purpose shall be served by the regulation of exterior design, use of building materials, landscaping, and orientation of all structures hereinafter altered, constructed, reconstructed, enlarged, remodeled, or demolished in the Downtown Overlay District.

#### 1282.02 DISTRICT BOUNDARIES.

The boundaries of the Downtown Overlay District are shown on the Official Zoning Map. The boundaries of the Downtown Overlay District shall include parcels fronting both sides of Main Street from the CSX Transportation Railroad tracks southeast to Mechanic Street.

#### 1282.03 PERMITTED USES.

All uses that are permitted in the underlying zoning district, Central Business District.

#### 1282.04 CONDITIONALLY PERMITTED USES.

All conditional uses in the underlying zoning district are permitted within the Downtown Overlay District except uses expressly excluded.

(Ord. 01-014. Passed 7-17-01.)

#### 1282.05 REVIEW AND APPROVAL PROCEDURES.

Development projects in the Downtown Overlay District shall be in compliance with the site plan review procedures process specified in Chapter 1248 and Chapter 1282 Downtown Overlay District.

(Ord. 01-014. Passed 7-17-01.)

#### 1282.06 MAIN STREET ARCHITECTURE AND DESIGN GUIDELINES

In addition to the Site Plan Review Procedures in Chapter 1248, the Planning Commission shall use the "Main Street Architecture and Design Guidelines" (as amended) published by the Main Street America Organization, an affiliate of the National Trust for Historic Preservation. Such guidelines (attached to this chapter) will be included and be part of this ordinance.

(b) Building Materials. All exterior building materials and colors shall be approved by the Planning Commission so as to be compatible with building's architectural style and neighboring properties. Sample materials and color chips for the proposed building materials and color to be used on site shall be submitted for approval with each development plan.

(c) Signage. All signs shall conform to the provisions of Chapter 1282.06 and 1288. Whenever a conflict occurs between these two chapters, the provisions of chapter 1282 shall apply for projects within the Downtown Overlay District including the following standards:

- (1) No ground sign may be located closer than 10 feet from the right-of-way line.
- (2) The maximum height for any ground mounted sign is 5 feet above grade.
- (3) A monument sign shall be constructed of materials compatible with the facade of the building in which the identified use is located, or compatible with the landscaping of the parcel on which the sign is located.

(Ord. 01-014. Passed 7-17-01.)

#### 1282.07 LANDSCAPING REQUIREMENTS.

Landscape design and plantings shall be utilized to highlight architectural features or screen or soften undesirable views. The landscaping requirements of the underlying district apply in addition to the following:

- (a) An alternate arrangement of plant materials and/or other landscape features may be proposed and approved as part of the site plan review process. Any alternatives to the requirements stated herein shall provide an equivalent level of landscape treatment.

(b) All approved landscaping to be provided on any building site shall be completed within 6 months from the date of occupancy of the building site.

(Ord. 01-014. Passed 7-17-01.)

#### 1282.08 ADDITIONAL REQUIREMENTS.

(a) Where possible, all utilities shall be underground.

(b) Grade level mechanical equipment shall be screened from adjoining residential parcels and from the rights-of-way.

(c) Building height, lot area, and setback requirements of the underlying zoning district shall be used along with the provisions of the Main Street Architecture and Design Guidelines as stipulated in Chapter 1282.06.

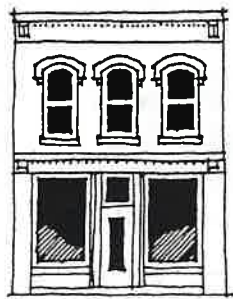
(Ord. 01-014. Passed 7-17-01.)

# **MAIN STREET ARCHITECTURE AND DESIGN**

**NATIONAL MAIN STREET CENTER  
NATIONAL TRUST FOR HISTORIC PRESERVATION  
1995**

# THE MAIN STREET ARCHITECTURAL TRADITION

This is the basic building block of Main Street—the traditional streetfront commercial facade. Although built in many sizes, shapes and styles, it was always essentially the same facade.



Facades of this type lined Main Street on both sides.

One next to another, they formed strong, solid blocks, marked by the rhythm of repeating parts.

Because it was composed of similar facades, the block had a consistent, organized and coordinated appearance. Facades were related to each other through compatibility in height, width, setback, proportions of openings, composition and rhythm.

With these blocks facing each other, the street took on a distinct character. Compared with the typical residential street, Main Street created a feeling of containment. The street became an outdoor room, filled with activity.

The sidewalk (or the "pedestrian street") was a window-shopper's delight. One after another, the store windows formed a continuous display case of Main Street merchandise.

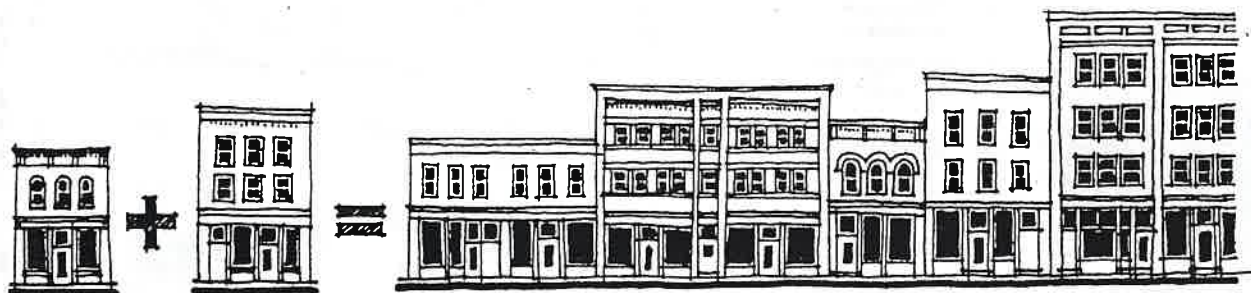


STOREFRONTS LINE THE "PEDESTRIAN STREET."



Thus, the appearance of Main Street today is largely a result of a strong architectural tradition. Beginning with the early buildings of the 1800s and continuing through the 1930s, this tradition controlled how Main Street looked.

The consistency of this building tradition brought about a unity that strengthened Main Street as a whole. If traditional business districts today are to benefit from this unity, changes to buildings must respect this tradition.



ORIGINAL FACADES

## A Note of Emphasis

The idea of visual relatedness is crucial to the goal of an integrated Main Street. Historically, Main Street facades complemented and reinforced one another.

Compare these drawings. Notice how the remodeling of old facades has destroyed their continuity. They are no longer visually tied together because their rhythms and proportions have been altered. Each facade is now unrelated to the next, and the character of the building group suffers.

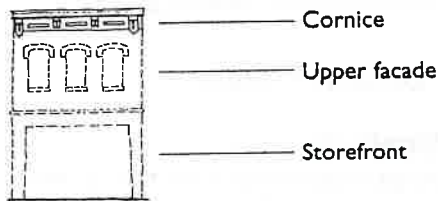


REMODELED FACADES



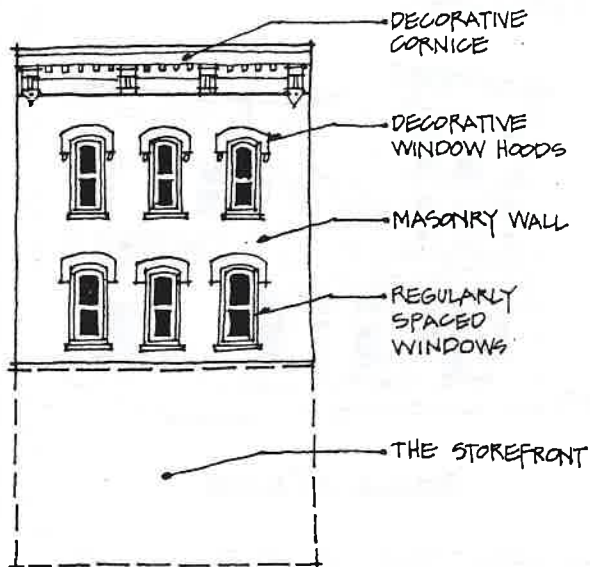
# THE TRADITIONAL FACADE

We have looked at the facade as the building block of Main Street. Now let us consider the individual building facade itself. Aside from consistency, what were the typical characteristics of the traditional facade? Essentially, it had three parts.



1. **Building cornice.** The traditional building cornice, made of brick, wood, metal or other materials, served to visually cap the building, completing its appearance.

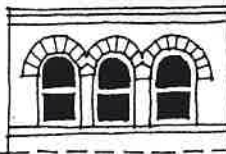
2. **Upper facade.** The upper facade, constructed of brick, stone, wood, stucco or pressed metal, almost always contained regularly spaced window openings surrounded by decorative details.



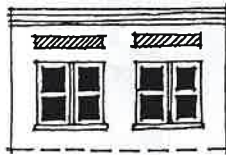
## Typical Building Cornices and Upper Facades



Typical building cornices and upper facades in the mid to late 1800s were characterized by boldly decorated cornice and window hoods and narrow window openings.

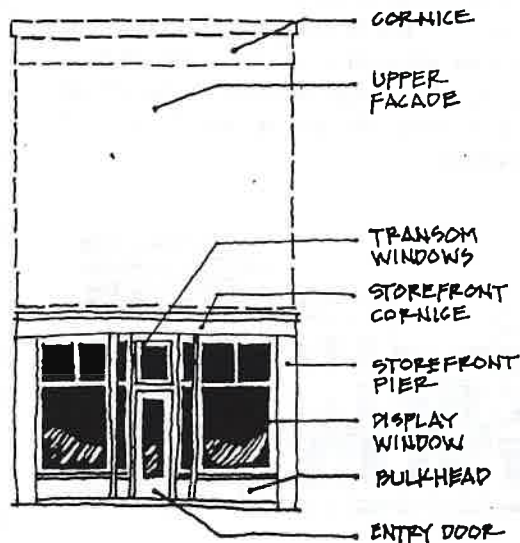


In the late 1800s to early 1900s, these areas of the facade were mostly highlighted by corbeled brick cornices and large, arched window openings.



By the early to mid 1900s, typical upper facades were marked by corbeled brick cornices and large window openings with multiple window units.

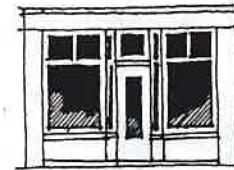
3. **Storefront.** The traditional characteristics of the storefront contrast markedly with the more substantial upper facade and building cornice. The storefront was rather delicate in appearance and was composed primarily of large display windows surrounded by enframing piers and a storefront cornice.



## Typical Storefronts



In the mid 1880s to early 1900s typical storefronts were characterized by boldly decorated cornices, cast-iron columns and large display windows.



From the early to mid 1900s typical storefronts had simplified cornices, transom windows over display windows and metal window frames.

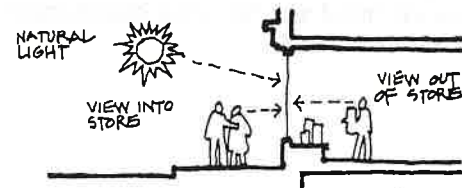
## Another Note of Emphasis

Sensitive storefront change is essential to improving the appearance of Main Street. The following qualities should be remembered as important to the traditional storefront:

- The storefront was usually slightly recessed behind the enframing storefront cornice and piers.



- The storefront was almost all glass.



- The storefront emphasized the display windows.





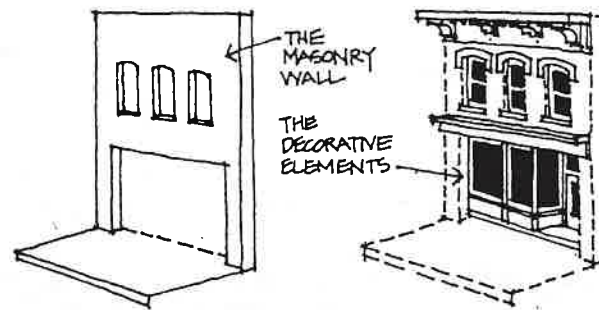
# FACADE CHANGE AS EVOLUTION

The existing Main Street environment is a product of an evolution that began with the construction of the first building and has continued ever since. Facades change; this is natural, inevitable and often desirable.

The goal of this publication is not to prevent or control change, nor is it necessarily to return a facade to its original appearance. Rather, the goal is to encourage sensitive and appropriate change.

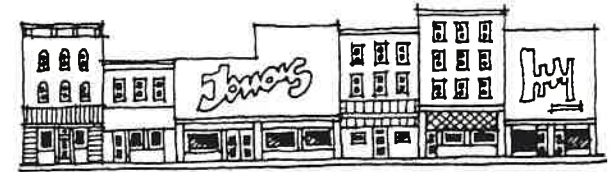
## The Quality of Change

When it was first constructed, the typical Main Street facade exhibited some basic inherent qualities: (1)



an architectural style characterized by its decoration; (2) certain construction materials; and (3) a unified visual composition in which the parts looked related.

These qualities came together to form a visual resource. *Sensitive change* accepts these facade qualities and builds on them. The result is a harmonious

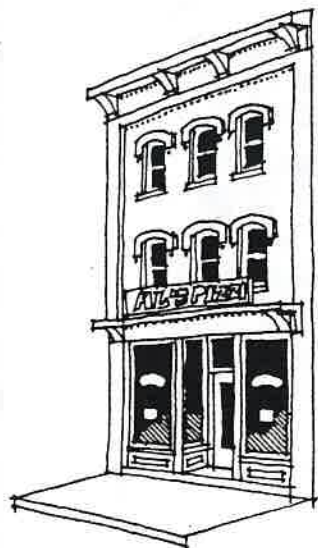


blend of changes and existing elements. *Insensitive change*, on the other hand, ignores and often negates the qualities of the original resource. The result is an unnecessary clash between new and old as the drawing at top of this column illustrates.

## An Example of Change

The series of drawings (below and on reverse side) shows how one typical facade might have changed over time. Consider the effect that changes have had on the original resource.

### 1. The Original Facade - The Original Resource



### 2. Minor Facade Change



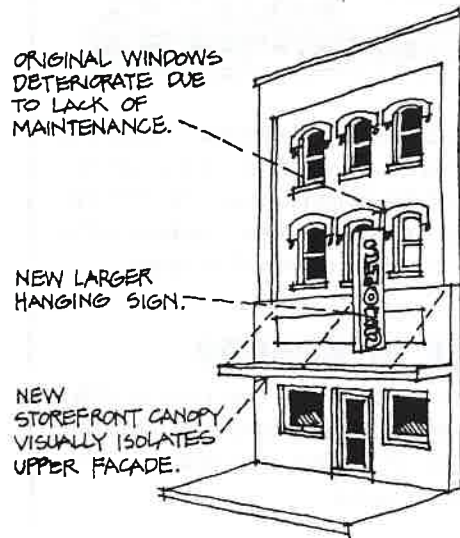
### 3. More Minor Facade Change



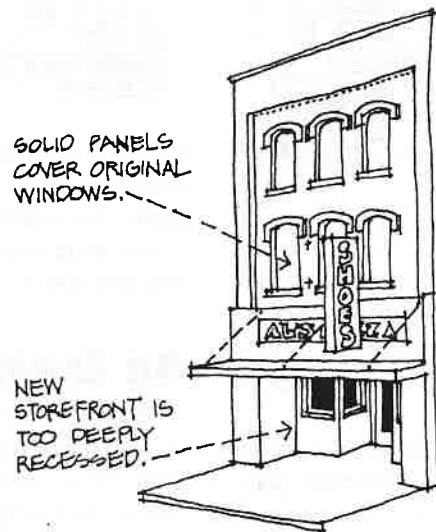
### 4. Storefront Remodeling - Facade Looks Cut in Half.



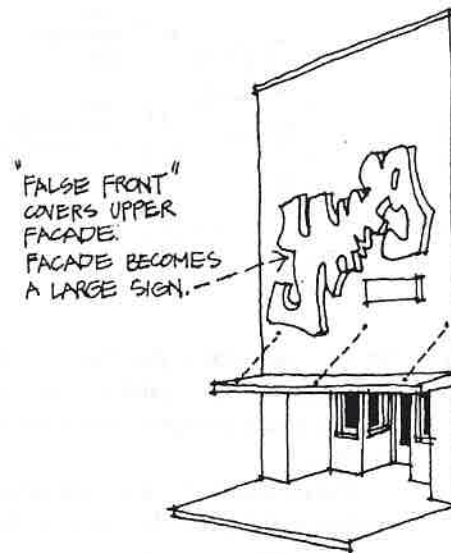
## 5. More Storefront Change



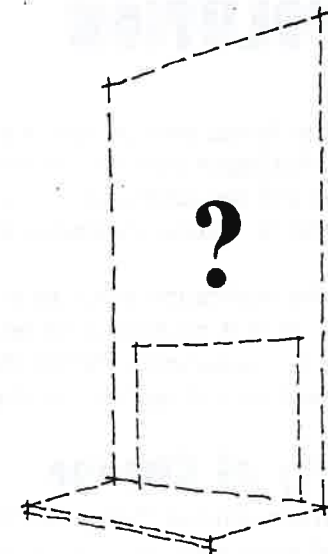
## 6. Another Storefront Remodeling



## 7. Drastic Facade Change - The Original Facade Is Gone.



## 8. The Future - What Direction Will Future Change Take?



## Some Observations on the Facade Change

Note how changes to the facade happen gradually and have a cumulative effect on its appearance. While some are hardly noticeable on their own, change upon change over the years has completely transformed the original facade.

Note the changes in signs and the effect on the facade. As they get bigger and more numerous, signs begin to dominate the facade. Eventually the whole facade becomes a sign, obscuring the familiar building pattern.

Throughout the series of facade evolution drawings, note how the qualities of the original facade—its rhythms, proportions, materials and composition—have been ignored. Various new storefronts, extending beyond the enframing piers and storefront cornice, and signs have been applied without respecting the original resource.

## An Example of Sensitive Change

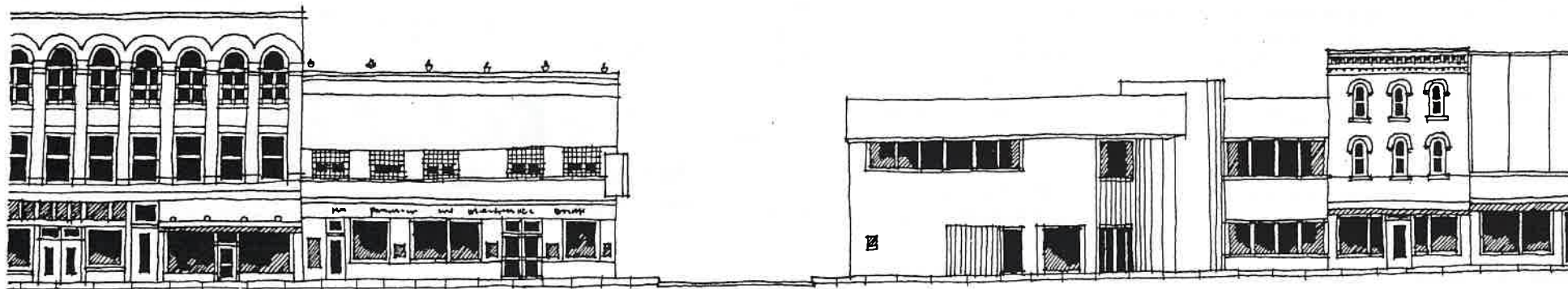
The facade drawing at right shows the same building facade as in the sequence above. In both, the existing facade has been remodeled. But here, unlike the others, change has complemented the qualities of the old facade.

The upper facade retains its traditional character and window openings. Signs are subtle and well placed. The new storefront fits within the original storefront opening and is enframed by the storefront cornice and piers. It is also similar in design to the original storefront, retaining a recessed entry, large display windows and a kickplate. (See "Storefront Design.")





# ARCHITECTURAL VARIETY

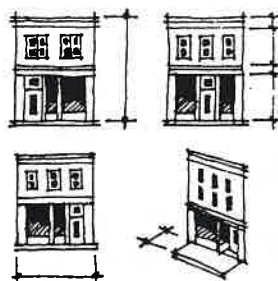


The traditional commercial storefront building can be considered the cornerstone of Main Street. Dating from the 19th and early 20th centuries, these buildings share a remarkable similarity, a consistency that has strengthened Main Street as a whole.

If respect for its historic buildings is maintained, the traditional strength of Main Street can work yet today. But what about "less historic" structures? Or changes already made to buildings? Do they necessarily detract from the character of the traditional business district?

That depends. You will note that recommendations for new buildings (see guideline on "New Infill Construction") call for contemporary design, not fake history. (See "Note on False History" on other side of this page.) In the same way, we can expect changes made over the years to mirror their own times. This reflects the growth and vitality of Main Street.

New and remodeled buildings are evaluated as they relate to their surroundings, as well as for the design itself. Height, width, relationship to the street, roof forms, proportion, composition, rhythm, proportion of



openings, materials and colors—these are 10 criteria that should be considered in the design. By relating buildings to each other, new construction and building renovations can be welcome additions to Main Street, rather than unwanted intruders.

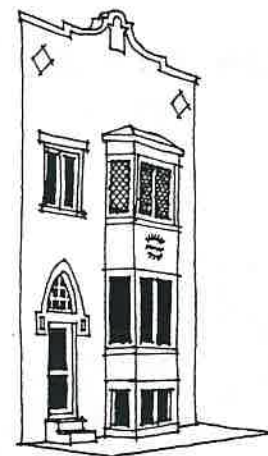
Similarly, the variety of architectural styles that exist along Main Street should be judged on their own qualities, not simply by their age. Before you set out to make changes because your building is not "historic enough," see it for what it is and learn to recognize its own particular values.

In addition to the 10 criteria already discussed, there are other standards that should be used to judge the compatibility of new construction or remodeled facades. For instance, the unaltered facade of a 19th-century building is highly valued because it retains its original integrity. The same holds true,



sometimes to a lesser degree perhaps, for an unchanged facade of a 20th-century building. The 1940s and '50s are as much a part of Main Street as the 1890s.

In most cases, regardless of age, many changes have taken place. If the resulting appearance is pleasing in proportions, composition and details and if it respects the other criteria, then the facade is a visual resource for the commercial district. It is not necessary to change a facade simply because it doesn't look historic.



NEW CANVAS  
AWNINGS AND  
REMODELED  
STOREFRONTS  
FLATTER THE  
EXISTING  
FACADE.





Probably the most important characteristic is quality. If in design, construction and maintenance, a facade displays craftsmanship and pride, then it is making a positive contribution to its surroundings.

With a critical eye, look at the facade of your building and those of its neighbors. By all means, make improvements where you see they are needed. But, on the other hand, don't be afraid to like what you see.

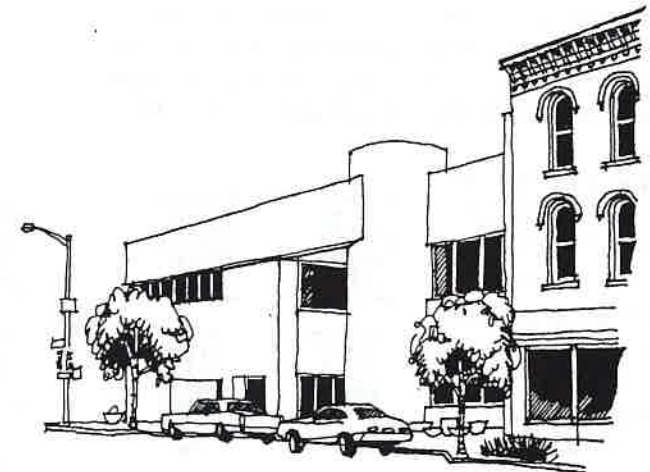
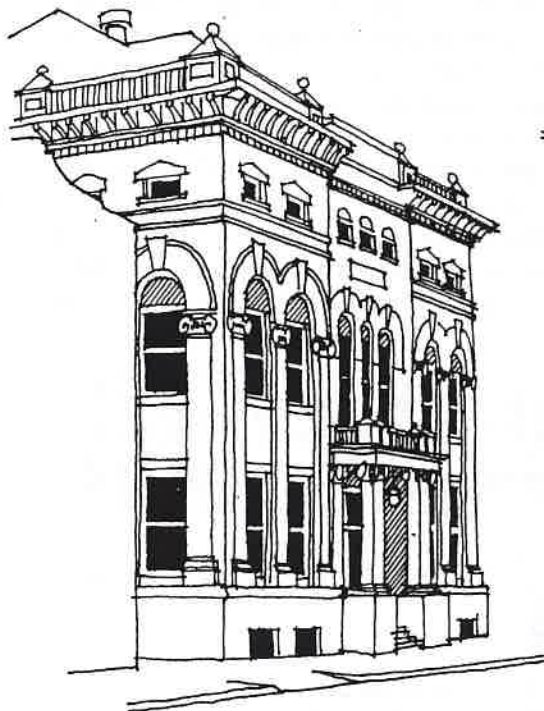
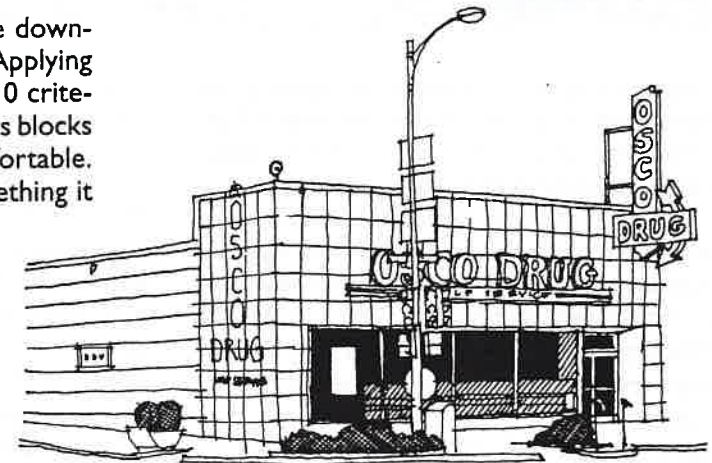
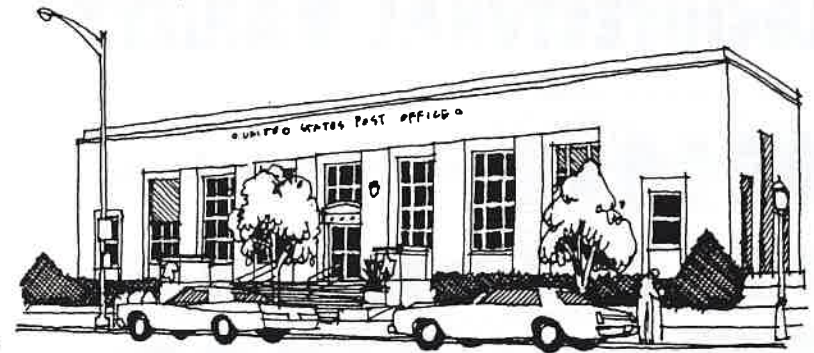
On this page are some examples of the architectural variety present along Main Street. Consider how these buildings, no matter what their age, make a positive contribution to the commercial district's environment.

## A Note on False History

Attempting to make a building look older than it is by applying decorations from earlier styles falsifies

the true history of the structure. It also detracts from the true history of the adjacent buildings and the business district, creating a false impression of Main Street. Moreover, creating a "more historic" appearance for a building can be expensive.

Another way some communities attempt to make their downtowns more "historic" is by developing a theme—such as Bavarian or Tudor English—for all buildings. In doing so, the community is denying its true architectural heritage and suggesting that the downtown belongs in another time and place. Applying false themes almost always disregards the 10 criteria for good design on Main Street and creates blocks of buildings that look awkward and uncomfortable. Moreover, turning the downtown into something it isn't is very expensive.





# KEEPING UP APPEARANCES



What makes a Main Street business successful? There is no single formula. Product, price, display, service, location and market all play a part. So does the outward appearance of the business.

Many store owners regard appearance as secondary to the more immediate concerns of price, product and service. Too often, the building itself is neglected or mishandled.

Yet experience shows, time and again, that appearance is important to a healthy commercial district. With merchants working together to create an attractive image, the downtown as a whole can benefit.

Through the National Main Street Center, the National Trust for Historic Preservation has demonstrated the value of keeping up appearances. Without gimmicks or themes, it has shown how to build on resources and strengths that already exist

in traditional commercial centers across the country. The time-tested methods for keeping up appearances are presented in this publication.

## Recognizing the Problem

Most downtowns had their beginnings more than 150 years ago as the hearts of their communities. They grew in times very different than today, when merchants directed their attention to the walking trade and the fastest moving vehicle was the horse-drawn carriage.

The 20th century brought changes to Main Street. With the automobile grew competition from commercial strips and shopping centers. Downtown retailers turned their attention to passing cars, erecting shiny storefronts and eye-catching signs. Main Street stores tried to imitate their competitors.

In many ways, the result has been a sorry one. In too many communities, downtown now appears as a curious cross between neglected old buildings and a commercial strip. It presents a confused image to the shopping public, satisfying neither the pedestrian nor the driving customer.

The key to improving appearances lies in recognizing a simple fact: The traditional business district is neither a shopping mall nor a commercial strip and should not pretend to be either.

With its buildings, history, setting and place within the community, downtown is unique and special. It makes sense to acknowledge these resources and take full advantage of them, to develop the qualities that are already present downtown—qualities a mall or strip will never have.

## Taking Advantage of Main Street

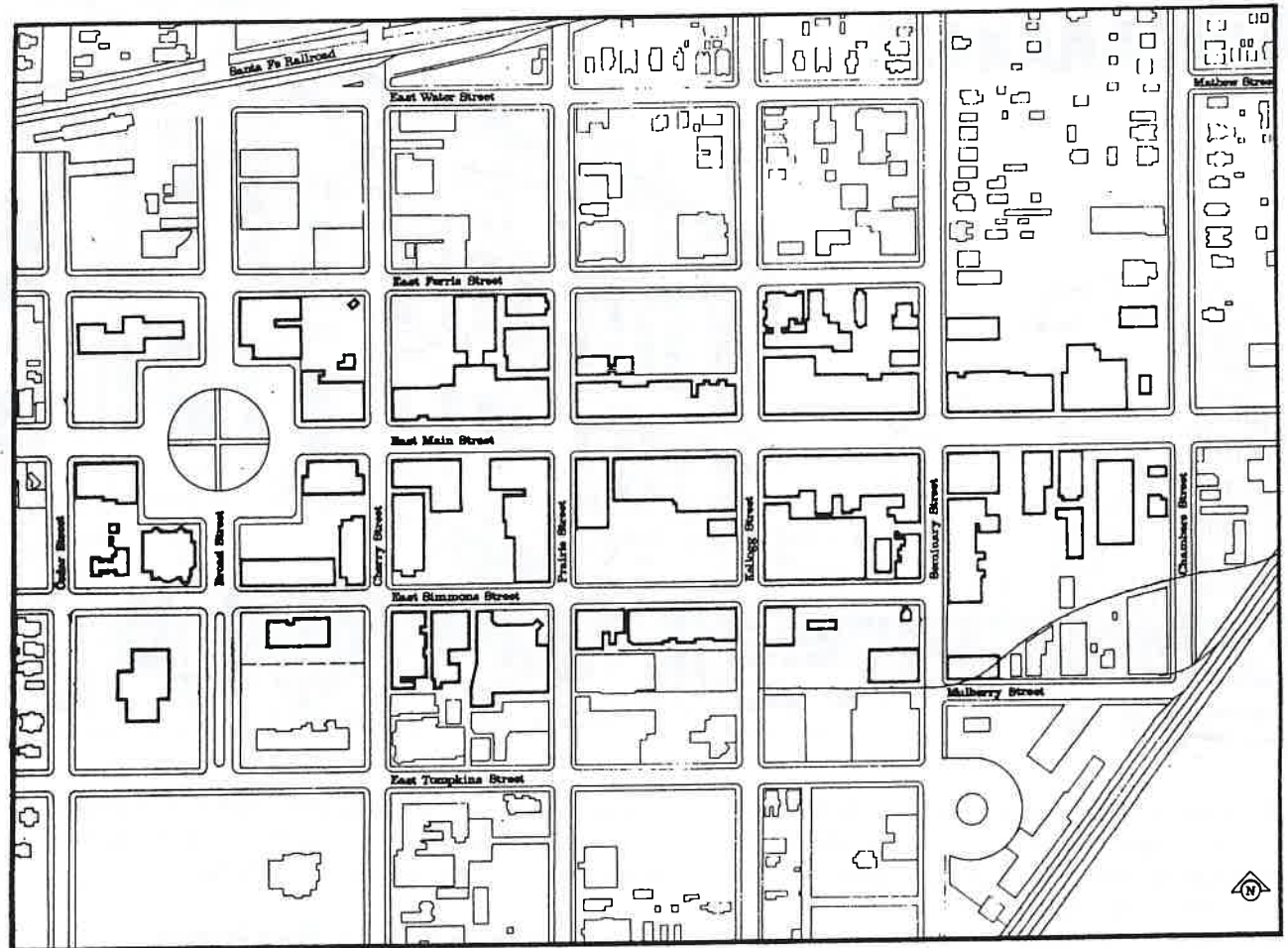
A Main Street revitalization program is intended to help you make the most of your location whether it is on Main Street or in a traditional neighborhood business district. While organizational, promotional and economic restructuring questions are also important to a Main Street revitalization program, this guide is designed to offer advice on the care of your property.

What improvements can make a building work better for you? How can you make it more attractive to shoppers? The following pages present suggestions for improving appearances, as well as ideas for prolonging the life of old buildings.

The practical advice offered here for restoration, rehabilitation or simply better maintenance can be augmented by more comprehensive guides listed in the reference section at the end of this publication. Also consult knowledgeable professionals in your community. Other sources of information and expertise include the State Historic Preservation Office, the state Main Street office, the Technical Preservation Services Division of the National Park Service and the National Main Street Center.

The rest depends on you and your building, your neighbor's buildings, the image you want your business to project, your means and your imagination. The improvements are yours to make.

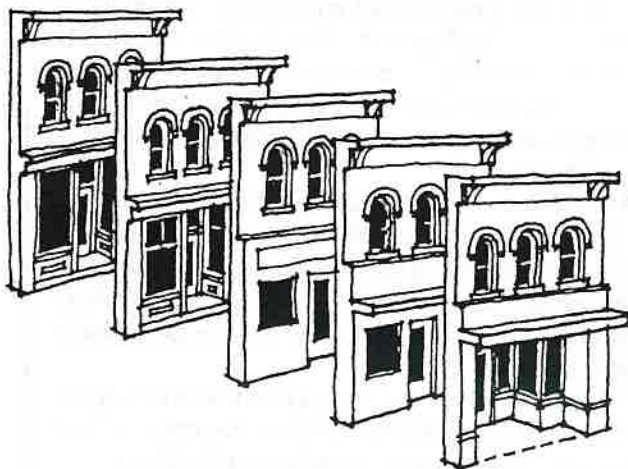
## The Main Street Study Area



*Galesburg, Ill., was one of the original Main Street communities. Its downtown is typical of thousands of commercial districts that have been revitalized using the Main Street four-point approach.*



# STOREFRONT DESIGN



We have looked at the evolution of the traditional Main Street facade and seen the changes that have been, and will continue to be made. Many are concentrated on the storefront. Generation after generation, storefronts change while upper facades and building cornices remain the same, deteriorate or disappear behind cover-ups.

Because of their relatively permanent nature, the upper facade and the building cornice are primarily maintenance and repair problems. (See guidelines on "Cornices" and "Upper-Story Windows.") The appearance of the storefront, on the other hand, is a design issue.

If you wish to restore the original storefront, a little research can be invaluable. Look in the local library for historic photos or postcards of your building. Ask previous owners if they have the original plans. Look for old maps or lithographs of your town; they often contain drawings of downtown buildings. Or your building may have been depicted in an old newspaper advertisement. Finally, examine the facade itself; you may find evidence of its original appearance.

However, you don't necessarily need to recreate the storefront's exact historic appearance. The following are ideas to consider if you are planning to change your storefront. Although each is founded on the traditional storefront, these ideas are not "historic" in nature. They are functional and designed to make the storefront more attractive and accessible to shoppers.

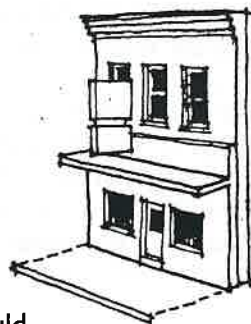
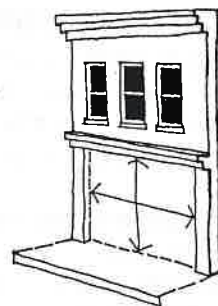
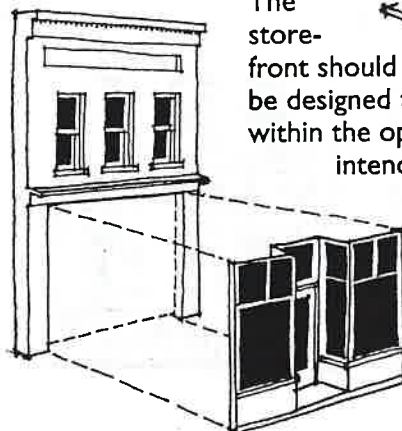
## Keeping the Storefront in Its Place

Every traditional Main Street building facade has a well-defined opening which the original storefront filled. It is the area bounded by the enframing storefront cornice and piers on the sides and top and by the sidewalk at the bottom.

Many problems with facades today arise from remodelings in which the storefront has been allowed to stray out of its natural surroundings. In such cases, the storefront no longer looks contained; instead, it looks as if it has been pasted on. One senses that the storefront is "out of control," that it dominates the building facade as a whole.

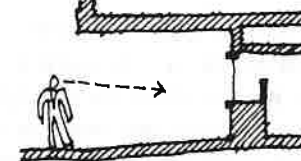
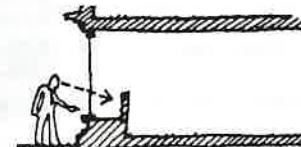
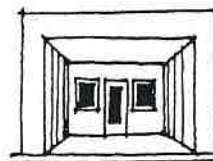
A general rule for future renovations can be stated as follows:

The storefront should be designed to fit within the opening originally intended for it and not extend beyond it.



## The Slightly Recessed Storefront

To emphasize the feeling of containment, a storefront might be set back slightly (six inches to a foot) from the front of the building.



It is common to see a remodeled storefront recessed as a whole or punched far back (3 to 15 feet) into the facade. Except for buildings constructed in the 1920s and '30s, this treatment is almost never historically accurate. Unless specifically designed to lure customers to the entry, deep recesses tend to isolate the storefront from the street. The pedestrian is not so tempted to stop, look in the window, and enter the store.

## The Recessed Entry

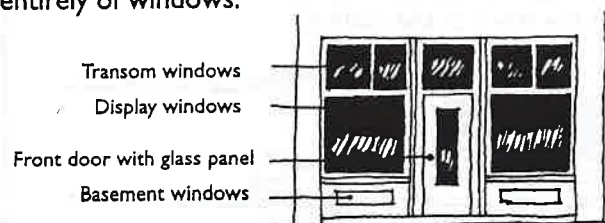
The traditional storefront had a recessed entry at the front door. This configuration accomplished two important things. First, it kept the display windows right next to the sidewalk, in full view of passersby. And, because the entry was recessed, this design emphasized the door. The intimacy of the enclosed and sheltered doorway seemed to invite the pedestrian inside.

This is a simple and logical storefront design. Regrettably, many storefronts no longer retain this form.

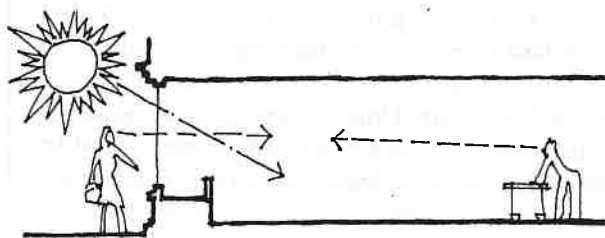


## The Storefront Windows

The traditional storefront was composed almost entirely of windows.

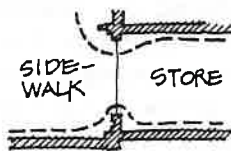


For very functional reasons, the storefront was designed to be as transparent as possible; this allowed a maximum of natural light into the typically narrow, otherwise windowless store space and relieved the closed-in feeling. It also gave the potential customer a good view into the store.



With this minimal barrier between store and sidewalk, the two seemed to merge into one. The store space became part of the public street, readily accessible to shoppers.

Many owners shy away from large storefront windows because of potential glass breakage. But the use of modern tempered glass can substantially reduce this problem.



Although often ignored, the idea of a transparent storefront is as valid today as it was in the past. For this reason, it is recommended that future storefronts, whether in new or existing buildings, be designed with the largest possible window area.

Many original storefronts also contain transoms above the display windows. When used in conjunc-

tion with white painted ceilings, these windows permitted sunlight to penetrate deep inside the shop, helping to illuminate merchandise displays and giving a pleasing quality of light. In many buildings, these windows have been covered, darkening the store's interior and changing the proportion and composition of the storefront. Often, simply removing the covering material will reveal intact transom windows.

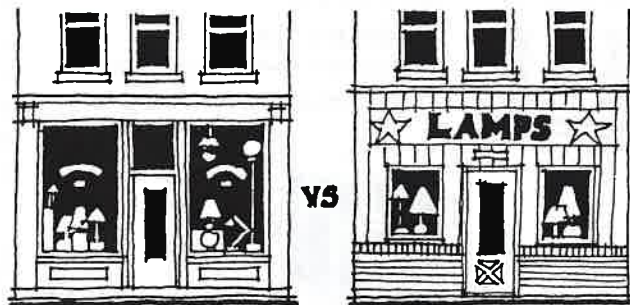
## Storefront Decoration

The design of the traditional storefront emphasized the display windows and entry door. Consequently, the storefront usually had only simple decoration. Shoppers were supposed to look through rather than at it.

At odds with this traditional concept, many remodeled storefronts were inappropriately decorated. Loud colors, patterns, textures, and signs all clamor for the customer's attention. They fight with one another and clash with the upper facade and building cornice. With all this decoration, a shopper hardly notices the display windows.



Merchants are encouraged to adopt a traditional strategy for storefront design, based on the attraction of the goods and services inside. Less emphasis should be placed on decoration for decoration's sake and more on the potential of the display window. (See "Window Displays.")



## Choosing Materials

The choice of materials can be critical to the overall success of your storefront design. Again, take a cue from the traditional storefront, whose simple and unobtrusive materials emphasized display windows and the entry door.

Today, many remodeled storefronts are made of materials that look out of place on Main Street because of color, texture, or a combination of the two. Not only do they clash with traditional commercial building facades; often, they are unattractive designs for any building.

As significant as the materials themselves is the way they are used. It is common to see a renovated facade that appears sloppy and disorganized because the materials have been carelessly applied. Haphazard combinations can destroy an otherwise pleasing design.

This problem is particularly evident at the "edges" — where the storefront touches the cornice and piers. (See "Keeping the Storefront in Its Place.")



In addition, the joint between your storefront and those of adjacent buildings should have a neat, controlled appearance. Remember that the visual impact of your facade design extends well beyond your building.



# HISTORIC ARCHITECTURAL DECORATION

Certainly one of the most striking aspects of the traditional facade is its eye-catching detail. Historically, decoration was freely used to embellish the facade. Often, today, only the decoration of the upper facade remains. Yet even in this incomplete state, details should be preserved.

Much of a downtown's visual character rests in its architectural detailing. You might think of a decoration as an antique. It is a blend of architecture and sculpture, an example of craftsmanship that would be difficult and costly to reproduce today.



## Identifying Materials

The first step in preserving detailing is to determine what kind of decoration you have. Basically, six types of materials have been used for decorations.

### 1. Brick

Decorative brick work can be found on buildings of almost any date. In detail, it ranges from elaborate corbeled cornices and bold window arches to decorated storefront piers. Brick detailing also occurs when bricks are laid in patterns in the upper facade of a building.



### 2. Stone

Sandstone, limestone, marble, granite, and other building stones are often found on the facades of Main Street buildings. For decorations, they range from elaborately carved corner details to arches over windows and doors to decorated stone quoins.

### 3. Cast-Iron and Sheet Metal

Metal decoration is usually found on buildings constructed before 1900. It was generally applied as an add-on to a masonry facade. Building and storefront cornices, window surrounds, and even entire facades can be recognized by the intricacy of the detail. Metal or cast-iron decorations are more durable than wood.

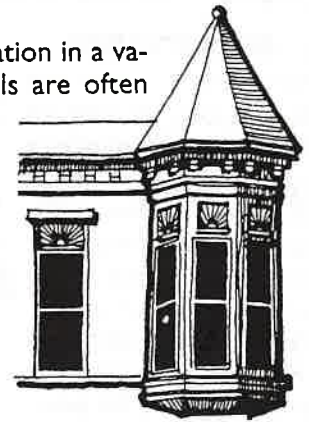


### 4. Wood

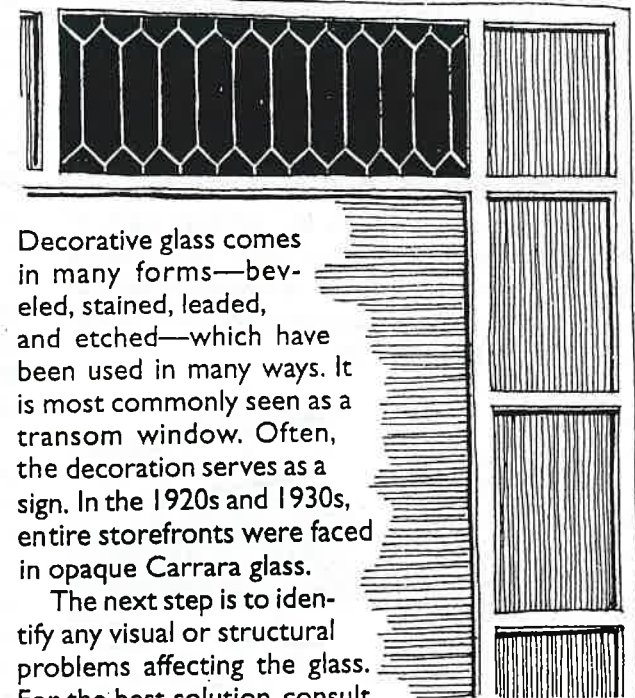
Wood was used for decoration in a variety of ways. Wood details are often subtle, like the moldings around windows. These less ornate details are nevertheless important to the total facade.

### 5. Terra Cotta

Decorative terra cotta was commonly used from 1890 to 1930. A ceramic material, terra cotta offered flexibility in form, color, and detail. Terra cotta was applied to buildings as a decorative veneer or installed as a masonry unit in combination with brick or stone.



### 6. Decorative Glass



Decorative glass comes in many forms—beveled, stained, leaded, and etched—which have been used in many ways. It is most commonly seen as a transom window. Often, the decoration serves as a sign. In the 1920s and 1930s, entire storefronts were faced in opaque Carrara glass.

The next step is to identify any visual or structural problems affecting the glass. For the best solution, consult a local, knowledgeable professional or tradesman and be sure to explain that you want to preserve the decorations.



## 1. Brick Problems

Many of the problems that affect decorative brick are the same as for masonry in general. (See "Masonry Cleaning.") In other cases, decorative brick work has been damaged during an earlier facade remodeling. If this is the problem, new replacement bricks of the same shape may be available or replacement decoration can be molded in a substitute material.



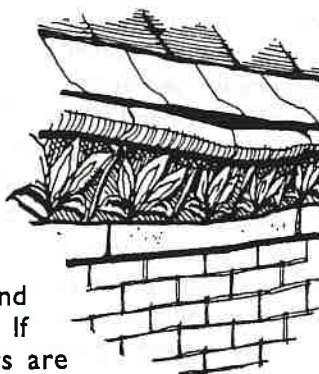
## 2. Stone Problems

Stone decorations are also subject to many of the problems discussed in "Masonry Cleaning." Decorative stone is subject to erosion from windblown grit and chemicals contained in rain and snow. The surface may also flake off if water penetrates into the stone. These problems require expert advice but can be cured.

## 3. Cast-Iron and Sheet Metal Problems

With metal decoration, look for obvious signs of deterioration: corrosion, tears, holes, and missing pieces. Look also for more subtle evidence, such as telltale rust and surface discoloration, often a sign of deterioration from within.

A sagging cornice can mean deterioration in the supporting wood framing. Since the metal decoration is applied to the surface, check its anchoring to the wall. Minor deterioration can be quickly solved by properly preparing, priming, and painting the decoration. If more extensive repairs are needed, a local, skilled metal worker can fabricate replacement parts. But again,

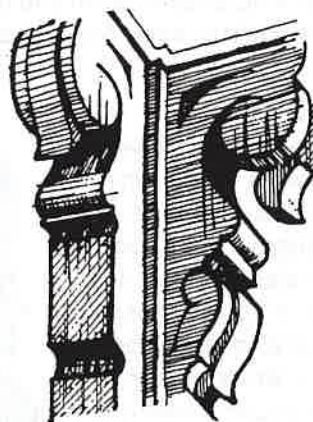


remember to communicate your desire to preserve the decoration.

## 4. Wood Problems

Wood decoration is very susceptible to deterioration. However, problems are easy to prevent through regular maintenance. When checking for problems, look for soft, dry, or split areas in the wood surfaces, especially those exposed to harsh weather.

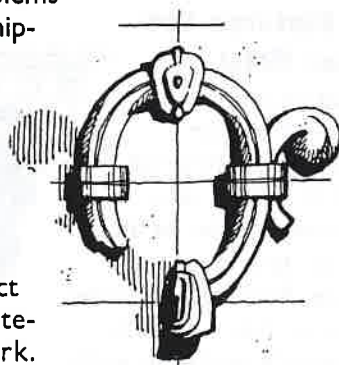
Up to a point, these problems can be fixed by filling and caulking the wood, then priming and painting. The wood may also be consolidated or hardened by using an epoxy injection. When repair is impossible, consult a local mill shop for a replacement piece that matches the existing detail.



## 5. Terra Cotta Problems

Since terra cotta is a cast-masonry product, many of its potential problems are the same as those that affect brick. Other problems include cracking and chipping of the glazed surface. Also check for loose anchoring of the terra cotta to the structural wall.

Since terra cotta is the most difficult material to work with, contact an expert for all maintenance and repair work. Great care should be exercised when dealing with this material because replacement terra cotta is extremely hard to find.



## 6. Decorative Glass Problems

One of the problems with glass decoration is that many times, it is covered up. Look for it in transoms or behind plywood window covers.

Sagging, if it occurs, means that the glass and the frame need to be reinforced with a brace. Other problems often occur with old leaded or stained glass. The metal between the glass panes, called the "came," may be either zinc or lead. Always use the same metal when making repairs.



## A General Approach

Any historic detail should be treated with care. First, maintain what you have. If necessary, repair or replace the detail by duplicating or complementing the original.

The addition of fake "historic" decoration to make a facade look "old" is not recommended. This will inevitably cheapen the quality of the facade.

## A Note on Substitute Materials

In some cases, it is appropriate, and less expensive, to replace a missing or badly deteriorated architectural decoration with a different material. If a substitute material is considered, it should have the same appearance—texture, color, size, shape, and detailing—as the original. It is also important to be sure that, when the temperature changes, the substitute material will expand and contract at a rate similar to the original.



# NEW INFILL CONSTRUCTION



The construction of new buildings on vacant lots downtown should be encouraged. Because this type of building fills a "hole" in the built environment, it is called *infill construction*.

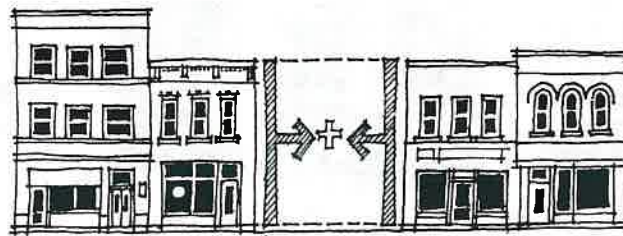
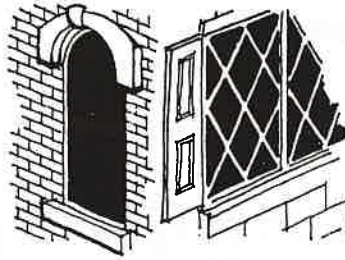
The design of a new infill building, particularly its front facade is a special challenge. It should be designed to look appropriate and compatible with surrounding buildings. Otherwise, the new building will look awkward and out of place.

What is good infill design? There is no pat answer; a good design will vary according to its setting. Professionals generally agree that because an infill building is new, it should look new. However, its appearance must be sensitive to the character of its neighbors.

The infill facade should not pretend to be historic by too closely mimicking older facades. Often, pseudo-Colonial or Victorian details are added to a new building in an attempt to make it blend in with older surroundings. This approach seldom succeeds;

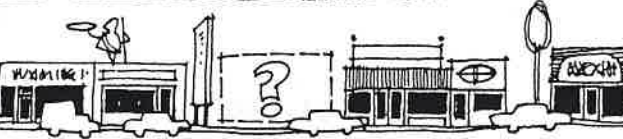
instead, it detracts from an area's character by compromising what is authentic and historic.

The central idea behind good infill construction is a simple one. To a large degree, the design of an infill facade should be an outgrowth of those around it. If the design of the new facade is based on those of its neighbors, it is sure to be compatible.



This approach strikes a proper balance between the existing architecture and good contemporary design. The modern designer is allowed the freedom of individual talent—within limits.

Since a good infill design responds to its surroundings, it is not possible to develop specific guidelines

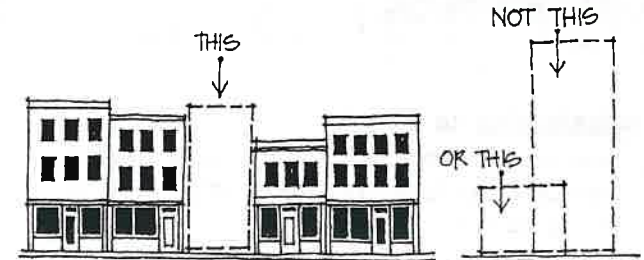


that will apply to all cases. Every site has its own design problems and opportunities.

There are, however, several general concepts that should govern the visual relationship between an infill building and its neighbors.

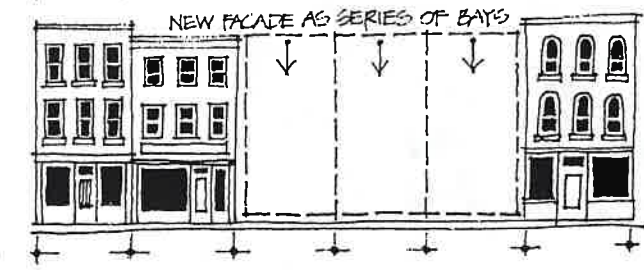
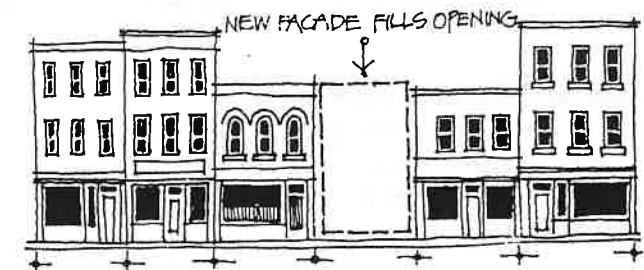
## 1. Height

Buildings in traditional commercial districts share a similar height. Infill construction should respect this. A new facade that is too high or low can interrupt this consistent quality.



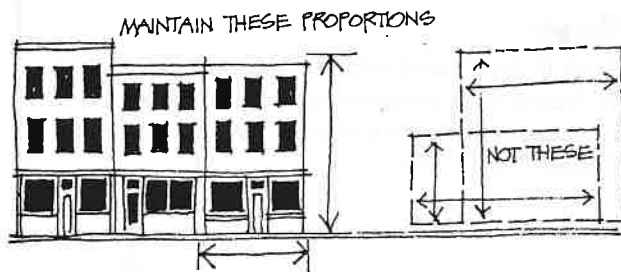
## 2. Width

The infill building should reflect the characteristic rhythm of the facades along the street. If the site is large, the mass of the facade can be divided into a number of small bays.



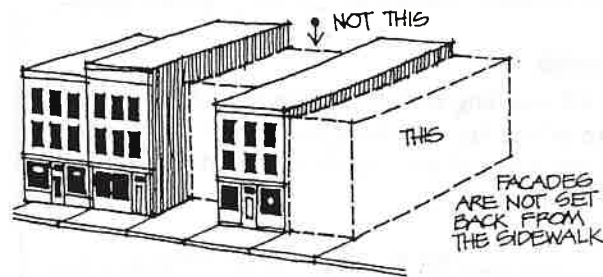
### 3. Proportion

The characteristic proportion (the relationship between height and width) of existing facades should be respected.



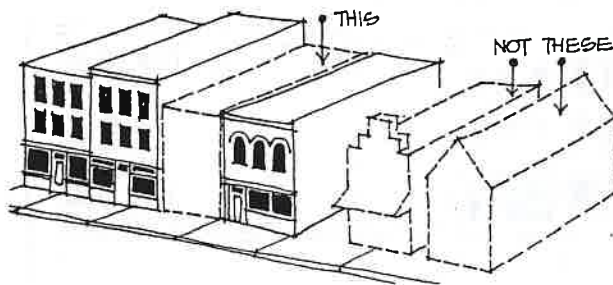
### 4. Relationship to Street

The new facade's relationship to the street (called the "setback") should be consistent with that of its neighboring buildings.



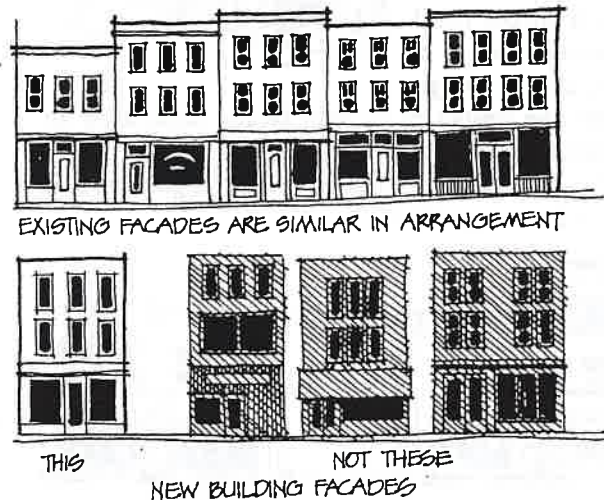
### 5. Roof and Cornice Forms

The form of the roof and building cornice should be similar to those on adjacent structures. On Main Street, this usually means a flat roof hidden behind a cornice.



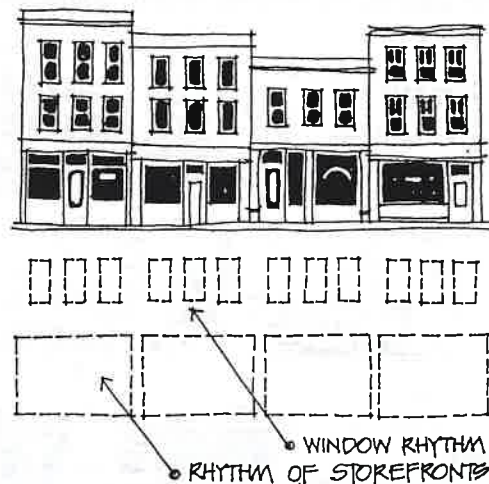
### 6. Composition

The composition of the infill facade (that is, the organization of its parts) should be similar to that of surrounding facades.



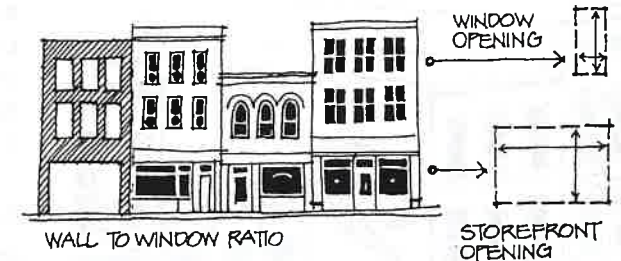
### 7. Rhythm

Rhythms that carry throughout the block (such as window spacing) should be incorporated into the new facade.



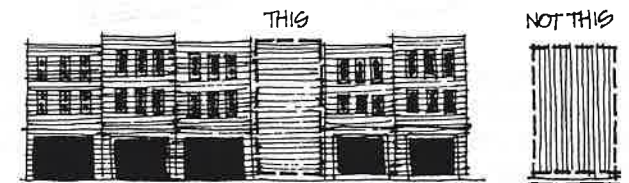
### 8. Proportions of Openings

The size and proportion of window and door openings should be similar to those on surrounding facades. The same applies to the ratio of window area to solid wall for the facade as a whole.



### 9. Materials

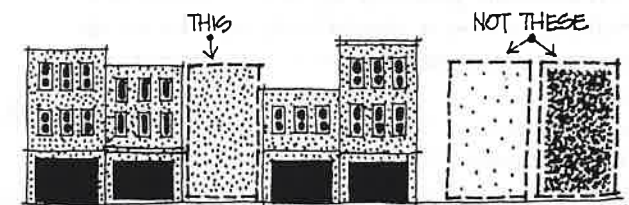
An infill facade should be composed of materials that complement adjacent facades. The new building should not stand out against others.



EXISTING FACADES OF SIMILAR MATERIALS

### 10. Color

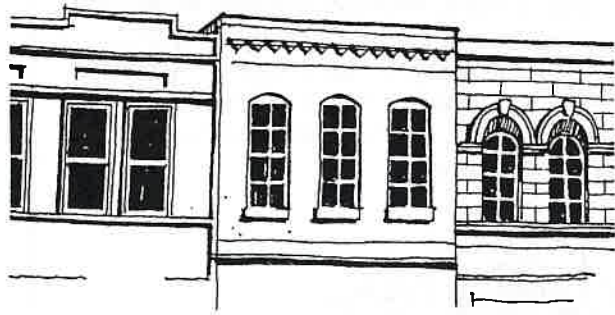
The colors chosen for an infill facade should tie it to its neighbors.



EXISTING FACADES OF COMPATIBLE COLORS



# UPPER FACADE AND BUILDING CORNICE



The visual importance of the upper facade and building cornice is evident in their steady march down Main Street. Of particular importance are the windows in the upper facade. They create a repeated pattern that helps tie together the facades.

Often, however, the upper facades have been neglected or replaced with inappropriate materials, and the windows have been boarded up. Deterioration or inappropriate changes not only alter the character of the building but change the image of the street- scape as well. Proper treatment and maintenance of the upper facade and cornice can prevent this problem.

Make a checklist of upper facade and cornice maintenance problems. Many can be solved and others prevented through regular care.



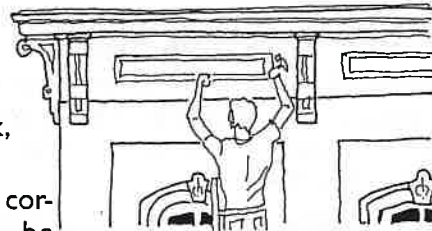
## Upper Facade Maintenance

Maintaining the upper facades on Main Street is usually a simple task. The facade may only need to be cleaned and painted; or, if constructed of masonry, it may have mortar joints that need to be repointed. In some cases, holes left by the removal of signs or other objects may need to be filled. (See "Masonry Cleaning" and Painting Your Building.")

Repairing and maintaining the upper facade may be more complicated. If details and decorations are damaged or missing, they should be repaired or replaced. (See "Historic Architectural Decoration.") On some commercial buildings, the upper facade has been completely covered with aluminum or some other material to make it look "modern." This type of change is inappropriate for buildings in traditional commercial districts. Coverings over front facades not only destroy their visual appeal but also give pigeons a place to roost. Removing the covering will allow the architecture of the upper facade to contribute to your business's image.

## Cornice Maintenance

Building cornices are often constructed of sheet metal applied over a wood frame, decorative wood molding, brick, or stone.



1. Sheet metal cornices should be painted regularly to prevent rust. Replacements for missing pieces can be fabricated. Be sure to check the wood support structure for rot or insect damage; if found, replace the deteriorated portions.

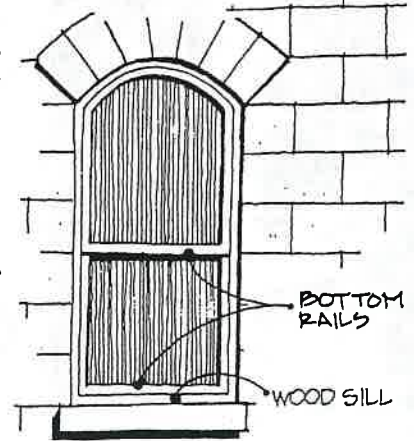
2. Decorative molded wood cornices should also be regularly painted. Missing or damaged pieces can be duplicated by a local wood worker.

3. If a projecting masonry (brick or stone) cornice has been destroyed during a previous remodeling, consider duplicating the original cornice design in another material, such as fiberglass or glass-fiber-reinforced concrete.

## Window Maintenance

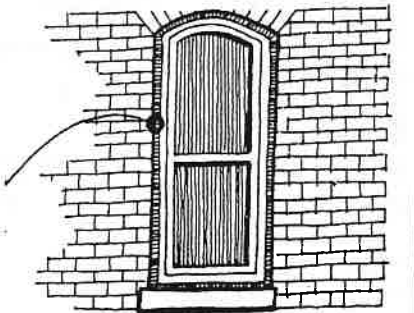
Before discussing specific window problems, a note of caution is in order. Various maintenance and repair materials (putty, caulk, primer, paint, etc.) are mentioned in the following paragraphs. Be aware that there are many specific types of these products. Consult a local expert to determine which will best solve your problems.

1. Check the wood parts of the window. Are some portions of the wood soft, cracked, or split? Pay particular attention to the window sills and the bottom of the window sashes (the bottom rails) where water has collected over the years.



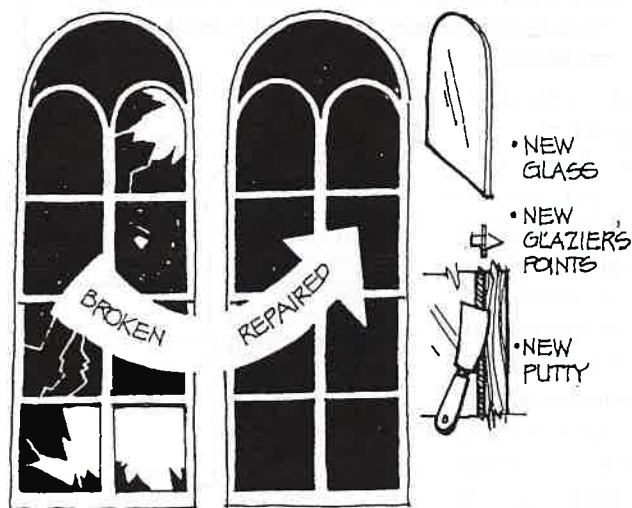
Minor problems can be easily solved. Proper treatment and a fresh coat of paint can repair wood and prevent further deterioration. Proper treatment may simply require scraping off old paint from the wood. Fill the cracks with caulk or wood putty; then sand, prime, and repaint. (See "Painting Your Building.") To repair more extensive damage, it may be necessary to apply a wood consolidate or replace the damaged sections.

2. Check the joints between the window and the opening. If the joints are loose or open, they should be caulked to prevent air and water infiltration. Be sure to use the proper caulking material.



Caulk between window and its opening

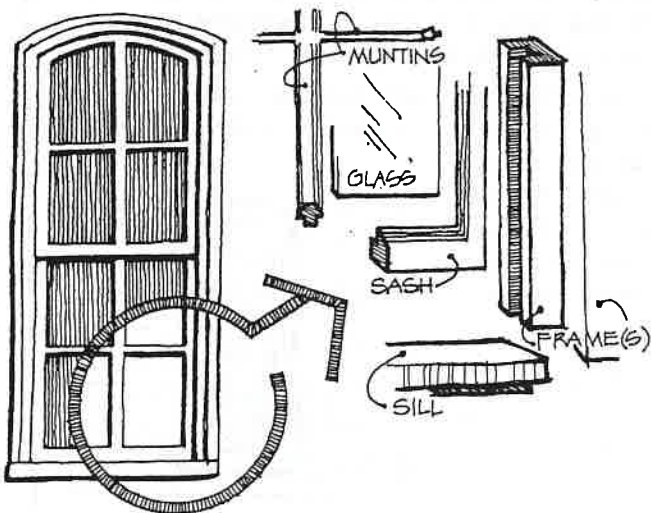
3. Loose or broken window panes are easily fixed. First, remove all broken glass and old glazing putty. Find new glass to match the size, color, and reflectivity of existing panes. Install the glass using the appropriate glazier's points and putty.



## Window Repair

If simple maintenance does not solve your window problems, more extensive repair may be required.

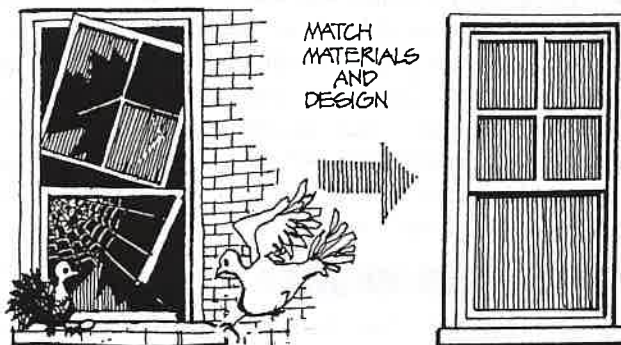
1. Wood may be badly deteriorated. Most likely, it is the sill or bottom rail of the sash. These parts can be replaced without installing a whole new window.



Check with your local lumber supply store or mill shop for pieces that match the original window.

2. If your window doesn't operate the way it used to, it may be painted shut. Tapping the sash with a hammer wrapped in cloth and carefully cutting the paint between the sash and the frame with a sharp knife should solve the problem. "Soaping" the window tracks will help the window slide better.

3. Another common malfunction is a broken window mechanism. If the sash locks, cords, or weights are broken, consult a window dealer or builder. He or she can show you the simplest way to fix the mechanism without replacing the entire window.



## Window Replacement

If all other efforts to maintain or repair a window have failed, consider replacing the entire window unit. In the long run, this may be the best, most economical alternative.

1. Find replacements that match the existing units. Standard wood windows are relatively easy to buy or have made. More unusual styles are usually custom-made, but not as expensive as you might think.

2. Consider the window opening. Do not alter the existing openings to fit the new windows; instead, make sure windows fill the openings.

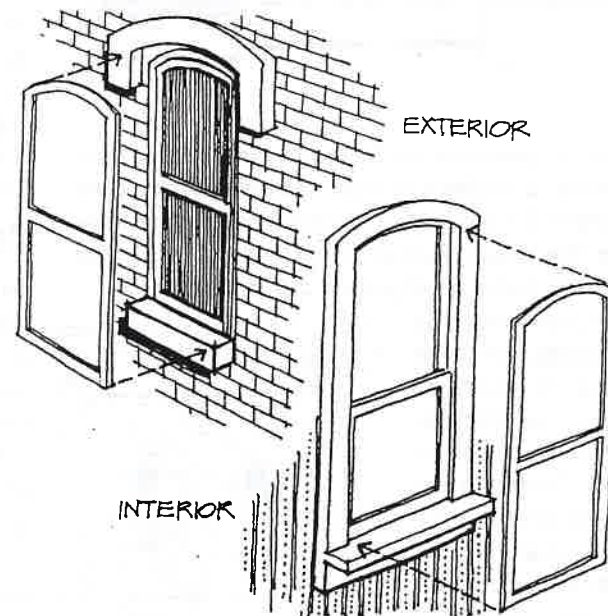
3. Consider material and color as well. If you must use aluminum or metal-clad replacement windows, a dark anodized finish is preferable to a light metallic color.

4. The number of glass panes and the profiles of the sash rails and muntins should match the original as

closely as possible. Avoid fake "historic" or very modern-looking windows that do not fit the style of your building. Do not add shutters to your upper-floor windows either; they are appropriate for residential, but not commercial, buildings.

## Storm Windows

Insulating storm windows can help conserve heat and energy, but they often look wrong on an older facade. For this reason, consider installing them on the inside of the window where they won't be seen. Make sure that interior storm windows are properly vented so that moisture does not build up between the windows.



If storm windows are installed on the outside, their design should match the existing window in shape, number, and size of panes and color. If metal storm windows are used, an anodized or baked-on finish is less obtrusive than plain aluminum and will be more compatible with the building's appearance.



# DOORS



## The Front Door

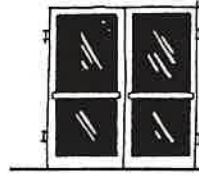
Historically, the storefront entry was more than just a door. Its design and appearance reflected its commercial importance. Tall and stately in proportion, and built of wood with a large glass panel, the traditional storefront door looked substantial yet inviting to the customer.



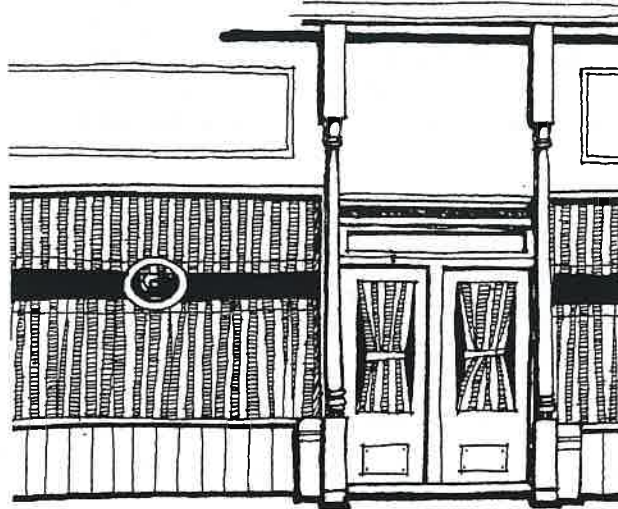
The idea of making the front door special is one that you should remember today. Entering your store should be a pleasant experience. You want your customers to feel a special invitation as they approach and open the door.



Original storefront doors along Main Street have become scarce. They have been replaced by the standard aluminum and glass commercial doors, or by doors more appropriate to residential buildings. Although modern aluminum doors lack historic character, this type of door cannot always be considered inappropriate. Its simple appearance makes it unobtrusive. However, if you want to enhance the personality of your store, you should consider other options.



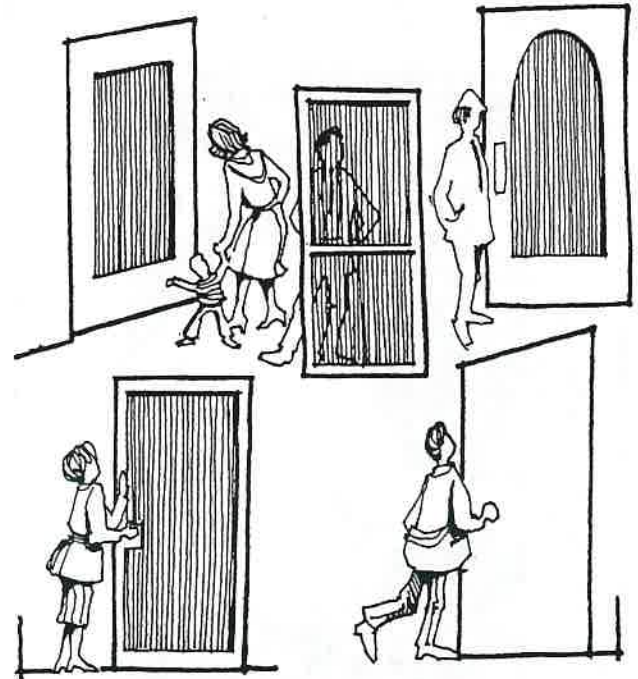
1. Your front door should be compatible with the rest of your storefront. It should be significant but not outspoken.
2. If your storefront retains its original character, a traditional wood door with a glass panel (as tall as possible) will reinforce the building's design. Try to



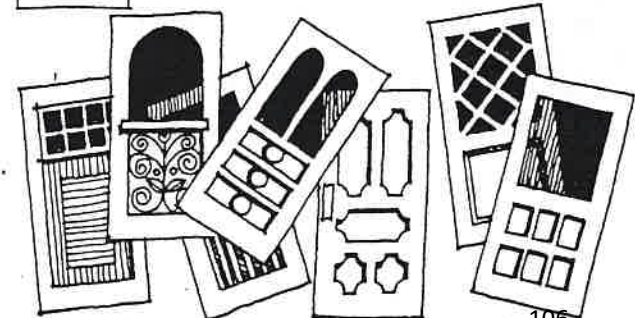
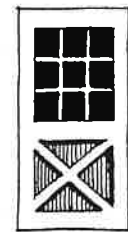
find a salvaged older door to fix up or purchase a new door that fits the storefront's appearance.

3. If traditional appearance is not a concern, choose a door based on the total design of your storefront. Many door sizes and designs are available in both wood and metal. If you choose the standard aluminum and glass door, consider a dark, anodized finish

rather than a light, metallic color. The following illustration shows some new door designs that may be appropriate.



4. Avoid overdecorating the entry door. Most fake "historic" doors are decorated with designs, moldings, and window grilles that look residential, and thus out of place on Main Street. The same holds true for many contemporary door designs. The door should reinforce the character of your building as well as beckon customers inside.



Consider the use of subtle decorations on the door. A handsome door knob or pull, a brass kickplate, or an attractive painted sign on the glass is enough to turn your door into something special.



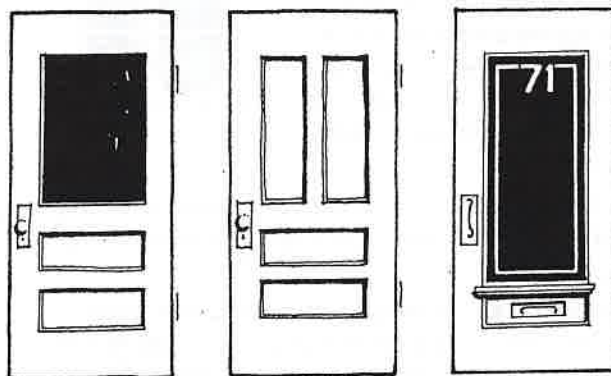
## The Secondary Doors

The typical Main Street building often had an additional door on the front to permit access to the upper floors.

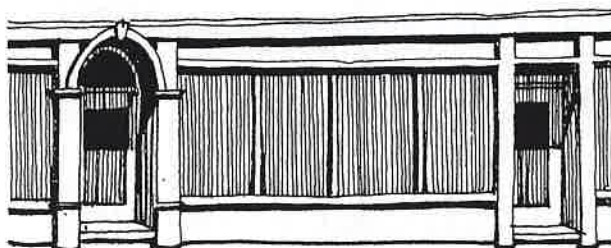
Compared to the storefront entrance, this second door was slightly more modest in design and

usually not recessed as deeply. If you are selecting a new door for this location, you may find the following ideas helpful:

1. If you choose to maintain a traditional storefront design, an old solid or glass-paneled wood door is most appropriate.



2. Whatever your choice, this door should be less prominent than the storefront door. The second front door should fit into the overall facade without drawing undue attention to itself. A door that is too fancy would look out of place in these surroundings.

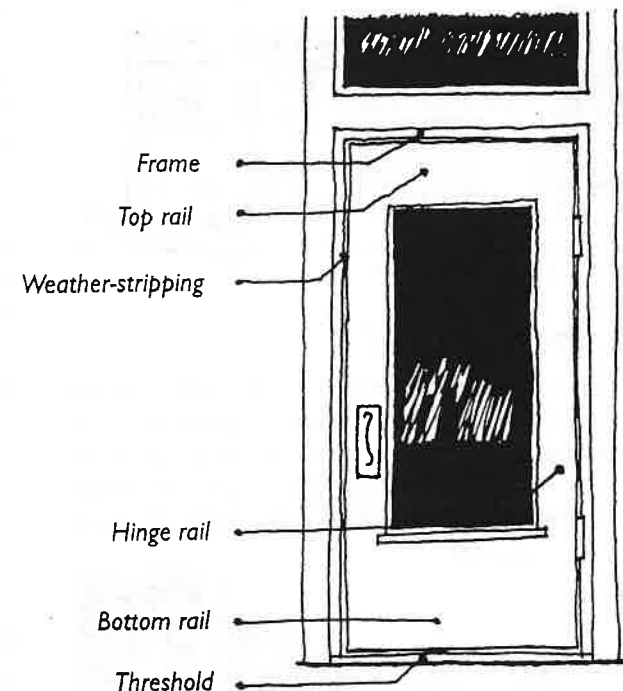


Main Front Entrance

Secondary Entrance

## A Note on Maintenance

If any of the doors in your building are old but workable, you should certainly consider keeping them. If the doors are made of wood, maintenance is very



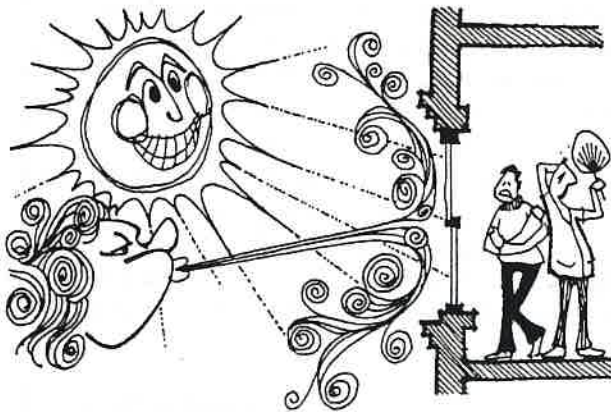
important. Keep them clean and in good working order.

Check the wood for problems. Are portions of the wood soft, cracked, or split? Does the door have insect damage? Pay particular attention to the threshold, bottom rail, and hinge rail.

Is the weather-stripping in good repair? Does the door fit snugly in the frame, or is it too tight? Check the hardware. Are the locks, hinges, and closer in working order? Remember, it is often less expensive to repair a door than replace it.

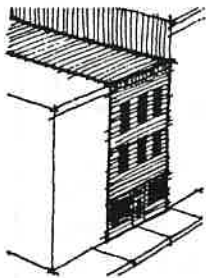


# ENERGY CONSERVATION

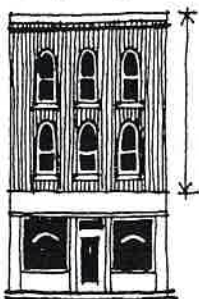


Energy conservation in a building means minimizing its energy needs and maximizing the comfort of its occupants. If properly treated, most old commercial buildings can be as energy efficient as new ones. The process is not particularly costly, but it does require a commitment to identify and solve some specific problems.

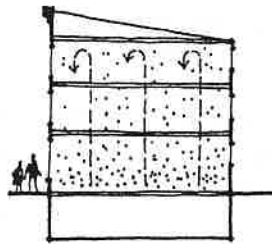
1. The traditional commercial building has some basic characteristics that help save energy.



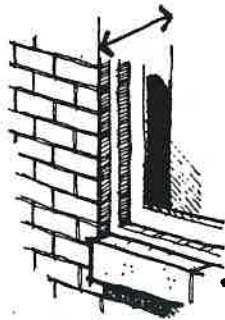
Relatively little of the building is exposed. Sides are usually covered (and insulated) by adjacent buildings.



Above the storefront, the windows tend to be small and widely spaced. Compare this to the typical facade of a new building.



In buildings with several floors, the upper stories trap and use heat rising from the lower floors.

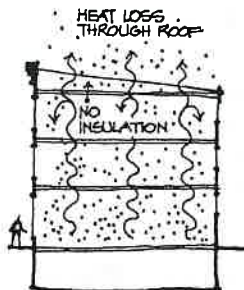


Masonry construction offers good insulation. Also, the walls are usually rather thick.

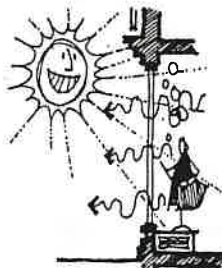
2. However, old commercial buildings also have some typical energy problems.



In many cases, old windows and doors have not been maintained. Consequently, they leak air and moisture.



Uninsulated flat roofs lose much usable heat during the winter.



Large storefront windows lose heat in the winter and let in hot air during the summer.

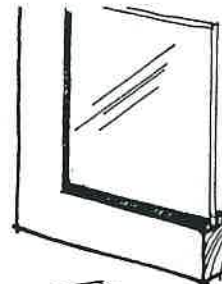


Old heating systems are often inefficient and outdated.

3. Windows and doors should be sealed as tightly as possible. When closed, they should not leak air or moisture.



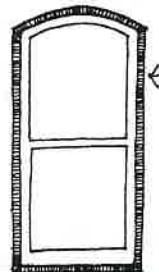
Repair all windows and doors so that all their parts fit together tightly.



Reglaze all loose or broken window panes.

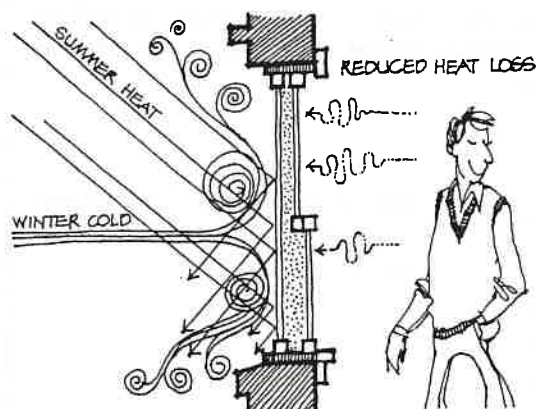


Carefully weather-strip all window and door openings.



Caulk the cracks between all nonmoving window and door parts, as well as any cracks between the window or door and its openings.

4. Storm windows can greatly reduce winter heat loss through wall openings. While rather impractical for the storefront—the constant opening and closing of the door negates their value—the use of storm windows on the upper facade and the rear and side walls should be considered.

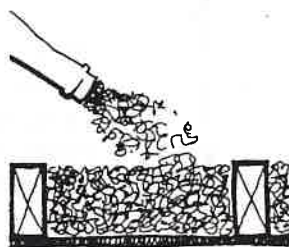


5. Carefully applied insulation can greatly improve a building's energy efficiency. While many kinds are available, two are most appropriate for downtown buildings.

Fiberglass insulation consists of spun fibers attached to a paper backing. It is laid by hand and can be stapled to wood studs for joists.

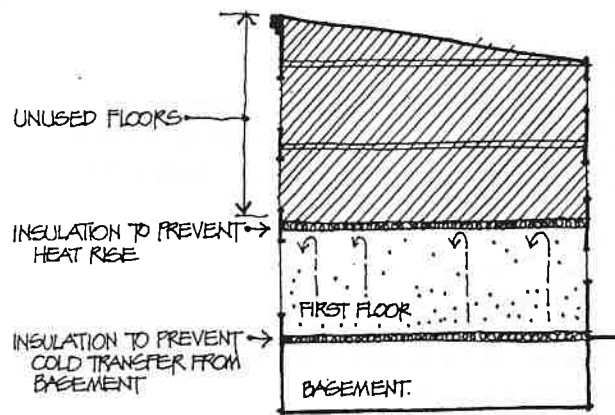


The paper acts as a moisture barrier and must be installed correctly to prevent maintenance problems. The second type of appropriate insulation is cellulose, a shredded paper treated with a fire retardant. Installed through use of a mechanical blower, cellulose is ideal for relatively inaccessible parts of a building. However, cellulose and other types of blown-in insulation do not usually come with a mois-



ture barrier, thus creating future maintenance problems. And, over time, cellulose compacts, losing some of its insulation value.

As a general rule, the thicker the insulation, the better. Proper placement is also important. The roof is a critical location because much winter heat loss occurs there.

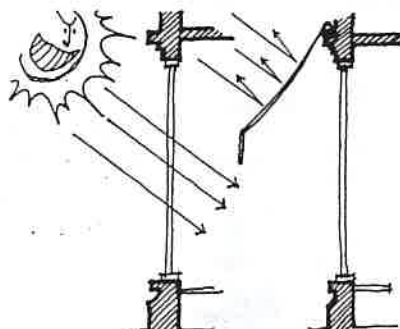


If the upper floors are not in use, consider insulating the second floor to trap heat below it. Insulation of the first floor will protect the store from the cold basement space.

If insulation is installed in the roof, walls, or between floors, be sure to include a moisture barrier and vents. Without them, moisture may become trapped and create maintenance problems.

6. With all its glass, the storefront presents special energy problems. It loses heat in the winter and, if exposed to the summer sun, it gains heat.

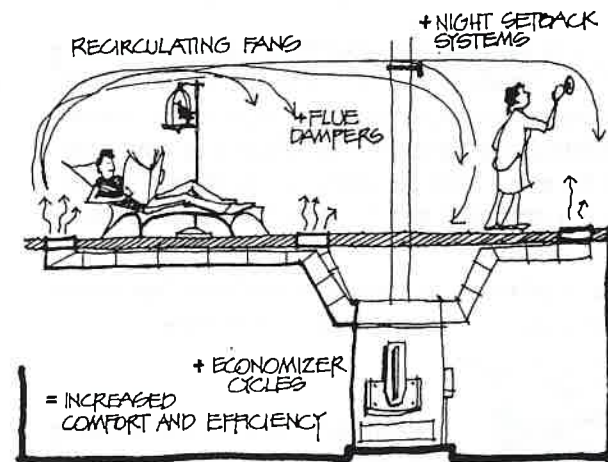
Where the sun is a factor, an awning or canopy can provide a partial solution. (See "Awnings and Canopies" guideline.) An operable awning can be extended in the summer to shade the storefront. Retracted in winter, it can allow sunlight into the store.



Insulated or tinted glass can also reduce the energy inefficiency of a storefront window. While some of the value of insulated glass will be lost by constant opening and closing of the door, the nighttime protection can be substantial.

Locating heat vents near storefront windows can minimize the discomfort of winter heat loss and help prevent condensation on the glass. Good weatherstripping and caulking of storefront windows and doors can also minimize heat loss.

7. If your present heating system is old and inefficient, it is probably wasting energy. Have it checked and consider replacing it if possible. Since a wide variety of systems and heating units are available, carefully consider the benefits and drawbacks of each one.

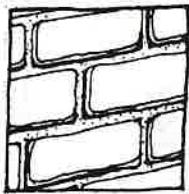


Does the heating system you are considering have options that will save you money in the long run? Economizer cycles, night setback systems, flue dampers, and recirculating fans are all devices that improve energy efficiency.

If the new heating system requires installation of metal ducts, try to conceal them in the basement. If they must be hung inside the shop, have them designed so that they blend with the building's interior and do not cover the transom windows.



# MASONRY CLEANING



CLEAN BRICK



DIRTY BRICK



PAINTED BRICK

The decision to clean the surface of your building is partly a matter of appearance and partly a maintenance issue. Cleaning can give it new life, restoring the natural qualities of the brick or stone.

There are, however, functional reasons for cleaning masonry. Dirty areas on brick or stone remain wet for a longer period of time. This dampness can promote chemical reactions that lead to deterioration. Harmful microorganisms also thrive in dirt, in time damaging the building surface.

Masonry cleaning can lighten the load of building maintenance as well. An owner who cleans the paint from his or her building, opting for the natural color of the brick or stone, eliminates the periodic chore of repainting.

But a word of caution—improper cleaning can cause masonry deterioration to accelerate. After several years, this deterioration can affect the structural stability of your building. In addition, before deciding to remove paint from a building, particularly one made of brick, try to determine if the building has always been painted. Some of Main Street's masonry buildings were built of soft brick that was meant to be painted as protection from the weather.

Masonry cleaning is a technical subject about which the National Trust's Main Street Center, the National Park Service's Division of Technical Assistance, and your state historic preservation office have accumulated much material. Don't hesitate to ask for advice.

The following is a list of steps to consider when deciding whether to clean your building:

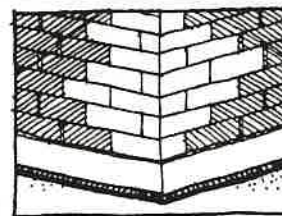
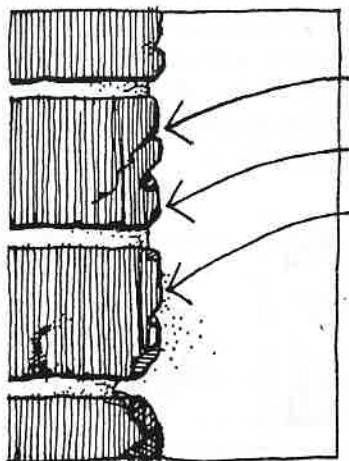
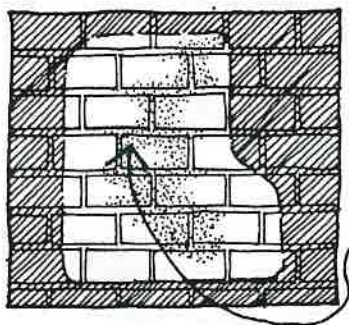
1. Consult an expert who can help you inspect the surface and determine the safest, most efficient method of cleaning.

2. To be on the safe side, pay for a test patch. Evaluate the effectiveness of the cleaning method. Some forms of dirt and paint are difficult to remove.

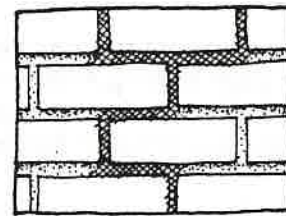
3. Let the test patch weather for several months. Any problems with the cleaning method will show up during this period. Residue from the cleaning should not be left on the brick or stone.

4. After the test patch has been completed, examine the masonry. Note whether there are too many pock marks. Are the edges too rounded? Does the face of the masonry rub off when you touch it? Some masonry may be too soft to clean.

5. Check any alterations to the original building. Brick or stone used to fill in old, unused doors or windows or to construct additions



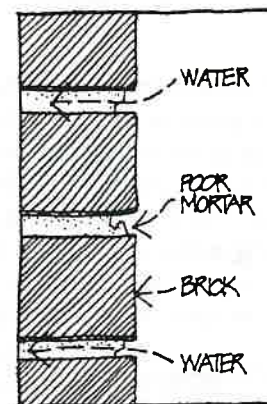
A PATCHED AREA MAY NOT MATCH THE ORIGINAL BRICK.



REPOINTING MORTAR MAY NOT MATCH OLD MORTAR COLOR OR TEXTURE.

may be unsightly or a different color than the original. Perhaps the building was first painted to conceal these differences and thus should be repainted.

6. Inspect the mortar between the masonry units. Poor pointing could allow water to seep into the building and cause damage. An expert can help you decide whether to repoint before or after cleaning. (Be sure to use the appropriate mortar type; the wrong choice can lead to visual and/or structural problems.)



7. After the test, look at the original color of the masonry. Do you like it?

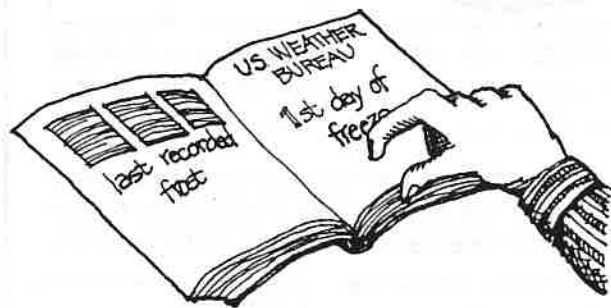
8. Be sure the company you choose to clean your building has a good reputation. If possible, take the time to investigate examples of its previous work yourself.

9. Look at the area surrounding your building. Shrubs, trees, or ground cover will need protection. Whoever does the cleaning should agree to cover the plant material and soil around the plants. Use a water-resistant material.

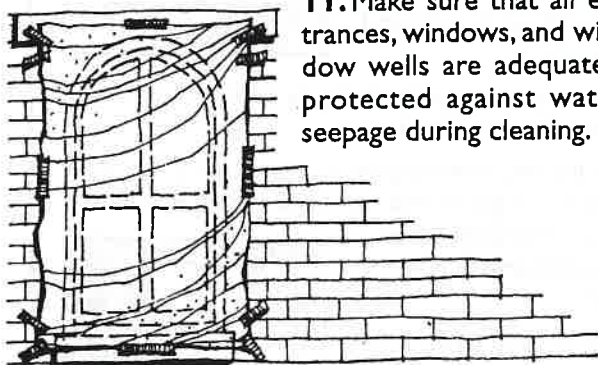




**10.** Think about the weather when you decide to clean your building. Avoid wet cleaning operations when a danger of frost may exist. Verify freeze dates with the U.S. Weather Bureau.



If you are doing more than one maintenance task on the exterior of your building, plan a work schedule. Some work should be done before cleaning; other work is best done afterward. For example, it is usually best to caulk around windows before the cleaning process (to keep water out of the joints), but to paint them after (to ensure that the paint is not disturbed during cleaning).



**11.** Make sure that all entrances, windows, and window wells are adequately protected against water seepage during cleaning.

## Processes

Several methods are used to clean masonry buildings. Choosing one method over another should be based on:

- the amount and type of soil to be removed
- the amount and type of paint to be removed
- the type and condition of the masonry



It is *most important* to understand how your building material will interact, physically and chemically, with the cleaner. If you don't know, ask for help. Be sure to take your time and learn about the various processes.

### Water Cleaning

Cleaning with water sounds easy, and it can be the most economical way to clean a dirty building. But do watch for potential problems. For instance, ask about the mineral composition of your city's water supply. Some minerals could leave stains on your building; check with the cleaning company.



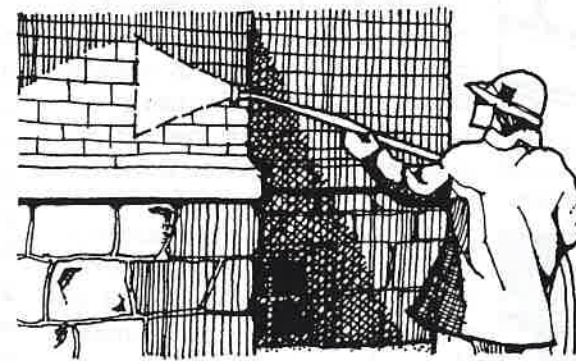
Areas of the building that are especially dirty may require a good deal of manual scrubbing and strong detergent. The increased work hours can raise the total cost of the job.

Be sure to use only bristle brushes, not metal. Metal can disturb the mortar and damage masonry.



### Chemical Cleaning

Finding the right chemical for the job is the biggest challenge. Every company seems to have a secret formula. Remember that chemical cleaners can either be alkaline or acidic.



Be sure to choose the right kind of chemical for your building. Acidic products, for example, should never be used on limestone or marble buildings.

The masonry is usually pre-wet to soften any dirt. The chemical is then applied and left on the building surface. Finally, the cleaner is rinsed off, usually with water. When the building is rinsed, make certain that *all* of the chemical is washed off. Be sure the runoff is collected before it can enter the storm drainage system or soak into the ground.



### Abrasive Blasting

Sounds tough? It is! Fine particles, such as sand, are forced with air or, sometimes, water through a nozzle. Blasting is *never* recommended because it can damage or erode masonry surfaces.



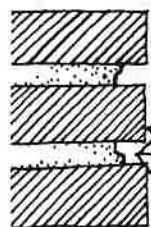
# PAINTING YOUR BUILDING



Painting can be one of the most dramatic improvements you make to your building. But you must know what steps to take. The following procedures will help smooth the way for a successful paint job:

**1. Determine what you need to prepare for painting.** Check all the wood. Is it sound or rotting? Does it have insect damage? Repair or replace any damaged areas that you find.

If you have a masonry building and need to repaint it, first check the mortar. If the building needs repointing, do that before painting.

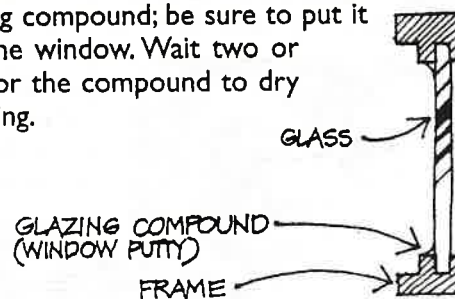


EXTERIOR BRICK  
DETERIORATED MORTAR, REPOINT  
BEFORE PAINTING

**2. Plan a painting schedule.** Some times of the year are better than others for painting. Good weather usually ensures a better paint job. Ask your local paint dealer for assistance.



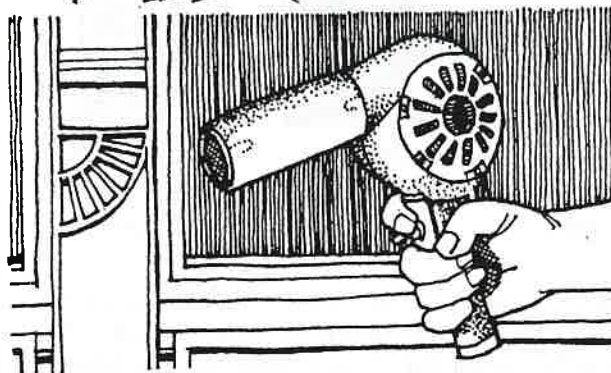
**3. Check the condition of your windows.** Install new glass as necessary. Replace any deteriorated putty with a glazing compound; be sure to put it all around the window. Wait two or three days for the compound to dry before painting.



**4. Prepare the surface adequately.** Be sure to remove all peeling and loose paint. A variety of tools can be used: a wire brush, a scraper, a blow torch, or an electric heat gun. Use these last two devices carefully; employ only enough heat to soften the paint so that it can be easily removed.

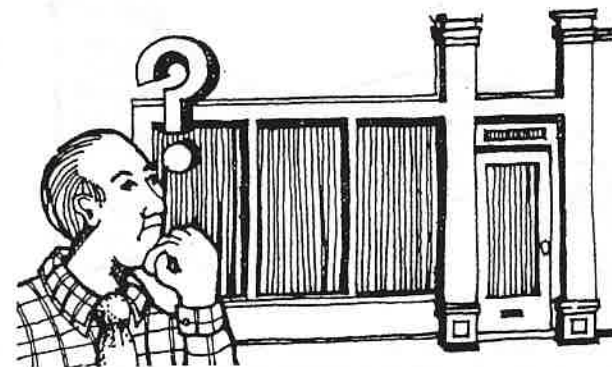


REMOVE ALL PEELING  
OR LOOSE PAINT.



**5. A primer should be used for all bare wood surfaces** as it helps the final coat adhere. Mix a little of the finish coat paint with the primer to achieve a richer color.

**6. Determine the type of paint best suited for your building.** Stone, brick, wood, concrete block, and metal all require different paints and primers.



**7. Which kind of paint should you use, oil or latex?** There are advantages and disadvantages to each.

- More durable
- Some feel it preserves wood and adheres better
- More difficult to clean up
- Less durable
- Easier to apply
- Easier to clean up



**An important reminder:** Once you use latex, you must continue to use it. It is difficult to switch back to oil. If you have been using an oil-based paint, it is best to continue with oil.

**8. Be aware that there are three degrees of shine for paint:** gloss, semigloss, and flat or matte.

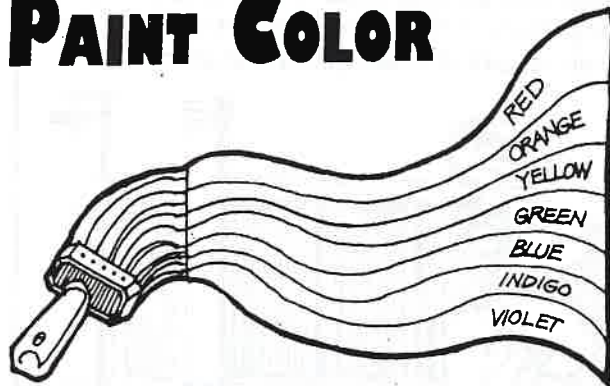
**9. Remember that quality paint will last longer than a cheap brand.** It will not fade or peel as quickly and usually gives better coverage.

## A Note on Lead Paint

If your building is more than 50 years old, it may contain lead-based paint. If you are removing the existing paint as part of the repainting process, have a sample tested. It is *imperative* that the testing be done by a reputable company or by a state testing lab. If there is a problem, contact your state environmental department for information on options for removing or encasing the lead-based paint.



# PAINT COLOR

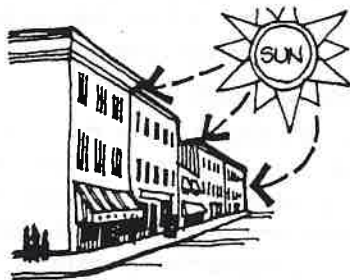


The color you paint your building, window trim, or door is, to some extent, a personal decision. It is an expression of yourself and your commercial establishment. However, there are other people and things to think about. The following procedures can help you decide what colors to use on your building.

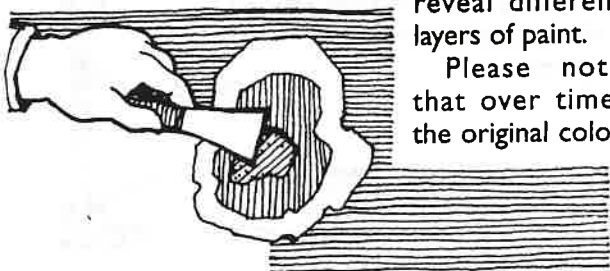


1. Be a good neighbor and look at your building in the context of the entire block or downtown. The color of your building can affect the overall character of Main Street.

2. Think about how the sun strikes your building. The amount of sunlight can change the hue of paint color. Hold a paint chip to your building on cloudy and sunny days. To be certain about your color choice, invest in a quart of paint and apply it. There is a great difference between a small color chip and an entire wall.



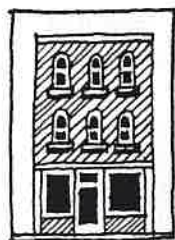
3. Decide whether you'd like to return your building to its original paint colors. If you are seeking historical accuracy, carefully scrape a small area to reveal different layers of paint.



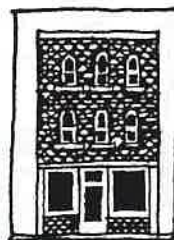
Please note that over time, the original color

may have faded. To get a better idea of the true color, wet the original surface. The base color will appear more accurately when moist.

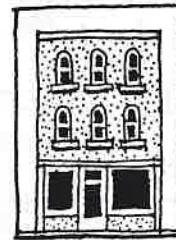
4. Color schemes for commercial buildings differ by region of the country. They also differ according to the period when the building was constructed. In addition to scraping a small area of the building to determine its historic color, consult the state historic preservation office for information on popular paint colors during the decade when your building was put up.



MID 1800'S  
SOFT, NEUTRAL  
TINTS



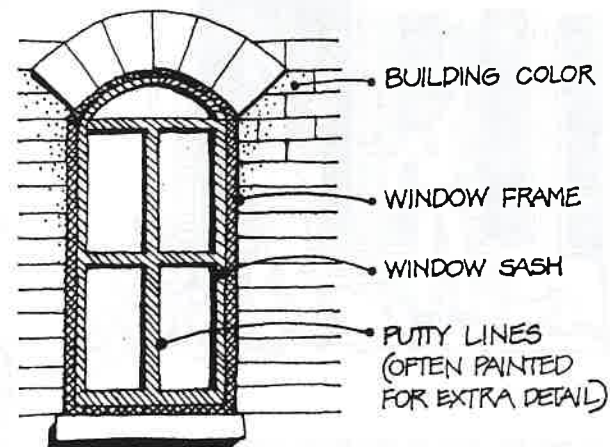
LATE 1800'S  
DARKER, RICHER  
SHADES



EARLY 1900'S  
LIGHTER, CALMER  
COLORS

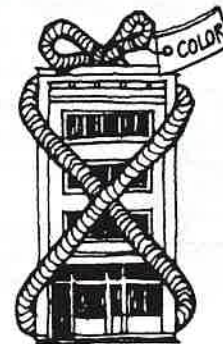
5. It is important to remember that white paint was not used as widely during the Victorian period as it is today. White is a glaring color that does not blend in readily with most downtown environments.

6. Traditionally, building trim was painted as decoration, often in a contrasting shade lighter or darker than the primary building color. This paint treatment defined the trim, but it was not so overpowering that the trim colors dominated the building.



7. Today, aluminum frames have frequently replaced traditional wood doors and windows. The shine and metallic color of the aluminum do not complement historic buildings. Paint them a more neutral color or choose darker, anodized frames.

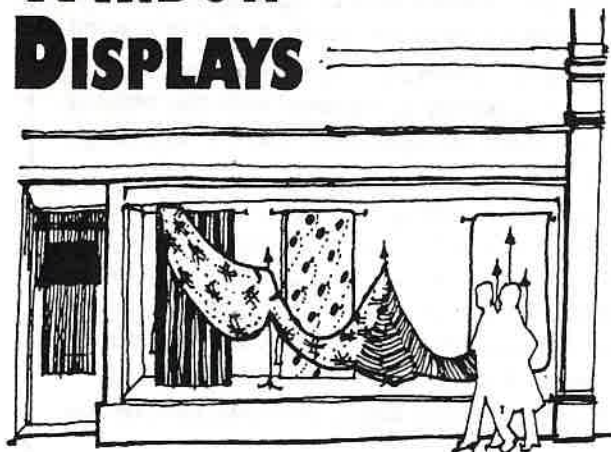
8. Paint color should be used to tie together all building elements, including the cornice, upper facade, windows, storefront, and doors. To do this, you must limit the number of colors you use; in most cases, choose no more than three and be sure to select complementary colors.



9. With these procedures in mind, express the identity of your business through paint color. It adds to the richness and variety of Main Street.



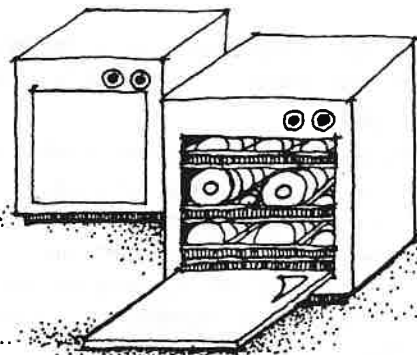
# WINDOW DISPLAYS



Window displays should be an attractive part of your storefront—a pedestrian-level sign. Well-designed displays help draw customers into your store. However, to create a window display that really works for your business, you must expend a little thought and effort.

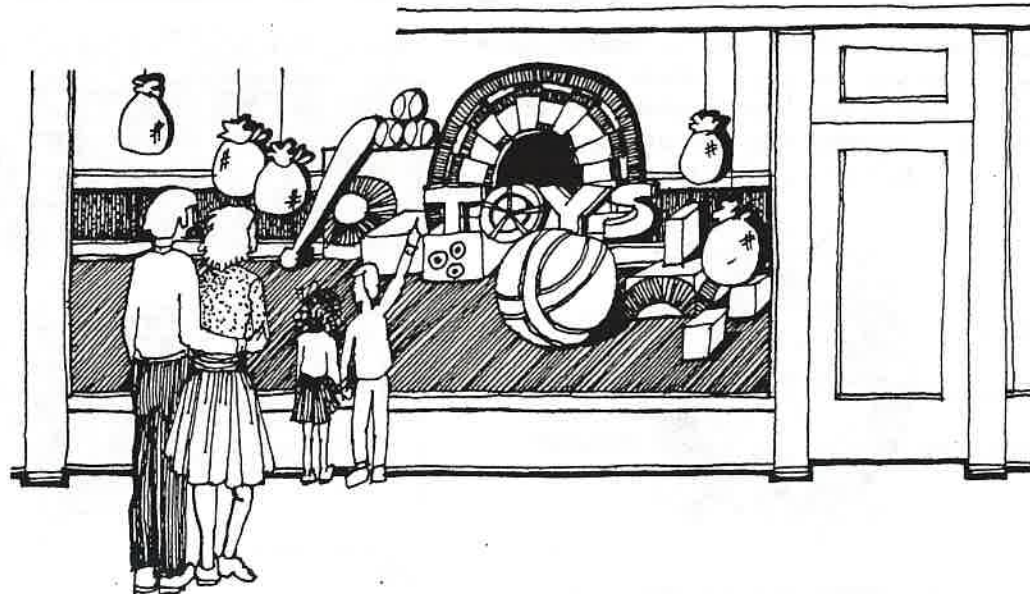
1. First, define your buying audience. Find out who your customers are: businesspeople? homeowners? gardeners? Your display should attract the attention of those important people on the other side of your window.

2. Now consider the merchandise you sell. Is it colorful or bland? Intricate or simple? Large or small? Does your product have "eye appeal"? Use your imagination to give your merchandise some life. For example, try opening the door of a dishwasher to show what it looks like inside.



Looking at your product in different ways can give you new ideas.

3. Think of the display window as a large picture framed by your storefront. Step back and observe how they relate. The building and window should create a single unit that is complimented by the display in color and proportion.



4. Give some thought to the message you want to communicate. How much do you want to say and what is the most effective way of saying it in your "picture window"? Remember, your window primarily invites people to come in and shop, but it can present more specific information about your products and services as well.

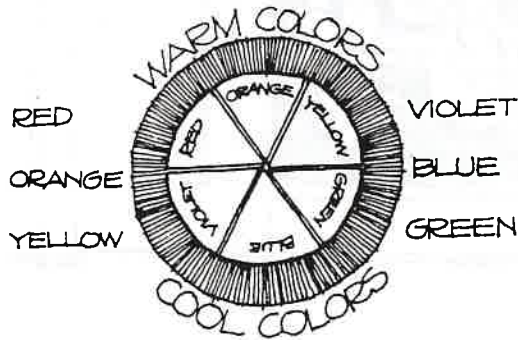
Develop a clear idea of what you want to show your consumer audience. Decide on the most important concept and limit yourself to a single theme. Don't confuse people with too much of a good thing. The idea is to entice people into your shop, not to display every product you sell.

5. Let your product speak for itself. Displays that exhibit actual products provide immediate communication without words. Color, shape, size, material, texture—and, in some cases, smell, taste, and sound—are subtle ways to get your message across.



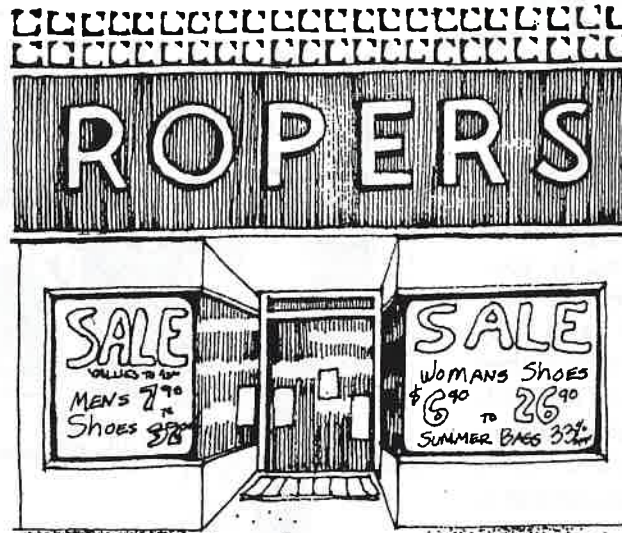
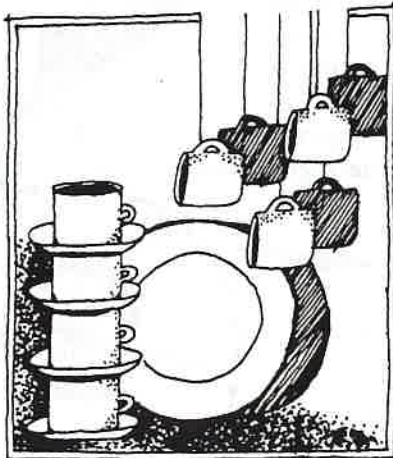


6. Color can help pull your display together. Look at the color of your building, particularly the storefront; now look at your merchandise. Think about colors that go together with the building and your product, then decide on a color scheme.



Remember, however, that too many colors can be confusing, while too few will make a dull display. Accents like red or yellow can brighten up your window, but don't overdo it.

7. Look at your window display as a composition—as if it were a sculpture or an oil painting. Complement or emphasize the shape of your window by using vertical or horizontal elements. Think in terms of a group—how do your products work together? Group similar elements to convey a message that's easy to “read.” Think of size as well. A large object can balance several smaller items. Experiment with different arrangements before you finally decide what looks best in your window.



*Do not overwhelm your window display with signs.*

8. If words or prices are part of your display, signs should also contribute to your overall theme. Select an appropriate typeface (see “Signs”) and a color that does not overwhelm your products. For professional quality, hire an experienced signmaker.

9. An attractive, well-lit display can entice nighttime window shoppers to return during business hours. Incandescent spot lighting, mounted on ceiling tracks or recessed into the ceiling, can effectively highlight products as well as provide adequate overall lighting. Consider using halogen bulbs which, although more expensive than incandescent bulbs, last longer

Daylight



Night Lighting



and use smaller fixtures. A well-lit window display also improves public safety by lighting the sidewalk and allowing police to see inside your shop at night.

10. To keep customers interested, change displays often. Your windows can change with the seasons, as well as reflect holidays and special events throughout the year.

11. Consider investing in reusable seasonal displays. Properly stored and protected, a sturdy display can be used for three or four years, and its cost can be prorated. A memorable display for Easter, Christmas, or Halloween will be anticipated by shoppers each year as a traditional part of the holiday.

12. If your store has display windows next to rear



entries (see “Rear Entrances”), displays should be simpler than those in the front, but should be of similar quality.

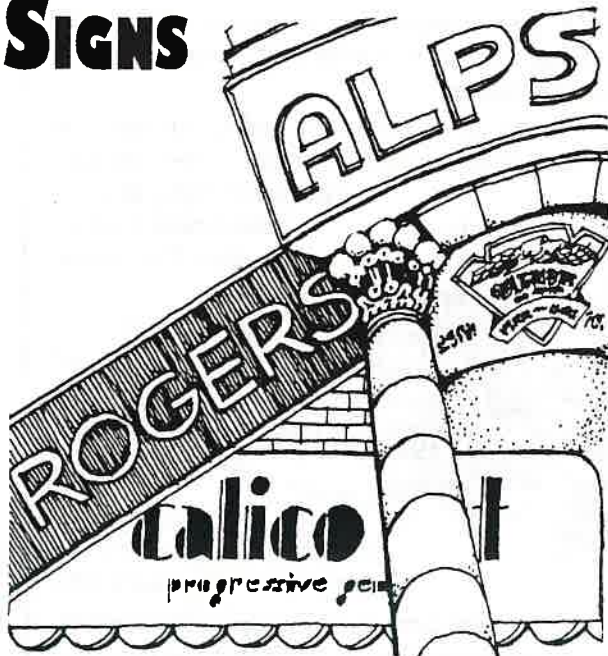
13. Remember, your window display is an integral part of your business. It contributes to:

- the character and success of your store;
- the character of your street; and
- the character of the business district as a whole.

Your display is an invitation to come inside and shop. Make it a good one.



# SIGNS



Signs are a vital part of any Main Street. With a sign, you call attention to your business and create an individual image. But it's often forgotten that signs contribute to a commercial district's overall image as well. Merchants try to out-shout one another with large, flashy signs.

If Main Street is to present a harmonious appearance, its signs must serve both of these images. Consider the following guidelines when designing your sign.



## 1. Stand back and question the purpose of your sign.

- Does it merely identify your business?
- Do you want to let the personality of your store or office shine through?
- Is it necessary to provide information about your products on the sign?
- What kind of customers are you trying to attract?
- Is the sign meant to be read by pedestrians, motorists, or both?

## 2. Think about the type of sign you want.

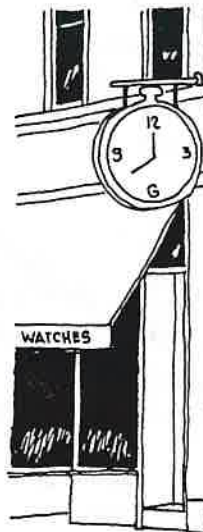
- *Word sign*—This type of sign employs words to describe your business and its products.



- *Symbol sign*—Often, a recognizable symbol conveys the image of a business better than words.

- *Numbers sign*—Some signs use numbers instead of symbols or words; the most common of these are street address signs that help customers locate your business.

Perhaps you'll want to combine words, symbols, and numbers in the same sign.



## 3. Consider the possibilities of using different materials. Each has unique qualities that can be exploited to create a sign suited to your needs.

Signs can be made from wood, metal, stone, neon, canvas, paint on glass, gold leaf, and etched or stained glass, to name a few. Signs can also be made of plastic. The most suitable use of this material for Main Street is to create signs made of individually formed letters, symbols, or numbers. Vacuum-formed plastic signs are almost never appropriate.

## 4. You may want to look at photos that show how your building looked in the past to see how signs were related to historic architectural details.

## 5. Visualize how your sign will appear in relation to the entire facade. The sign should not dominate; its shape and proportions should fit your building in the same way a window or door fits.

For example, a sign hung under the storefront cornice complements the building's architecture and therefore presents a strong image.



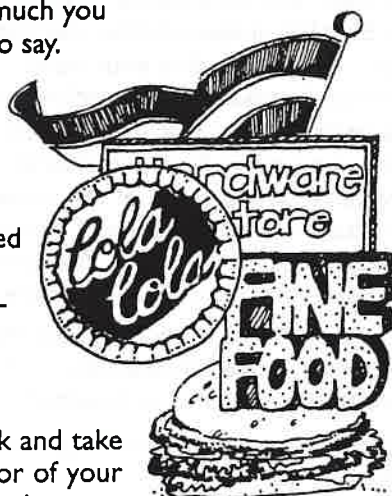
## 6. Decide where you want to put your sign. There are several suitable options:

- under the storefront cornice
- painted on glass
- on the side of the building
- projecting from the building
- on the awning valance or return
- on the canopy fascia

Some types of signs are *not* appropriate, such as signs made of vacuum-formed plastic or oversized signs placed on top of the building or applied over the upper facade.

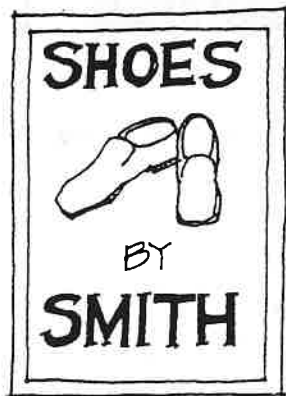


7. Decide how much you want your sign to say. It is important to keep the message simple and to the point. Remember, your sign will be viewed as part of a very complex environment filled with written and visual messages.



8. Now step back and take a look at the color of your building and the colors you see on the surrounding structures. Take hints from these when selecting colors for your sign.

You will usually get the best results if you opt for a simple color scheme—a range of three colors. Avoid garish, Day-Glo colors; they belong out on the highway!



9. As with colors, lighting is important. If you illuminate your sign at night, the light source should be as inconspicuous as possible. Try to avoid obtrusive or gaudy lighting techniques that merely distract attention from the sign.

Signs can be illuminated with incandescent, fluorescent, or halogen lights. Incandescent lighting is used primarily to “wash” the entire sign with a soft, yellowish light either from above or below. Fluorescent bulbs produce a white light. They are often concealed behind the face of the sign and shine through a translucent material. Fluorescent bulbs are most effective if only the sign’s message, not its background, is lit. Halogen lighting produces a white light. While the bulbs are very small and thus can be easily concealed, they are fairly expensive.

10. Express the personality of your establishment through the type style you select. To learn about various styles, look at other signs around town. Think about what each style says about the business and product it advertises. Then, define the image you want your sign to project.

There are three basic styles of type—serif, sans serif, and script—with numerous variations of each.

**ABCDa b c d** **Serif**

ABCDabcd  
ABCDabc

This is a historically appropriate style, with many variations, from plain to fancy.

**Sans Serif**

This is a more contemporary letter style, with cleaner, bolder lines.

**ABCDEF**  
ABCDabc  
ABCDabcd

*K.K. Beutler*

**Script**

A more personal and decorative style, script is often used for signs painted or gold-leafed on glass. (Both upper- and lower-case letters should be used in script-style signs.)

Ask local sign makers to show you a selection of type styles and consult with your local and state Main Street offices.

11. Quality of workmanship and construction is also a vital consideration. A simple, well-made sign speaks more highly of your establishment than an extravagant, but sloppy



sign.  
Choose a sign-maker carefully; ask to see samples of previous work.

12. Signs provided by national distributors are not appropriate. They don’t reflect the individuality of your business and usually appear as add-ons to your storefront advertising. The signs you display should advertise your *personal* business message.

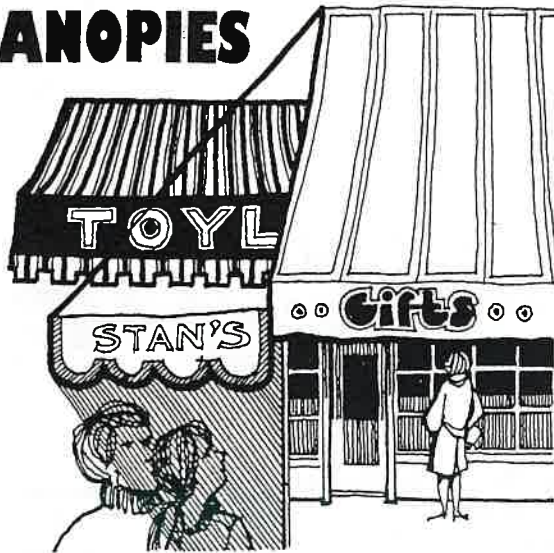


*Your best advertising*

13. Now consider this idea. Your entire building conveys an image that acts as a sign. Your building’s appearance is more subtle than a word, symbol, or number sign, but it can be more effective.

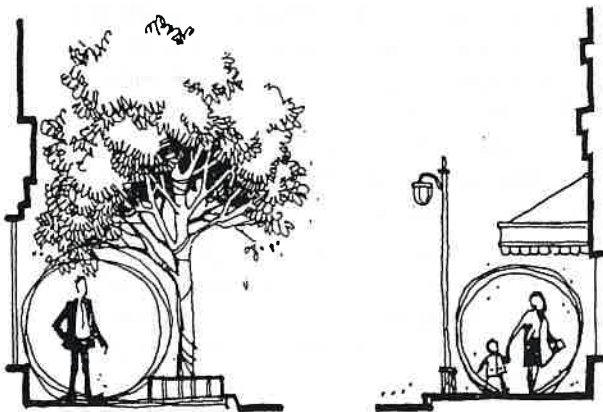


# AWNINGS AND CANOPIES

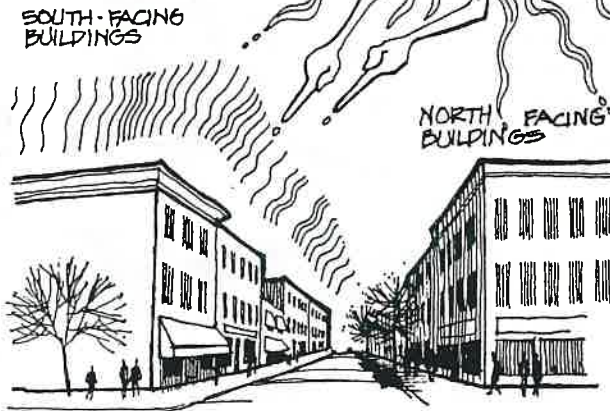


An awning or canopy can be both a decorative and functional addition to your storefront. It serves as an energy saver by regulating the amount of sunlight that enters your window. Shaded by an awning or canopy, shoppers are enticed to stop, look, and step inside.

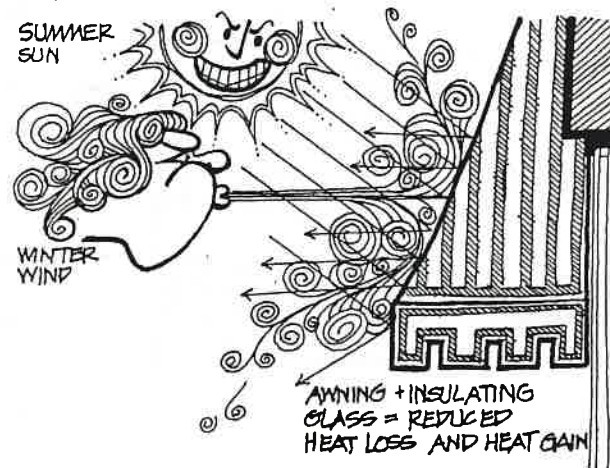
1. An awning or canopy creates a pleasant space in front of your building, in the same manner as trees. It provides shade and shelter for busy shoppers, a resting place where pedestrians can pause and get out of the flow of traffic.



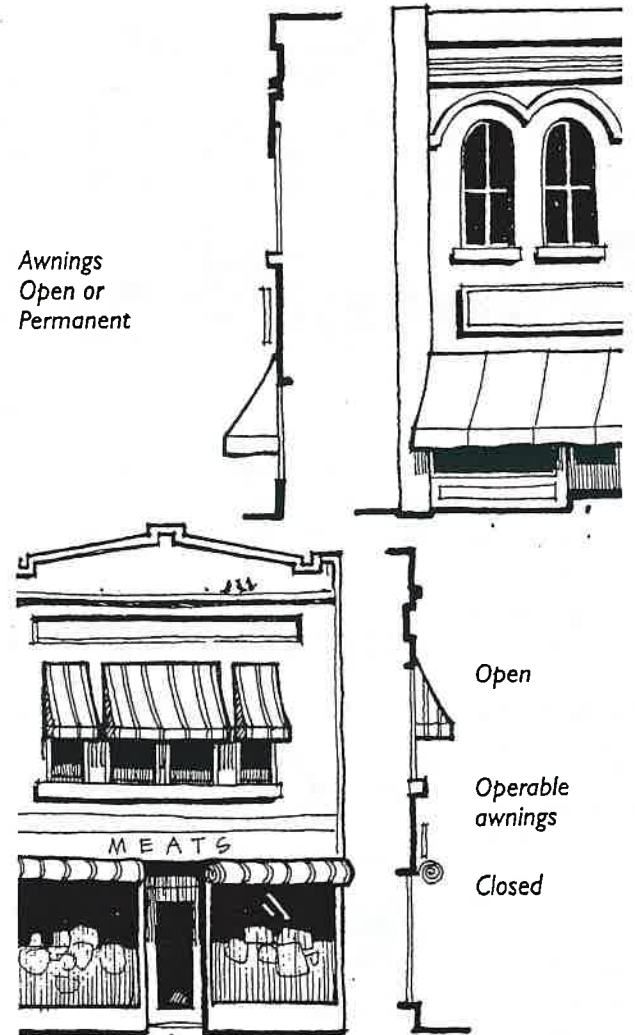
2. Awnings and canopies regulate the amount of sunlight that comes in your windows. Based on the building's orientation to the sun—north, south, east, or west—you can determine whether your storefront needs an awning or canopy.



If your building faces north, it probably won't need an awning or canopy. For a building with a southern exposure, however, awnings and canopies can be excellent climate control devices. A combination of insulating glass (see "Energy Conservation") and an awning or canopy can significantly reduce your energy costs.



3. The installation design will determine in large part how energy effective the fixture will be. Do you want an awning that can be opened and closed? Or do you want a fixed awning or canopy that remains permanently extended?



An operable awning lets sunlight into your building on cold days, helping to heat the interior. It shades your window when it is sunny outside. Although it is more expensive to install an operable awning than a fixed one, you will probably recoup the extra cost through reduced energy consumption.

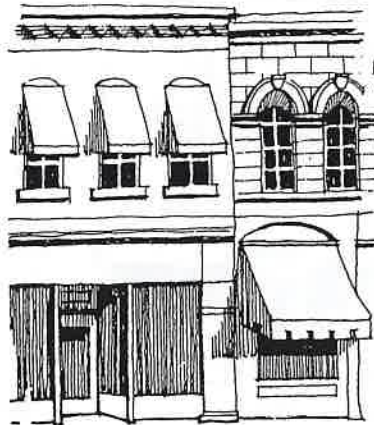


4. As a visual element, an awning or canopy can add character and interest to your storefront. You should think about how it will appear in relation to the scale of your building. How will it affect existing architec-



tural features? Will it overpower the proportions of your windows and facade? Look at neighboring buildings and imagine what impact the addition of an awning or canopy will have on the character of the streetscape.

5. Awnings can be constructed from a variety of materials. Canvas is traditionally popular. It is flexible, but must be weather-treated before installation. Although initial installation costs are lower than for other awning materials, canvas may require greater maintenance.



A vinyl awning can be very handsome, if designed with consideration for the rest of the building. Vinyl is flexible and generally requires less maintenance than canvas. On the other hand, vinyl is often very shiny and thus inappropriate for many storefronts on Main Street.

6. Canopies are usually constructed of metal and wood. They should be securely fastened to the facade; steel rods are often used to anchor canopies. Positioning the rods so that they blend into the design of the upper facade is important.

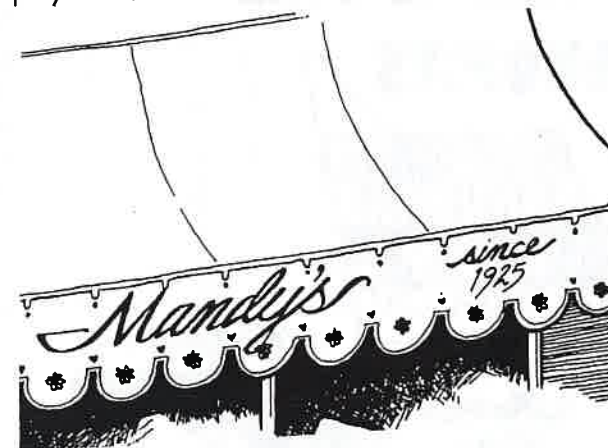
7. Before choosing a color for your awning or canopy, look at the entire building. If it has minimal architectural detailing, it can be "jazzed up" with a bright accent color. A more decorated facade should be complemented with a subtle shade. Select an awning or canopy color that enhances the existing building features. (See "Paint Color.")



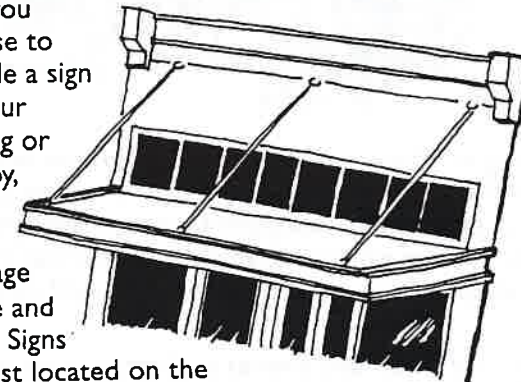
8. Awning patterns are important too. Plain and simple, striped, or bold solid—what image do you want to convey? Again, the choice of a pattern (or no pattern at all) should depend on the character of the facade.



9. Awnings and canopies have long been used to display the names of businesses.



If you choose to include a sign on your awning or canopy, keep the message simple and direct. Signs are best located on the returns (sides) and valances (flaps) of awnings and should be attached to the fascia of canopies.

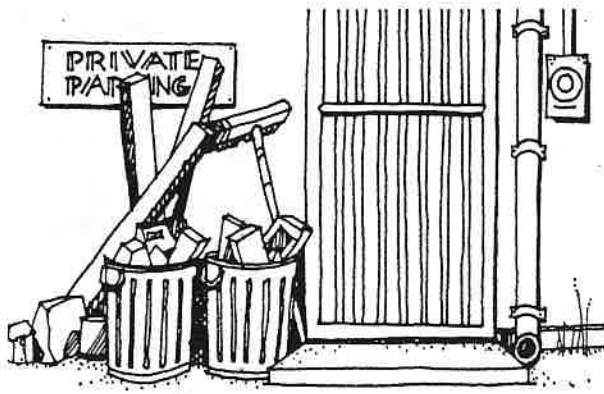


10. Make sure the material you choose is guaranteed to be weather resistant. Most awning fabric is chemically treated to retard deterioration by rain or snow. With the exception of aluminum, most of the woods and metals used in canopies should be painted to resist weathering. Sun bleaching is another problem to consider, particularly when choosing a color for the awning.

11. Awnings or canopies are not appropriate solutions for every storefront design. However, when well-designed and properly placed, they can save you money, spruce up your storefront, and create a pleasant sidewalk space for shoppers.

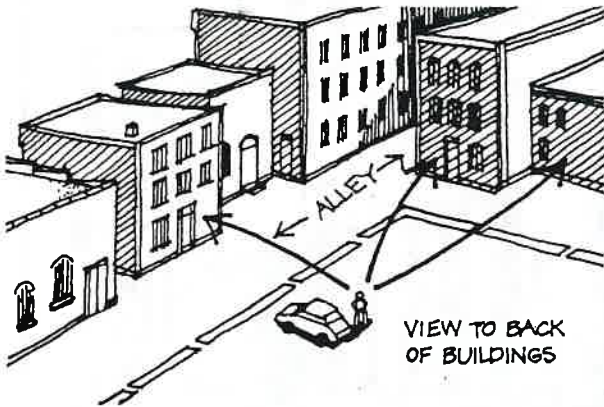


# REAR ENTRANCES



Spaces behind buildings are frequently forgotten. People tend to avoid them because they are usually unkempt and unattractive. Too often, these spaces have been considered strictly service areas, where deliveries are made or garbage picked up.

However, more and more parking areas in traditional business districts are being developed behind buildings, in the middle of the block. The backs of the buildings are coming into full and open view.



VIEW TO BACK OF BUILDINGS

This suggests two things:

- The appearance of the back areas is important to the commercial district.

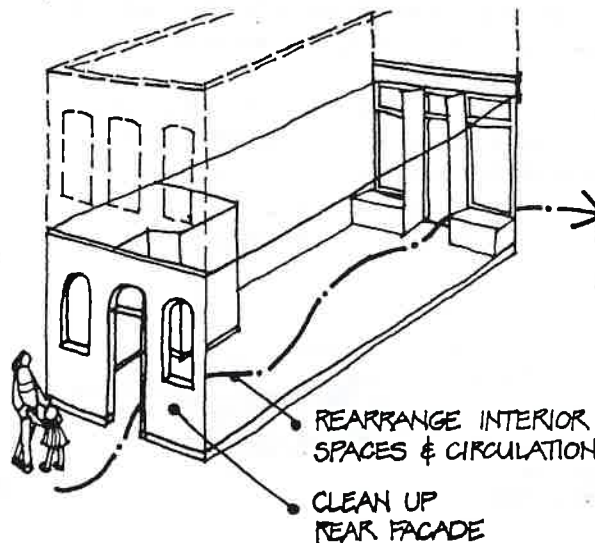
- Rear entrances can potentially benefit all businesses by allowing direct entry from the parking lot into stores. Customers don't need to walk around the block to reach a shop.

If you don't have an attractive rear entrance to your business but are considering making improvements, think about these issues.

1. Would additional walk-through traffic help or hinder your business? Would a rear entrance be an added convenience to your customers?



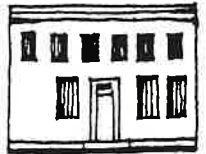
2. What changes would you need to make to give your store an attractive rear entrance? How would you handle the circulation, displays, and security throughout the building?



3. Although the two are similar, the rear entrance should not compete with the storefront in importance. In most cases, the rear entrance should occupy a relatively small part of the back facade and exhibit more of a utilitarian character. Still, it should be maintained and developed to support the overall appearance and convenience of the district.



FRONT



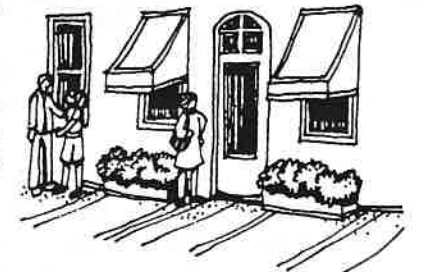
REAR ENTRANCE

4. Like the storefront, the rear entry requires identification. It should be inviting and attractive. A glass panel in the back door is one way to open your store to potential customers. A small sign on or near the door is another way to identify your business. Be sure to keep it small, and don't clutter the area with too many signs. An attractive metal grille can provide security and add to the visual appeal of a rear entry.



If your building has rear windows on the ground floor, use them for displays; they will also attract people to your door.

An awning or small canopy can be a pleasant addition and a convenience to shoppers during inclement weather. If there is

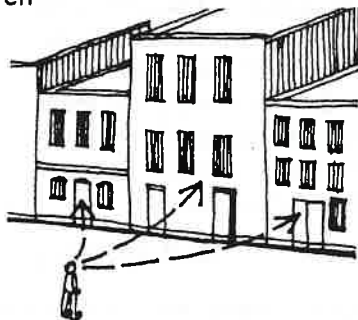


enough sun, planter boxes might also be added, but only if you attend to them properly.



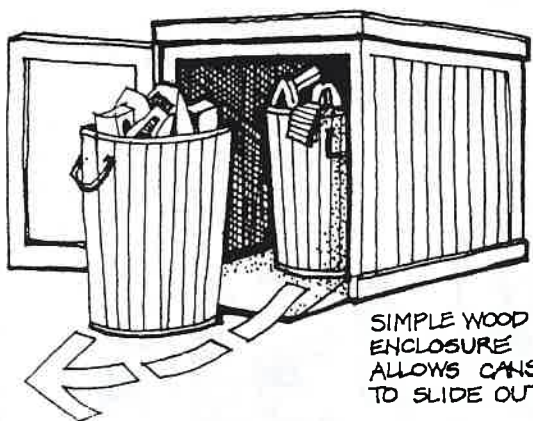
5. Like the storefront, the rear entry should respect its next-door neighbors. Try to make your entry compatible with neighboring stores. Look at the back entrances next to yours.

It might be wise for you and your fellow merchants to get together and plan an attractive approach to the rear facades of your buildings.



6. Normal service activities, such as trash collection, loading, shipping, and storage must also occur with ease. It is possible to accommodate these functions and, at the same time, make the space behind the store more pleasant for shoppers.

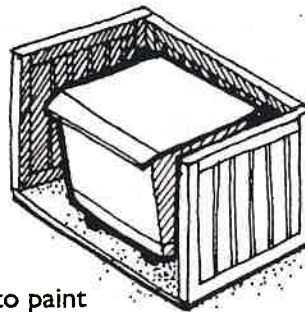
7. If possible, pick a central location for trash collection, one that will serve several stores efficiently. Grouping the containers gives a less cluttered appearance.



SIMPLE WOOD ENCLOSURE ALLOWS CANS TO SLIDE OUT.

8. Simple enclosures can be readily constructed to hide refuse containers and prevent clutter. These enclosures should open from the front for easy removal of full, heavy cans.

Dumpsters can also be screened from view. Before construction, be sure to consult the collection agency and ensure that your design will not disrupt their activities.



Use a neutral color to paint or stain these enclosures. Bright or loud colors draw attention to the screens and containers, when the purpose is to camouflage them. Choose colors that blend in with those of the rear facade.



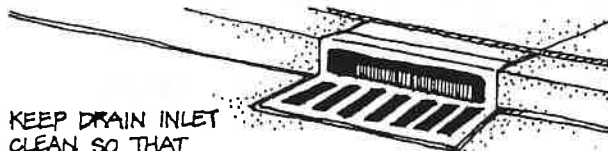
COLOR BLENDS WITH SURROUNDINGS.



COLOR DOES NOT BLEND.

9. Don't forget about the paved areas behind the buildings or in the alleys. Many times, the paving is full of potholes, which is both bothersome and dangerous for pedestrians.

In addition to paving, watch out for drainage problems. Poor drainage causes puddles and other hazards for pedestrians. Make sure there is adequate drainage away from your building. Also check the storm drain inlets regularly to see whether they need cleaning.

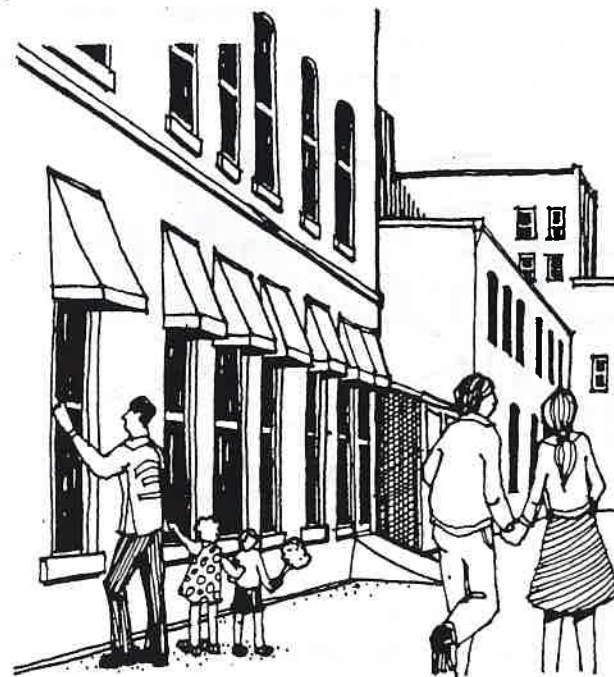
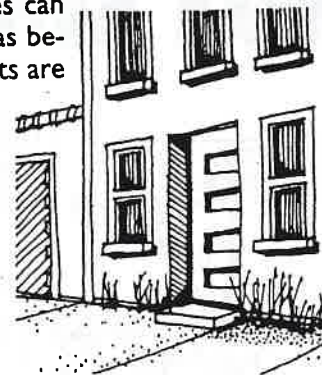


KEEP DRAIN INLET CLEAN SO THAT PUDDLES DO NOT FORM.

Weeds and scrub trees can also be a problem in areas behind buildings. These plants are tenacious and will grow wherever they can. For a better image, keep them under control.

10. Snow removal is another consideration. Just as front walks need to be shoveled, so too do back entrances.

11. The rear facades of commercial buildings have been ignored and neglected for a long time. In many cases, they have been left to deteriorate or have been poorly maintained. Windows on the ground and upper floors are frequently ill-kept, boarded up, or dirty. Electrical and telephone lines are haphazardly attached to many buildings, giving them a cluttered look. With good design and proper maintenance, rear entrances can become attractive and convenient for Main Street shoppers.



## CHAPTER 1284

### **PUD Planned Unit Development District**

- 1284.01 Purpose.
- 1284.02 General requirements and PUD District designation.
- 1284.03 Permitted uses.
- 1284.04 General development standards.
- 1284.05 Residential (PUD-RS) development standards.
- 1284.06 General PUD approval process.
- 1284.07 Final plan.
- 1284.08 Amendments and changes.

### CROSS REFERENCES

- Division of municipal corporations into zones - see Ohio R.C. 713.06
- Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.
- Restrictions on percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09
- Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10
- Nonconforming uses - see P. & Z. Ch. 1252
- Zoning Districts and Zoning Map - see P. & Z. Ch. 1254
- Signs and outdoor advertising - see P. & Z. Ch. 1288
- Off-street parking and loading - see P. & Z. Ch. 1290

#### 1284.01 PURPOSE.

The purpose of the Planned Unit Development District (PUD) is to achieve, to the greatest possible degree, land development that is responsive to the natural and environmental assets and liabilities of a given site. The PUD provides an alternative zoning category that is intended to encourage imaginative design of development. The PUD should be a well-integrated development in terms of major design elements such as roads, drainage systems, utilities, and open space. The PUD allows greater design flexibility so that natural features may be protected and development concentrated in an innovative and efficient manner.

(Ord. 01-014. Passed 7-17-01.)

#### 1284.02 GENERAL REQUIREMENTS AND PUD DISTRICT DESIGNATION.

(a) Subsequent to the approval of the Village Council, the designation of PUD may be applied to any existing zoning district, with the limitations described herein. There are two types of PUDs:

(1) A PUD may be a predominantly residential development; in which case it is referred to as a PUD-RS. A PUD-RS may only be applied to an existing residential district. The tract of land proposed to be developed as a PUD-RS must be owned, leased, or controlled by one person or single entity and must be at least five contiguous acres in size.

(2) A PUD may also be a mixed-use development, referred to as a PUD- MX. A PUD-MX may be applied to any existing nonresidential zoning district. The tract of land proposed to be developed as a PUD- MX must be owned, leased, or controlled by one person or single entity and must be at least five contiguous acres in size.

(3) A PUD must conform to the existing comprehensive and thoroughfare plans.

(b) Upon the approval of the final development plan according to this chapter, the Official Village Zoning Map shall be amended to designate the property "PUD-RS" or "PUD-MX."  
(Ord. 01-014. Passed 7-17-01.)

#### 1284.03 PERMITTED USES.

The permitted uses in both the PUD-RS and PUD-MX district are as follows:

(a) Permitted Uses; PUD-RS. An applicant may propose to include any mixture of permitted or conditional uses in any existing residential district. Additionally, an applicant may propose land uses which are allowed as a permitted use in the GB district, provided that not more than 25% of the net acres in the development is devoted to nonresidential uses.

(b) Permitted Uses; PUD-MX. An applicant may propose to include any mixture of nonresidential land uses in a proposed PUD-MX development, provided that at least 60% of the net acres in the development are devoted to uses permitted in the district(s) applying to the property at the time of application. If the subject property is being annexed into the Village and no existing zoning district is applicable, any combination of nonresidential land uses may be proposed.

(Ord. 01-014. Passed 7-17-01.)

#### 1284.04 GENERAL DEVELOPMENT STANDARDS.

The following standards represent broad parameters under which all PUD developments must be designed:

(a) Central Water and Sewer Facilities. All structures in developments approved as a PUD must be served by central public water and sewer facilities. No package wastewater treatment plants or separate water supply systems, private or public shall be allowed.

(b) Development Layout and Design. The design and layout of all PUDs shall display excellence in design by properly considering significant site features, such as topography, natural drainage patterns, roadway access and circulation, surrounding land uses, and general public welfare to result in desirable land development. Attractive landscaped buffers shall be provided between incompatible land uses and activities.

(c) Front, Side, and Rear Setback Standards for Perimeter Lots. All lots that are located along the perimeter of the PUD shall have minimum front, side and rear setbacks equal to those that would normally be specified in the zoning district prevailing at the time of application for PUD approval, or 25 feet, whichever is greater.

(d) Off-Street Parking and Loading Facilities. For all land uses located within the PUD, the parking and loading standards set forth in Chapter 1290 shall apply.

(Ord. 01-014. Passed 7-17-01.)



#### 1284.05 RESIDENTIAL (PUD-RS) DEVELOPMENT STANDARDS.

In addition to the general development standards described in Chapter 1287, residential PUDs shall satisfy the following development standards:

(a) Clustering Residential Development and Required Open Space. Clustering residential density is encouraged to provide required common open space. A minimum of 20% of the land developed for residential purposes in a PUD-RS plan shall be reserved for common open space. This required amount of common space shall be established as a contiguous common open space, under one ownership, and provision shall be established for maintenance and care. The legal articles relating to any organization of property owners in the development charged with such open space maintenance shall be submitted to the Village and publicly recorded with the County Recording Office. The Village Council may require as a condition of final approval, any evidence deemed necessary to document that the required common space will remain in its stated condition as long as the development exists (including such as legal documents, deed restrictions, conservation easements, etc.)

(b) Clustering Residential Density. To achieve a clustering of residential density and to provide for the required common open space, the lot area requirements for residential land uses may be reduced from the densities required under the district(s) applying to the property at the time of application by up to 20%. The lot width and yard requirements for residential lots may also be reduced as needed to accommodate a variety of structural patterns, clustering designs, and housing types.

(c) Residential Dwelling Types. Along with clustering residential density, a PUD-RS may include a mixture of dwelling types including single-family detached dwellings, two-family units, zero lot-line units, and multiple-family units, provided the maximum density requirements of the R-3 Multiple Family Residential District (9.6 units per acre) are not exceeded.

(Ord. 01-014. Passed 7-17-01.)

#### 1284.06 GENERAL PUD APPROVAL PROCESS.

The applicant for a PUD is encouraged to informally present conceptual plans to both the Planning Commission and Village Council for review prior to extensive engineering. Plans may include the proposal to phase construction of the PUD development. Property proposed to be developed as a PUD must be rezoned to PUD; and the decision to approve a final development plan and to rezone property to PUD are done concurrently. The PUD review process must satisfy all of the applicable requirements of this chapter.

(Ord. 01-014. Passed 7-17-01.)

#### 1284.07 FINAL PLAN.

The applicant for a PUD development shall submit 12 copies of the proposed Final Plan to the Zoning Inspector, submitting the appropriate application fee and satisfying the following requirements:

(a) Final Plan.

- (1) The final plan shall include the following:
  - A. The specific description of permitted, conditionally permitted, and accessory uses to be allowed in each area of the development.
  - B. A copy of proposed deed restrictions.
  - C. The final plan shall be drawn to illustrate:
    1. A survey and legal description of the proposed development site, showing dimensions and bearings of the property lines; area in acres, topography (at 2-foot contour intervals); and existing features of the development site, including major wooded areas, streets, easements, utility lines, existing land uses.
    2. The location and dimensions of all lots, setbacks, and building envelopes.
    3. Conceptual drawings of sewer and water facilities, as well as street and drainage systems.
    4. A table indicating acreage devoted to various development types.
    5. Ensure that the general requirements for the final site plan review outlined in Chapter 1248 have been satisfied.
  - D. Landscaping plan for all buffers and other common areas.
  - E. Architectural guidelines to apply throughout the development.
  - F. The proposed names of all interior streets proposed for the development.
  - G. Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.
  - H. Any applicable phasing that will be involved with the construction.
  - I. Subdivision's name.
- (2) In addition to the above, the Village Council may require additional information including environmental impact studies and archaeological surveys prepared by appropriate professionals to document the impacts of the development, and to address potential mitigation measures. The applicant shall be responsible for reasonable expenses incurred by the Village in reviewing final development plans. Such expenses are beyond application fees established by the Village and may include professional service fees, such as legal expenses or fees from other professionals, such as engineers, landscape architects, planners, or environmental scientists incurred in connection with reviewing the plans submitted.
- (b) Final Plan and Rezoning Approval Procedure. The decision to rezone land to PUD and to approve the final plan are accomplished concurrently. All PUD final plat submissions are deemed to be an application for amending the existing Zoning District in accordance with Chapter 1244. All procedures (Planning Commission Review, public hearings, and action by the Council) therein shall be followed in considering an application for the rezoning of the parcel(s) in question to a PUD zone. Upon approval of such plan and rezoning, the Village Zoning Map shall be amended to reflect the area designated as "PUD-RS" or "PUD-MX." Thereafter, with the concurrent approval of the rezoning and final plat pursuant to the criteria outlined in Chapter 1244 and 1248, all development restrictions and conditions described in the final plan shall become official PUD requirements.

(c) Criteria for Approval of Final Plan. The Planning Commission and Village Council shall review the proposed Final Plan according to the following criteria:

(1) The proposed plat conforms with the general goals and objectives of the Village's master plan.

(2) The proposed development promotes the general health, safety, and welfare of the community.

(3) The proposed interior road system, parking, and any other off-site improvements are adequately designed to carry anticipated traffic efficiently within the development and surrounding areas.

(4) Any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan according to these PUD requirements.

(5) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the Village's master plan.

(6) The existing and proposed utilities, including water and sewer service and drainage plan, will be adequate for the health and safety of the population and nonresidential uses proposed in the PUD.

(Ord. 01-014. Passed 7-17-01.)

#### 1284.08 AMENDMENTS AND CHANGES.

(a) After the final development plan has been approved by the Village Council, adjustments or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested by the proponents. Minor changes, as defined herein, are allowed provided such requests conform to the standards established by the final development plan and this Zoning Code. A minor change shall require approval by the Planning Commission, and shall include the following:

(1) Adjustments to the size and location of buildings, swimming pools, and other on-site structures provided:

A. They do not result in an increase in the number of housing units approved in the final plan.

B. They do not encroach into the established setback areas.

C. They do not create a larger building mass, either through an increase in their height or length that would magnify their effect on the adjoining areas.

(2) Alterations to the proposed drives and/or parking areas if they do not encroach into building areas or specified recreation areas.

(3) Adjustments in the size and location of development identification signs.

(b) A "major change" is any change that does not meet the criteria above and, in addition, is one which would constitute a significant alteration in the basic plan design or result in a use different from those originally intended. A major change shall require submittal of a final plan, as defined in Section 1284.07, of that portion of the development proposed to undergo a major change.

(Ord. 01-014. Passed 7-17-01.)

## **CHAPTER 1285**

### **State Route 57 Overlay District**

- 1285.01 Purpose.
- 1285.02 District boundaries.
- 1285.03 Permitted uses.
- 1285.04 Conditionally permitted uses.
- 1285.05 Excluded uses.
- 1285.06 Review and approval procedures.
- 1285.07 Development standards.
- 1285.08 Landscaping requirements.
- 1285.09 Access to parcels.
- 1285.10 Additional requirements.

#### **CROSS REFERENCES**

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.

Restrictions on percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

Nonconforming uses - see P. & Z. Ch. 1252

Zoning Districts and Land Use Regulations - see P. & Z. Ch. 1254

Signs and outdoor advertising - see P. & Z. Ch. 1288

Off-street parking and loading - see P. & Z. Ch. 1290

#### **1285.01 PURPOSE.**

The purpose of the State Route 57 (SR 57) Overlay District is to promote quality development, stable property values, provide for orderly development, and efficient and safe movement of traffic, including the implementation of access management strategies, and secure the general safety and welfare of the community by regulating land uses and the exterior architectural/landscape characteristics of the property throughout the State Route 57 Overlay District. This purpose shall be served by the regulation of exterior design, use of building materials, the finish grade line, ingress and egress, landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, enlarged, or remodeled, demolished in the State Route 57 Overlay District.

(Ord. 01-014. Passed 7-17-01.)

#### **1285.02 DISTRICT BOUNDARIES.**

The boundaries of the State Route 57 Overlay District are shown on the Official Zoning Map. The boundaries of this Overlay District include the area within parallel lines running 500 feet on both sides of the State Route 57 right-of-way, or the entire depth of those parcels

fronting on State Route 57, or the proposed project accessing State Route 57, whichever is the greater distance from Parsons Road north to the corporate limits.

(Ord. 01-014. Passed 7-17-01.)

#### 1285.03 PERMITTED USES.

All uses that are permitted in the underlying zoning district(s), except the uses expressly excluded are permitted within the State Route 57 Overlay District.

(Ord. 01-014. Passed 7-17-01.)

#### 1285.04 CONDITIONALLY PERMITTED USES.

All conditional uses in the underlying district(s) are permitted within the State Route 57 Overlay District except uses expressly excluded.

(Ord. 01-014. Passed 7-17-01.)

#### 1285.05 EXCLUDED USES.

The following use are excluded in the State Route 57 Overlay District:

(a) Sexually oriented businesses including adult entertainment facility, adult cabaret, adult theater, adult video/bookstore, and massage parlors (excluding properly licensed therapeutic massage facilities).

(b) Contractor yards.

(c) Landfills.

(d) Manufactured home sales.

(e) Manufactured home parks.

(f) Salvage yard/automobile wrecking.

(g) Self-service storage facilities.

(h) Outdoor auction facilities.

(i) Kennels.

(j) Billboards.

(Ord. 01-014. Passed 7-17-01.)

#### 1285.06 REVIEW AND APPROVAL PROCEDURES.

Development projects in the State Route 57 Overlay District shall be in compliance with the site plan review process specified in Chapter 1248.

(Ord. 01-014. Passed 7-17-01.)

#### 1285.07 DEVELOPMENT STANDARDS.

Certain specific development standards are imposed within the State Route 57 Overlay District. These standards replace development standards within the underlying zoning district. Where no development standards are defined within the State Route 57 Overlay District, the development standards within the underlying district apply.

- (a) Minimum Front Yard. 100 feet from the centerline of the right-of-way.
  - (b) Building Materials. All exterior building materials and colors must conform to Chapter 1291.04 (c) for multi-family buildings and Chapter 1291.05 (j) for non-residential buildings and must be approved by the Planning Commission so as to be compatible with neighboring properties. Pre-engineered metal building shall have a distinctive front facade. Sample materials and color chip for the proposed building materials and color to be used on site shall be submitted for approval with each development plan.
  - (c) Building Design Standards for multi-family buildings shall comply with Chapter 1291.04 and for non-residential buildings Chapter 1291.05.
  - (d) Overhead Doors. Overhead doors and loading docks shall be located on the sides or rear of any building unless the Planning Commission approves plans for construction on the front. Landscaping shall be utilized to screen the view of overhead doors and/or loading docks from public rights-of-way and adjacent lots.
  - (e) Outside Storage.
    - (1) All outside storage areas shall employ screening and/or fencing, which shall be included in the approvals for site and landscaping plans. Outside storage areas shall be confined to approved locations, kept in an organized and orderly manner, with no growing or noxious weeds permitted.
    - (2) No materials, supplies, equipment, finished, or semi-finished products or articles of any nature shall be stored or permitted to remain on any building site outside of the building without proper permanent screening, other than in designated storage areas, and approval in writing by the Planning Commission. No material storage of any kind shall be placed or located within any public utility easement or right-of-way.
  - (f) Exterior Lighting. All exterior lighting should be positioned in such a way to avoid light spillage or glare onto adjoining residential properties or public streets.
  - (g) Signage. All signs shall be limited to being ground-mounted or wall-mounted and shall conform to the provisions of Chapter 1288 and the following standards:
    - (1) No ground sign may be located closer than 10 feet from the right-of-way line.
    - (2) The maximum height for any ground mounted sign is 5 feet above grade.
    - (3) A monument sign shall be constructed of materials compatible with the facade of the building in which the identified use is located, or compatible with the landscaping of the parcel on which the sign is located.
- (Ord. 01-014. Passed 7-17-01.)

#### 1285.08 LANDSCAPING REQUIREMENTS.

Landscape design and plantings shall be utilized to highlight architectural features or screen or soften undesirable views. The landscaping requirements of the underlying district apply in addition to the following:

- (a) A 15-foot-deep unobstructed open buffer strip shall be provided next to the right-of-way. The buffer strip must be mounded with 3:1 slope and landscaped with trees and random plantings or shrubs or other plant material. Parking in this strip shall be prohibited.



(b) An alternate arrangement of plant materials and/or other landscape features may be proposed and approved as part of the site plan review process. Any alternatives to the requirements stated herein shall provide an equivalent level of landscape treatment.

(c) All approved landscaping to be provided on any building site shall be completed within 6 months from the date of occupancy of the building site.

(Ord. 01-014. Passed 7-17-01.)

#### 1285.09 ACCESS TO PARCELS.

(a) To preserve and maintain efficient traffic movement, direct permitted access to State Route 57 shall be in accordance with the Grafton Corridor Plan. All access permits shall be reviewed and approved by the Village.

(b) The approval of access as part of the site plan review process shall be based on the goal of reducing the total number of driveways along State Route 57. The preferred method of providing access to parcels is to reduce or eliminate driveways by using front or rear access drives or cross access drives with cross easements where applicable. When a service road is provided, all access to adjacent property shall use that service road and no direct access to State Route 57 shall be allowed, unless the Planning Commission waives this requirement based on the recommendations made in a traffic impact study.

(c) A traffic impact study shall be prepared by a qualified professional engineer at the developer's expense. The study shall also investigate the feasibility and benefits of improvements, such as signal, turn lanes, and driveway movement limitations to protect the safety and welfare of the traveling public. The traffic impact study shall include, but not be limited to the following elements:

- (1) A description of the site and study area.
- (2) Anticipated development of adjacent parcels.
- (3) Trip generation and distribution, including a description of all assumptions used to generate finding of trip distribution.
- (4) Traffic assignment resulting from the development.
- (5) Projected future traffic volumes.
- (6) An assessment of the impact that would result from driveway alternatives.
- (7) Recommendation for site access and transportation improvements needed to maintain traffic flow within and past the site at an acceptable and safe level of service.
- (8) An evaluation of the effects the proposed development will have on the level of service and roadway capacity.

(Ord. 01-014. Passed 7-17-01.)

#### 1285.10 ADDITIONAL REQUIREMENTS.

(a) Where possible, all utilities shall be underground.

(b) Grade level mechanical equipment shall be screened from adjoining residential parcels and from the rights-of-way.

(c) Building height, lot area, and setback requirements of the underlying zoning district shall apply.  
(Ord. 01-014. Passed 7-17-01.)

## **CHAPTER 1286**

### **Lot Area, Density, and Dimensional Standards**

1286.01 Distance Measurements

1286.02 Area Measurements

1286.03 Reductions in Area Prohibited

1286.04 Conversion of Dwellings

1286.05 General Yard Requirements

1286.06 View Clearance

1286.07 Height Measurement and Exceptions

1286.08 General Site Development Standards

1286.09 Site Development Standards for Residential Districts

1286.10 Dwelling Floor Area Requirements

1286.11 Site Development Standards for Business and Industrial Districts

#### **1286.01 DISTANCE MEASUREMENTS.**

Unless otherwise expressly stated, distances specified in this Zoning Ordinance are to be measured as the length of an imaginary straight line joining those points.

#### **1286.02 AREA MEASUREMENTS.**

The area includes the total horizontal surface area within the subject area's boundaries.

#### **1286.03 REDUCTIONS IN LOT AREA PROHIBITED.**

No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated; and, if already less than the minimum required by this Zoning Ordinance, said area or dimensions shall not be further reduced. Exceptions to this standard shall only be granted if a reduction is approved as part of a Planned Unit Development or cluster subdivision.

#### **1286.04 CONVERSION OF DWELLINGS.**

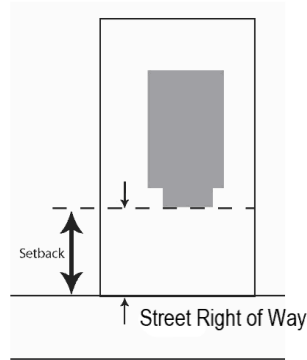
The conversion of any building into a dwelling or conversion of any building so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Zoning Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such a district, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards, and off-street parking.

#### **1286.05 GENERAL YARD REQUIREMENTS.**

Every required yard shall be open to the sky and unobstructed except when in conformance with this zoning ordinance and shall not be reduced or diminished in area so as to be smaller than prescribed by this Zoning Ordinance.

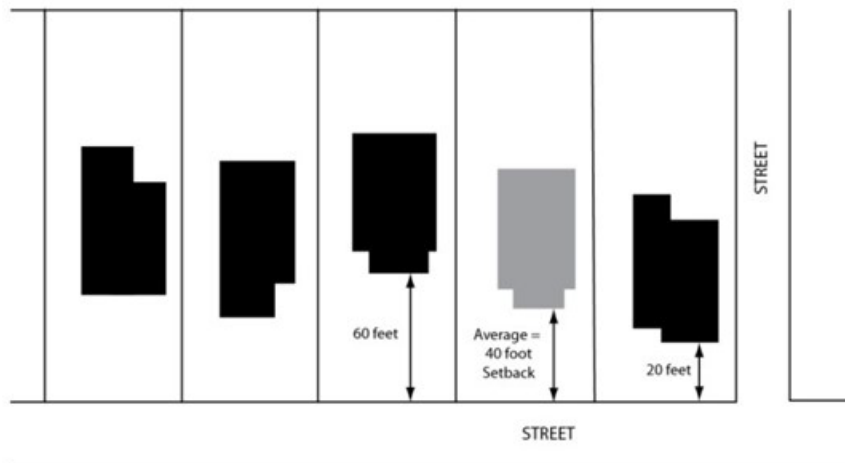
**(a) Yard Measurements.**

- (1) The minimum front yard depth shall be measured on the perpendicular from the street right-of-way line to the building setback line. See Figure 1286-A.



**Figure 1286-A: Measurement of front yard setback**

- (2) **Front Yard Exception.** In any residential district, a front yard setback shall not be required to exceed the average front yard setbacks of the existing front yards within the same block and within 100 feet of the principal building. Modification of the front yard in accordance with this section will not create a nonconforming lot unless the lot or structure does not meet other applicable provisions of this Zoning Code. See Figure 1286-B.



**Figure 1286-B: Illustration of the averaging of front yard setbacks. In a district with a minimum front yard setback requirement of 50 feet, smaller setbacks may be allowed if the average front yard setbacks are less than 50 feet.**

- (3) The minimum side yard width and rear yard depth shall be measured on the perpendicular from the lot lines to the nearest point of the principal building. See

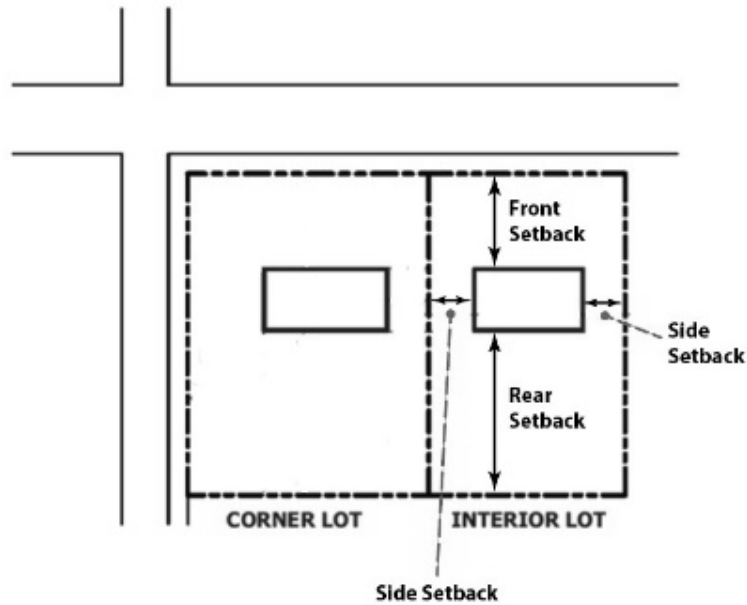
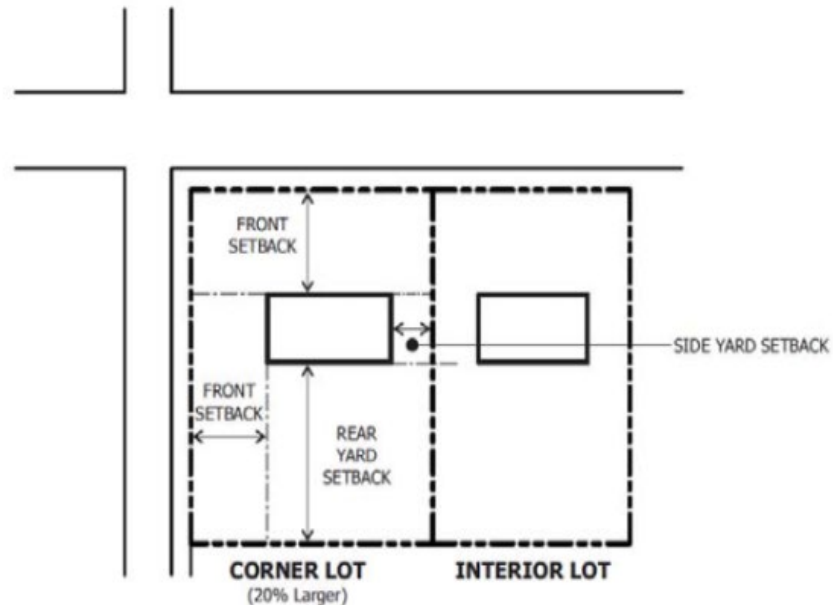


Figure 1286-C.

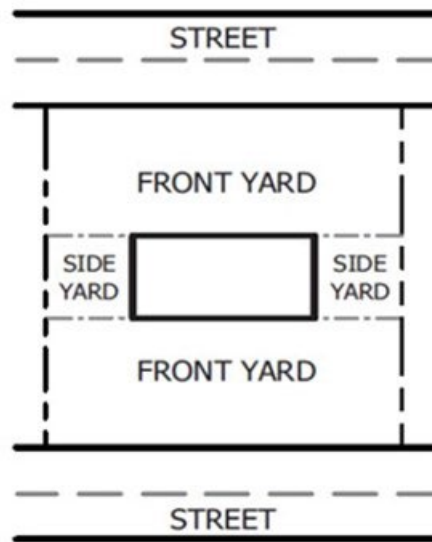
**Figure 1286-C: Typical yard locations for an interior lot**

- (4) Corner lots shall comply with the minimum front yard depths on both streets. See Figure 1286-D.



**Figure 1286-D: Typical yard locations for a corner lot**

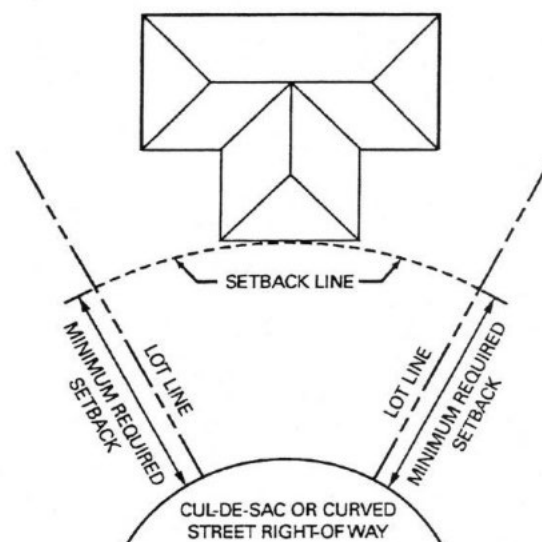
- (5) Double fronting lots shall comply with the minimum front yard depths on both streets. See Figure 1286-E.



**Figure 1286-E: Yard locations on double frontage lots.**

**(6) Cul-de-Sac or Curved-Street Lot.**

- A. For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See Figure 1286-F.
- B. On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.



**Figure 1286-F: Setback line of a lot with frontage on a curved street or cul-de-sac**

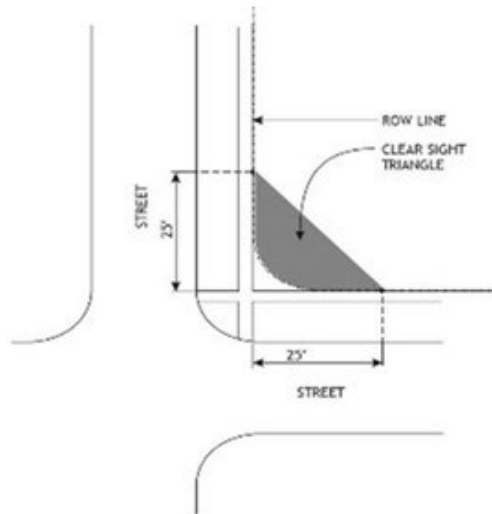


- (7) **Other Lot Configurations.** Where there is an instance of a lot configuration not addressed in the previous sections (e.g., interior, corner, cul-de-sac, etc.), or where there is an atypical building orientation on any lot, the Zoning Inspector shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.
- (b) **Yard Exceptions** Terraces, uncovered porches, platforms, and ornamental features, including railings, which do not extend more than two feet above the level of the ground adjoining the first story, may project into a required side yard, provided these projections be at least two feet from the adjacent lot line. The ordinary projections of chimneys or flues are permitted into the required side and front yards.
- (c) **Architectural projections.** Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered part of the building to which attached and shall not project into the required front, side, or rear yard.
- (d) **Handicap ramps.** ADA compliant handicap ramps, excluding handrails, not extending above the floor level of the ground story may be located in any yard.
- (e) **Fences, hedges and walls.** See Section 1253.14 “Fences, Hedges and Walls.”
- (f) **Garages or other accessory buildings.** See Section 1253.02 “Accessory Buildings and Structures.”
- (g) **Use of front yard.** Front yards in all districts shall be landscaped.
- (h) **Yard for Single Building.** No required yard or other open space around one building shall be considered as a yard or open space for any other building. No required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot whereon a building is to be erected or established.
- (i) **Multiple Lots in Common Ownership.**
- (1) **Setbacks.** For purposes of applying any required setback or maximum lot coverage standard in this Zoning Ordinance, setbacks may be measured, and lot coverage may be calculated from the outer lot lines of any combination of lots in common ownership or use, and setbacks are not required from interior lot lines.
  - (2) **Combined on Same Tax Card.** Two or more lots of record, platted lots, or parcels that are contiguous and held in common ownership may be treated together as a single lot for purposes of this Zoning Code, provided such lots are located in the same zoning district and provided they are combined on the same County Auditor tax card. The Zoning Inspector may require such lots be combined on the same tax card as a requirement of a zoning application. Such combined lots may not be divided without approval in accordance with the Village Subdivision Regulations.

#### **1286.06 VIEW CLEARANCE.**

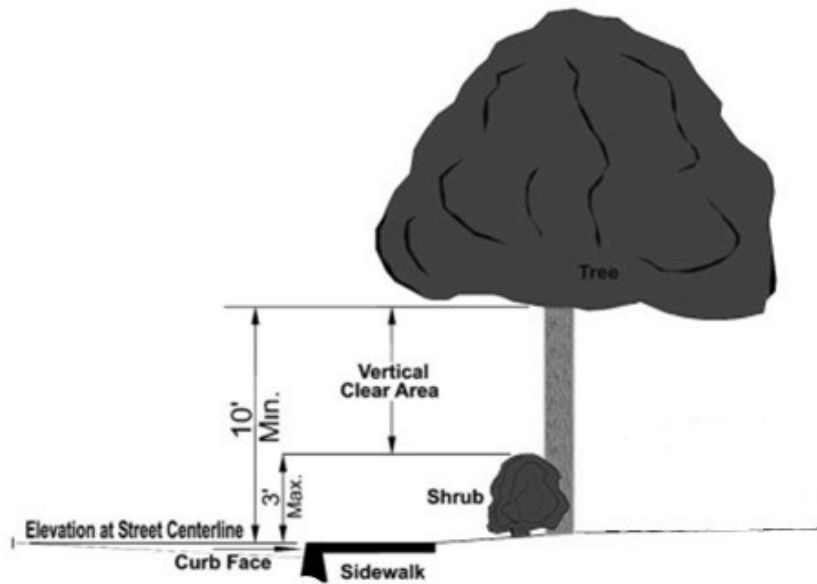
- (a) **Clear View of Intersecting Streets.** In all zones which require a front yard, no

obstruction in excess of three (3 feet in height measured from the top of the curb (or edge of street pavement where there is no curb), shall be placed on any corner lot within the triangular area formed by the street right-of-way lines or the projected point of intersection of the street right-of-way lines and a line connecting points twenty-five feet (25) from the intersection of the street right-of-way lines or the projected point. See Figure 1286-G.



**Figure 1286-G: Clear view triangle for traffic safety.**

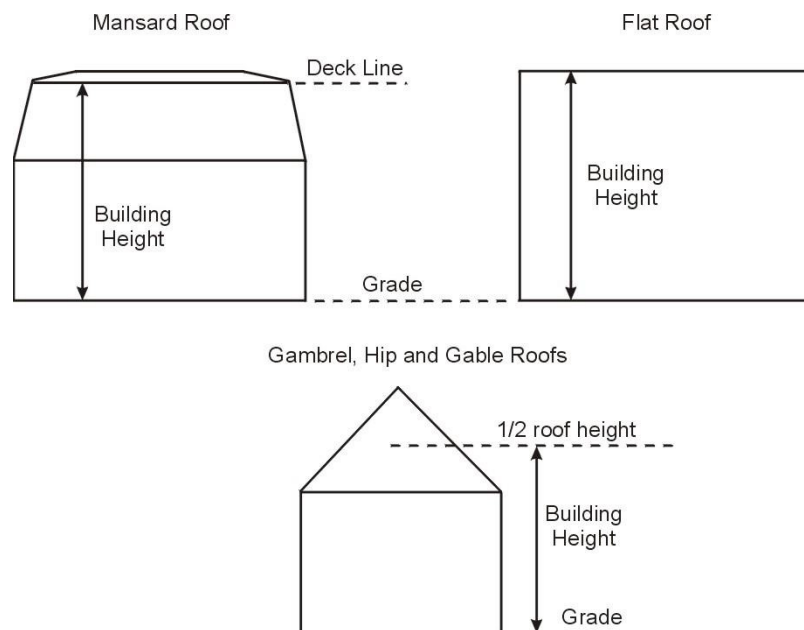
- (b) **Fence and wall restrictions in front yard** In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of three feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of three feet and ten feet except as otherwise permitted in the screening requirements of the Zoning Ordinance. See Figure 1286-H.



**Figure 1286-H: Front Yard Vision Clearance**

#### 1286.07 HEIGHT MEASUREMENT AND EXCEPTIONS.

- (a) Building height means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between the eaves and ridges for gable, hip, or gambrel roofs. See Figure 1286-I



**Figure 1286-I: Building Height Measurement**

(b) **Exceptions to Height Limits.** Upon approval by the Board of Zoning and Building Appeals height limitations stipulated in this Zoning Ordinance may be permitted to a greater height for the following .

- (1) Barns, silos or other agricultural buildings or structures on farms;
- (2) Church spires, belfries, cupolas and domes, monuments, water towers, masts, and aerals (antennae);
- (3) Parapet walls extending not more than four (4) feet above the limiting height of the building;
- (4) Public or semi-public buildings, hospitals, institutions, places of religious assembly, or educational facilities may be increased to 50 feet; provided, required side and rear yards are each increased by one (1) foot for each foot of additional building height above the maximum height permitted within the district in which the building is located; and
- (5) Where the manufacturing process requires a greater height; provided, however, that, all such structures above the heights otherwise permitted in the district shall not occupy more than forty (40) percent of the area of the lot.

#### **1286.08 GENERAL SITE DEVELOPMENT STANDARDS.**

(a) **Generally.** Other than that permitted by the provisions of this Zoning Ordinance no building shall be erected, converted, enlarged, reconstructed, or structurally altered:

- (1) To exceed the maximum height; or
- (2) To accommodate or house a greater number of families; or
- (3) To occupy a greater percentage of lot area; or
- (4) To have narrower or smaller rear, front, or side yards than are specified herein for the district in which such building is located.

(b) **Principal Building.**

- (1) No more than one principal building shall be permitted on any one lot unless otherwise specifically stated in the Zoning Ordinance.
- (2) When more than one townhouse, multi-family, commercial or industrial building is located on one lot, the buildings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The spacing between the buildings shall be reviewed and approved during site plan review to ensure an adequate amount of building spacing and preservation of landscaping areas.
- (3) No principal building shall be erected on a lot which does not abut on at least one street by its full frontage.

(c) **Temporary Buildings.** Temporary buildings or uses for purposes incidental to construction work shall be permitted provided such buildings or uses shall not be

continued as permanent structures or uses. The period during which such temporary buildings are to be permitted shall be not greater than the period of construction plus thirty days after the completion of such construction and the permit for such period shall be issued by the Board of Zoning and Building Appeals. Temporary buildings shall not be used for living purposes. Example of temporary buildings are listed below.

- (1) Real estate offices containing no living accommodations shall be permitted within any district for any new subdivision for a period of 1 year. Two 6-month extensions may be granted if conditions warrant by the Building Inspector. Such offices shall be removed upon the completion of the sales of the lots therein or upon the expiration of the zoning permit, whichever occurs first.
- (2) Temporary buildings, construction trailers, offices, equipment, materials, and storage facilities required in conjunction with construction activity may be permitted in any district for a period of 1 year. Six-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction or upon expiration of the zoning permit, whichever occurs first.
- (3) Temporary sales and services may be permitted in parking areas within any commercial district. A zoning permit valid for a period not to exceed 7 consecutive days shall only be issued 3 times within any 12-month period to any individual or organization. The Building Inspector shall not issue a permit for such temporary use if he or she determines that it encroaches upon more than 25% of the required parking area.
- (4) Temporary retail sales and services such as the sale of plants, flowers, arts and crafts, farm produce, or similar items on a lot(s) other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted in any commercial district. A zoning permit valid for a period not to exceed 2 consecutive days shall only be issued 3 separate times for any particular lot within any 12-month period, and not more than 1 permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license, and a written statement from the property owner giving his/her permission for such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any event, the zoning permit shall be prominently displayed at the site.

#### **1286.09 SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL DISTRICTS.**

The following Table 1286-1 establishes the minimum site development standards for residential base zoning districts. For the "Manufactured Home Park District" see OAC 4781 and ORC 3781.184.

|                               | R-1A |               | R-1B          | R-2                |            |              |
|-------------------------------|------|---------------|---------------|--------------------|------------|--------------|
|                               | Farm | Single Family | Single Family | 2-Family           | Two Family | Multi-Family |
| Dwelling Units per Gross Acre | 0.2  | 2.56          | 4.89          | 4.47 SF<br>3.63 2F | 4.3 2F     | 9.6          |

|                                     | R-1A                   |                      | R-1B       | R-2                    |             |                             |
|-------------------------------------|------------------------|----------------------|------------|------------------------|-------------|-----------------------------|
| Minimum Lot Area (ft.)              | 5 acres                | 17,000 sf            | 8,910 s.f. | 9,750<br>12,000<br>2-F | 10,000 s.f. | 14,500 s.f.                 |
| Minimum Lot Width (ft)              | 300                    | 90                   | 66         | 65 SF<br>80 2-F        | 80          | 100 <sup>[1]</sup>          |
| Minimum Lot Depth (ft)              | 726                    | 190                  | 135        | 195 SF<br>240 2F       | 195         | 240                         |
| Front Yard Setback (ft)             | 70/50 <sup>[2]</sup>   | 70/50 <sup>[2]</sup> | 30         | 35                     | 35          | 40                          |
| Rear Yard Setback(ft)               | 40                     | 40                   | 30         | 40                     | 40          | 40                          |
| Side Yard, Setback (ft), both sides | 100/200 <sup>[3]</sup> | 10<br>20             | 5<br>12    | 8<br>20                | 10          | Half ht bldg <sup>[4]</sup> |
| Maximum Stories                     | 2 ½ Res.               | 2 ½                  | 2 ½        | 2 ½                    | 2 ½         | 2 ½/3                       |
| Maximum Height (ft)                 | 35 Res                 | 35                   | 35         | 35                     | 35          | 40                          |
| Maximum Lot Coverage (percentage)   | N/A                    | 25                   | 25         | 30                     | 30          | 30                          |

**Table Notes**

[1] For first 3 units, 2.5 feet for each additional unit.

[2] 70' frontage to a federal or State Road and 50' for all other roads

[3] 100' to adjoining line, 200' if building houses animals and is next to residential use

[4] But not less than 10'

**1286.10 DWELLING FLOOR AREA REQUIREMENTS.**

The following Table 1286-2 sets forth required minimum floor area in square feet for dwelling units. The calculation of floor area shall only include those areas used for living purposes.

Garages, carports, porches, patios and basements shall be excluded from such calculation:

| Table 1286-2: Minimum Floor Area For Dwelling Units |   |   |      |     |     |  |
|---|---|---|------|-----|-----|--|
| Building Type                                       | Dwelling Type                           | Minimum Floor Area by Zoning District (square feet) |      |     |     |  |
|   |   | R-1A  | R-1B | R-2 | R-3 |  |
| One-story buildings                                 | Single family dwelling without basement | 864   | 864  | 864 | 864 |  |
|   | Single family dwelling with basement    | 864   | 864  | 864 | 864 |  |
|   | Dwelling without basement               |   |      | 864 | 864 |  |
|   | Dwelling on first floor with basement   |   |      | 864 | 864 |  |



| Table 1286-2: Minimum Floor Area For Dwelling Units |   |   |       |       |       |  |
|---|---|---|-------|-------|-------|--|
| Building Type                                       | Dwelling Type                                   | Minimum Floor Area by Zoning District (square feet) |       |       |       |  |
|   |   | R-1A  | R-1B  | R-2   | R-3   |  |
| One- and one-half story building                    | Single family on first floor                    | 768   | 768   | 768   | 768   |  |
|   | Single family on both floors excluding basement | 1,152   | 1,152 | 1,152 | 1,152 |  |
|   | ✓ Dwelling on first floor                       |   |       | 768   | 768   |  |
|   | ✓ Dwelling on both floors excluding basement    |   |       | 1,152 | 1,152 |  |
| Two story building                                  | Single family on first floor                    | 720   | 720   | 720   | 720   |  |
|   | Single family on both floors excluding basement | 1,080   | 1,080 | 1,080 | 1,080 |  |
|   | ✓ Dwelling on first floor                       |   |       | 720   | 720   |  |
|   | ✓ Dwelling on both floors excluding basement    |   |       | 1,080 | 1,080 |  |
| Multi-level buildings                               | Single family dwelling <sup>[1]</sup>           | 1,296   | 1,296 | 1,296 | 1,296 |  |
|   | ✓ Dwelling <sup>[1]</sup>                       |   |       | 1,296 | 1,296 |  |
| Multi-family dwellings                              | Efficiency suite dwelling unit                  |   |       |       | 500   |  |
|   | One bedroom dwelling unit                       |   |       |       | 575   |  |
|   | ✓ Two bedroom dwelling unit                     |   |       |       | 750   |  |
|   | Four or more bedroom dwelling unit              |   |       |       | 1,500 |  |

Table Notes

[1] With a minimum lot coverage of 864 square feet, excluding basements.

#### 1286.11 SITE DEVELOPMENT STANDARDS FOR BUSINESS & INDUSTRIAL DISTRICTS.

The following Table 1286-3 establishes the minimum site development standards for business and industrial zoning districts.

| Table 1286-3: Lot Area and Dimensional Requirements for Business and Industrial Districts |                  |               |                  |                |                |                 |                 |
|---|------------------|---------------|------------------|----------------|----------------|-----------------|-----------------|
|   | Zoning District  |               |                  |                |                |                 |                 |
|   | PO               | GB            | CB               | IP             | ID             | L-I             | G-I             |
| Min. Lot Area   | [1]<br>15,000 sf | [5]<br>¾ acre | [6]<br>10,000 sf | None<br>1 acre | None<br>1 acre | None<br>2 acres | None<br>2 acres |
| Dwelling Units per Gross Acre   | na               | na            | na               | na             | na             | na              | na              |
| Min. Lot Width (ft)   | 80               | 125           | None             | 150            | None           | 200             | 200             |

| <b>Table 1286-3: Lot Area and Dimensional Requirements for Business and Industrial Districts</b> |                        |                   |                   |                   |                   |                   |            |
|--|------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|------------|
|  | <b>Zoning District</b> |                   |                   |                   |                   |                   |            |
|  | <b>PO</b>              | <b>GB</b>         | <b>CB</b>         | <b>IP</b>         | <b>ID</b>         | <b>L-I</b>        | <b>G-I</b> |
| Front Yard Setback (ft)  | 75                     | 100               | 35 <sup>[7]</sup> | 50                | 50                | 100               | 100        |
| Rear Yard Setback (ft)   | 20                     | 40                | 20                | 25                | 40                | 75                | 75         |
| Side Yard Setback, both sides (ft)   | 25 <sup>[2]</sup>      | None              | None              | 25                | 40                | 25                | 25         |
| Side Yard setback abutting a street (ft)   |                        | 12 <sup>[2]</sup> | None              | 25                | 40                | 100               | 100        |
| Yard setback for lot lines abutting a residential zone (ft) <sup>[3]</sup>                       | 50                     | 75                | 20                | 75                | 75                | 100               | 150        |
| Max. Height (feet)   | 35                     | 35                | 40 <sup>[8]</sup> | 50 <sup>[8]</sup> | 40 <sup>[8]</sup> | 50 <sup>[8]</sup> | 35         |
| Max. Lot Coverage (percent)  | 30 <sup>[4]</sup>      | 30 <sup>[4]</sup> | 75 <sup>[4]</sup> | 40 <sup>[4]</sup> | 70 <sup>[4]</sup> | 40 <sup>[4]</sup> | 40         |

**Table Notes:**

[1] Two times ground area covered by buildings, structures, parking areas, and driveways thereon

[2] When no rear access

[3] Yard shall remain open, unoccupied by any principal or accessory building, and landscaped in accordance with Chapter 1292 "Landscaping."

[4] Includes all accessory structures on lot

[5] Maximum ground floor bldg. size 35,000 sq ft

[6] Maximum ground floor bldg. size 10,000 sq ft

[7] In established business and commercial areas, the building setback line shall be the uniform setback line

observed on the same side of the street as the lot in question between two intersecting streets or for a distance of

100 feet on each side of the lot. In the event of variance of the abutting property, the setback that is nearest to

thirty-five from the right-of-way line shall prevail as the minimum setback.

[8] Structures may exceed 35 feet provided that:

- a. The site will have a maximum building floor area/lot ratio of two to one (2:1), meaning that the total usable floor space within all structures will not exceed twice the total lot area.
- b. No site plan shall be approved which includes building more than thirty-five (35) feet in height unless approved by the fire chief.

## **CHAPTER 1287**

### **General District Regulations**

- 1287.01 Purpose.
- 1287.02 General lot area regulations.
- 1287.03 Regulation of accessory uses and buildings.
- 1287.04 Sexually oriented businesses.
- 1287.05 Adult group homes.
- 1287.06 Amusement arcades.
- 1287.07 Childcare or elderly adult day care facilities.
- 1287.08 Home occupations.
- 1287.09 Junk.
- 1287.10 Satellite dish antennas.
- 1287.11 Swimming pools.
- 1287.12 Wireless telecommunication towers.
- 1287.13 Open storage and display of material and equipment.
- 1287.14 Single-family cluster developments; conditions for approval.
- 1287.15 Parking of recreational vehicles in residential districts.

### **CROSS REFERENCES**

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.

Restrictions on percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

Nuisances - see Ohio R.C. Ch. 3767

Noise control – see P. & Z. Ch. 1289

Safety, Sanitation and Health - see GEN. OFF. Ch. 660

Amusement devices - see B.R. & T. Ch. 804

Nonconforming uses - see P. & Z. Ch. 1252

Zoning Districts and Land Use Regulations - see P. & Z. Ch. 1254

Signs and outdoor advertising - see P. & Z. Ch. 1288

Off-street parking and loading - see P. & Z. Ch. 1290

Sexually oriented businesses - see P. & Z. Ch. 1294

Ohio Plumbing Code - see B. & H. Ch. 1422

National Electrical Code - see B. & H. Ch. 1424

Permit fees for swimming pools - see B. & H. 1440.07(b)(6)

Fences generally - see B. & H. 1462.07

1287.01 PURPOSE.

The purpose of general district regulations is to establish additional requirements for various uses, classifications of uses, or areas in order to promote the harmonious exercise of property rights without conflict. The general district regulations as set forth herein shall apply to all districts, unless otherwise noted herein. Where the requirements of a general district regulation and a district regulation differ, the more specific/restrictive requirement shall prevail.

(Ord. 01-014. Passed 7-17-01.)

#### 1287.02 GENERAL LOT AREA REGULATIONS.

No parcel of land shall hereafter be reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated.

(a) Minimum Lot Area. The minimum lot area will be what is required for that zoning district.

(b) Nonconforming Existing Lot of Record. Any lot or parcel of land under one ownership and of record at the time of adoption of this Zoning Code or any amendment hereto, may be used as a building site even with less area or width than that required by the regulations for the district in which located. All applicable setbacks and other development standards shall apply to nonconforming existing lots.

(c) Setback Regulations for Corner Lots. On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yards in the district in which the structures are located.

(d) Reduction of Area or Space. No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Zoning Code. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning and Building Appeals in properly granting variances under this Code.

(Ord. 01-014. Passed 7-17-01.)

#### 1287.03 REGULATION OF ACCESSORY USES AND BUILDINGS.

It is the purpose of this section to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of this section to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with the existing environment.

(a) General Requirements. Except as otherwise provided in this Zoning Code, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

(1) It shall be 45% or less of the gross floor area of the principal use or structure.

(2) It shall not contain or be used as a dwelling unit.

(3) It shall meet all yard requirements of the principal use, except as modified by the District Regulations, if applicable.

(b) Dwellings as Accessory Uses. Mobile homes or manufactured housing units shall not be permitted as accessory uses in any district.

(c) Additional Dwelling Units. An owner-occupied, single-family dwelling unit may be converted to allow the incorporation of one additional dwelling unit for the exclusive occupancy of a relative related to the owner of the single-family dwelling unit. Such accessory dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor, or ceiling.

The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the relationship of the person.

(d) Retail Sales and Service as an Accessory Use. Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors, and not for the general retail public. In hospitals and clinics, these accessory uses may include drug stores, florists, gift and book shops; and in cafeteria institutional settings, office buildings, hotels, country club houses, and airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, beauty and barber shops.

(e) Accessory Buildings Used for Storage. Accessory buildings used for storage shall not include the use of temporary structures, including tents, trailers, railroad cars, mobile homes, auto or truck bodies, beds, boxes, trailers, truck caps and campers, or railroad cars whether affixed to a permanent foundation or not. Accessory buildings used for storage shall otherwise meet all other zoning setback, height, area, and percent of lot coverage requirements for the particular use or district in which located and shall be maintained in good condition.

(Ord. 01-014. Passed 7-17-01.)

#### 1287.04 SEXUALLY ORIENTED BUSINESSES.

In addition to complying with all regulations within the district where they are located, all sexually oriented entertainment business shall comply with Chapter 1294 to mitigate and limit any secondary effects.

(Ord. 01-014. Passed 7-17-01.)

#### 1287.05 ADULT GROUP HOMES.

In addition to all other applicable provisions of this Zoning Code, adult group homes shall comply with the following criteria:

(a) Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate State agency.

(b) Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.

(c) No such facility may be located within 600 feet of another such facility.

(d) The exterior of all such facilities shall not be altered in character and be compatible with other residential dwellings. Any improvement(s) required by code or necessitated by licensing requirements shall not be deemed incompatible.



(e) Such facility shall be reasonably accessible by virtue of its location or transportation provided by the applicant to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.

(f) Such facility shall be located to provide adequate off-street parking.

(g) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents to include a structured procedure whereby their grievances may be filed and resolved.

(h) The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, the location and type of similar facilities operated by the applicant.

(Ord. 01-014. Passed 7-17-01.)

#### 1287.06 AMUSEMENT ARCADES.

Amusement arcades shall comply with the following in addition to all other regulations that apply in this Zoning Code.

(a) An adult who is a minimum of 18 years of age shall supervise the amusement arcade at all times during its hours of operation.

(b) It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance.

(c) If the place of business or premises for which an amusement arcade is proposed is a freestanding building, an exterior lighting plan must be approved by the Planning Commission.

(Ord. 01-014. Passed 7-17-01.)

#### 1287.07 CHILD DAY CARE OR ELDERLY ADULT DAY CARE FACILITIES.

Child or adult day care facilities shall comply with the following in addition to all other regulations that apply to this Zoning Code.

(a) Child or adult day care facilities with an average daily attendance of 6 persons or less are permitted in any residential district. No zoning permit is required for this type of child or adult day care.

(b) Child or adult day care facilities with an average daily attendance between 7 and 12 persons may be permitted or conditionally permitted in any district. The petitioner shall be required to obtain a zoning permit by proving that he or she has complied with all applicable State laws, and copies of the State permits shall be filed with the Zoning Inspector. The zoning permit will expire without notice on a yearly basis.

(c) Child or adult day care facilities with an average daily attendance of more than 12 persons may be permitted or conditionally permitted in a zoning district and are subject to the following conditions:

(1) The petitioner obtains all necessary State licenses or certifications required for providing day care for infants, pre-school, and/or school age children, as well as adults.

(2) Provisions are made for off-street parking and loading facilities, and such fencing, screening, and landscaping as required to prevent undue detriment to the area.

(d) Review of a child or adult day care facility as a conditional use shall include, but is not limited to the following conditions:

(1) Proof of all necessary State licenses or certifications required for providing day care for infants, pre-school, and/or school-age children, as well as adults.

(2) Location of the site, size, and configuration relative to development and adjoining areas.

(3) Number of children or adults to be accommodated in the center, service area, type of program, teacher-child ratios, caregiver/adult ratios, and personnel qualifications.

(4) Day care facilities shall comply with all laws, ordinances, and regulations pertaining thereto.

(Ord. 01-014. Passed 7-17-01.)

#### 1287.08 HOME OCCUPATIONS.

Home occupations shall require a zoning permit, and shall comply with all of the following regulations:

(a) There shall be no nonresidential employees to be employed on the premises of the proposed home occupation.

(b) Sales of commodities not produced on the premises are not permitted.

(c) A home occupation may be permitted, at the discretion of the zoning inspector, to be conducted in a structure accessory to the residence, provided the application so specifies.

(d) No outside storage related to the home occupation may be permitted.

(e) Not more than 30% of the gross floor area of any residence shall be devoted to the proposed home occupation.

(f) The external appearance of the structure in which the use is to be conducted shall not be altered and not more than 1 sign no larger than 2 square feet shall be mounted flush to the wall of the structure.

(g) Minor or moderate alterations (non-structural) may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.

(h) No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.

(i) There shall not be regular or frequent traffic to the premises by the public for business or professional purposes.

(Ord. 01-014. Passed 7-17-01.)

#### 1287.09 JUNK.

(a) The accumulation or storage of junk, junk motor vehicles as defined under Ohio R.C. 4513.65, disabled or inoperative machinery or equipment, vehicles or machinery parts, or any other discarded objects or debris defined as junk in this ordinance shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

(b) No person shall permit litter and junk to accumulate on land owned or occupied to the extent that it blows or spills over onto the property of another.

(c) Uncontrolled accumulation of litter is a nuisance and is subject to abatement by the Village or owners of surrounding land.

(d) Upon repeated violations of this section, the Zoning Inspector y may require the violator to erect a fence or landscaping designed to contain litter, and the Village may take other actions deemed necessary.

(Ord. 01-014. Passed 7-17-01.)

#### 1287.10 SATELLITE DISH ANTENNAS.

(a) Ground-Mounted Satellite Dish Antennas. Ground-mounted satellite dish antennas are considered an accessory structure in any district. However, the applicant shall be required to obtain a permit from the Zoning Inspector before constructing a ground-mounted satellite dish or any accompanying structures. In addition to the provisions of this Zoning Code pertaining to accessory structures, the following provisions shall apply to ground-mounted satellite dishes:

(1) The maximum diameter of any ground-mounted satellite dish shall not exceed 18 inches.

(2) The maximum height of any ground-mounted satellite dish shall not exceed 3 feet above the finished grade.

(3) The apparatus shall not be located in any required yard or between the principal structure and the right-of-way and may not be located within 10 feet of a property line.

(4) All wiring between the apparatus and any other structure shall be placed underground in approved conduit in accordance with the National Electrical Code.

(5) The apparatus shall be bonded to an approved grounding rod as required by the National Electrical Code or by the Village.

(b) Roof-Mounted Satellite Dish Antennas. Roof-mounted satellite dish antennas are considered as accessory structures and are permitted as accessory uses in all districts and require a zoning permit. In addition to the provisions of this Code pertaining to accessory structures, the following provisions shall apply to roof-mounted satellite dishes:

(1) The maximum diameter of any roof-mounted satellite dish shall not exceed 3 feet in any residential zoning district.

(2) The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than 4 feet.

(3) All wiring and grounding of the apparatus shall be in accordance with the National Electrical Code.

(4) The apparatus, its mounting, and all supporting devices shall be constructed and erected in accordance with all applicable local, State, and national building code requirements. The apparatus shall be mounted directly upon the roof of the principal building, and shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenances thereto attached.

(Ord. 01-014. Passed 7-17-01.)

#### 1287.11 SWIMMING POOLS.

(a) Definitions. For the purposes of this chapter, the terms “swimming pool” and “pool” shall include the following defined classes unless specifically exempted in a particular section hereunder:

(1) “Above-ground semipermanent outdoor swimming pool.” Any artificial water pool, semipermanent in nature, of redwood or other wood, metal or plastic construction, which has a water surface area of 300 square feet or more, a depth at any point of more than 11/2 feet, or both.

(2) “Recessed outdoor swimming pool.” Any artificial water pool, permanent in nature, of steel, masonry, concrete, aluminum or plastic construction, located out-of-doors, which has a water surface area of 300 square feet or more, a depth at any point of more than 2 feet, or both.

(3) “Portable plastic or vinyl outdoor swimming pool.” Any artificial water pool, portable in nature, of plastic or vinyl construction, located out-of-doors, which has a water surface area of 300 square feet or less and a depth at any point of 11/2 feet or less (no building permit).

(b) Construction or Maintenance; Permit Required; Fee. No person shall construct or maintain an outdoor swimming pool without first making application to the Building Department and obtaining a permit.

(c) Plot Plan. There shall be filed with the Building Department a plot plan of the property showing the location of the swimming pool thereon and a detailed plan and specification for such swimming pool which contains full information as to the type, height, and location of the fence surrounding such swimming pool and the number of gates therein. Before any permit is issued, such plans and specifications shall be approved by the Building Department. All applications for a permit shall be accompanied by the proper fee.

(d) Location. Outdoor swimming pools may be erected on a side or rear yard. Every pool hereafter built shall be located upon the lot or parcel to allow a safe distance between the pool and the property lines so that any person or persons may be readily observed when approaching or in the vicinity of the pool. The swimming pool, its walks, decks, or paved areas, or any accessory structure adjacent thereto, whichever is closer, shall be situated 6 or more feet from any property line.

(e) Fencing. Every pool hereafter constructed, apart from semipermanent above-ground pools which have a built-in fence that is acceptable to the Building Inspector, shall be completely enclosed by a fence not less than 4 feet but not more than 6 feet in height. A fence which encloses the yard may be considered as complying with these requirements. Fence gates shall be of the self-closing, self-latching type with the latch on the inside of the gate, not readily available for children to open. All gates must be locked when the residents are away from the house or when the pool is not in use. A portable plastic or vinyl outdoor swimming pool 11/2 feet or under in height shall have a protective cover of plastic and shall be properly secured when not in use.

(f) Construction Requirements. The following regulations shall apply to the construction of swimming pools:

(1) Swimming pool construction shall conform to the Ohio Plumbing Code and the National Electrical Code.

(2) Non-portable fiberglass and plastic pools may be permitted, provided that they meet accepted safety and construction standards.

(3) Any accessory building which houses pumping and filtering equipment shall conform to the provisions of the Zoning Code and the Building Code.

(4) Illuminating lights may be erected with an intensity of no more than 2 footcandles, installed and shielded so as to eliminate direct rays and minimize reflected rays upon adjoining premises.

(5) All electrical wiring shall conform to the requirements of the National Electrical Code. Installation shall be underground wiring in an approved conduit.

(6) All plumbing necessary for the connection of the intake or the outlet of a swimming pool to the Village water system or sewer system shall conform to the requirements of the Ohio Plumbing Code.

(7) There shall be no direct cross-connection with the Village or home water supply and the water supply for the pool.

(8) The construction of the pool shall be made in such a manner that all scum, splash, and deck water shall not return to the pool except through the filter system.

(9) The pool shall be kept free at all times of floating material, sediment, and debris, either by an automatic surface skimmer, a scum gutter, or some other means approved by the Building Inspector.

(10) Every private swimming pool shall be equipped with an approved filtration system. The system shall have sufficient capacity to provide a complete turnover of the pool water in 24 hours or less when operated at a rate not to exceed 3 gallons per minute per square foot of filter area. Hair and lint strainers shall be provided so as to protect the pumps.

(11) A provision shall be made for positive germicidal or bacterial control by the use of chlorine, bromine, or other such disinfecting agents.

(12) All swimming pool installations must be completed and filled with water, and the filter system must be in operation, before final inspection.

(13) The pool sides and bottom shall be constructed of smooth, nonabsorbent materials, free from cracks, and be so constructed as to be properly drained through one or more metal grate openings. At all times when the pool is in use, water shall be sufficiently clear to see distinctly a bull's-eye target 6 inches in black, on a white disc 18 inches in diameter, from the sidewalk of the pool or the side of the pool.

(g) Operation. The following regulations shall apply to the operation of swimming pools:

(1) No person shall maintain a swimming pool on his or her premises without providing adequate supervision at all times when the pool is in use.

(2) A shepherd's crook shall be available at the pool at all times when the pool is in use as a method of rescuing floundering swimmers.

(3) During water shortages, the filling of swimming pools shall be regulated by the Village Administrator, regulating the use of water supply for lawn sprinkling.

(4) No swimming pool shall be drained during periods of excessive rainfall so as to overload the Village sewer system.

(h) Fencing of Existing Swimming Pools. Existing outdoor swimming pools which do not conform to the fencing requirements of this chapter shall be brought into compliance. Any pool now in operation may be continued to be used with the present fence if the fence is adequate, as determined by the Building Inspector.

(i) Filtration Systems Required for Existing Swimming Pools. All swimming pools which, at the present time, have no filtration system, shall be required to install and have the same approved within one year.

(j) Inspection. The Building Inspector shall have the right, at any reasonable hour, to inspect any swimming pool for the purpose of determining that all provisions of this chapter are fulfilled and complied with. Before any swimming pool is used, a final inspection and approval must be made by the Building Inspector.

(k) Conflicts. In no way are the provisions of this chapter intended to amend or alter an existing Village ordinance or State statute.

(l) Violations as Nuisances; Abatement. Any outdoor swimming pool installed, operated or maintained in violation of the provisions of this chapter shall constitute a nuisance, and the Village may, in addition to the penalty provided in division (m) of this section, maintain any proper action for the abatement of such nuisance.

(m) Abandonment. Should the owner abandon the pool, he or she shall arrange to remove the depression and return the surface of the ground to its original grade and approximately the same condition as before the pool was constructed and notify the Zoning Inspector of the abandonment of said pool, so that the inspection of the site may be made, and the records of the permit marked accordingly.

(n) Penalties outlined in Section 1246.14.

#### 1287.12 WIRELESS TELECOMMUNICATION FACILITY.

The purpose of this section is to regulate the placement, construction, and modification of wireless telecommunication facilities and their support structures in order to protect the public health, safety and welfare, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the Village. Specifically, the purposes of such sections are:

(a) Legislative Purposes for Regulation of Wireless Telecommunication Facilities.

(1) To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of the Village.

(2) To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities.

(3) To minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques.

(4) To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.



(5) To avoid potential damage to adjacent properties caused by towers and wireless telecommunications facilities by ensuring such structures are soundly designed, constructed, and modified, are appropriately maintained, and are fully removed.

(6) To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.

(7) To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

(b) Applicability of Wireless Telecommunication Facility Regulations. All towers, antenna support structures, and wireless telecommunication facilities, any portion of which are located within the Village, are subject to this section. Except as provided herein, any use being made of an existing tower or antenna support structure on the effective date of this Zoning Code shall be deemed a nonconforming structure and allowed to continue, even if in conflict with the terms of this Zoning Code. Any tower site that has received approval in the form of a zoning or building permit by the Village, but has not yet been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired.

(c) Standards Applicable to All Wireless Telecommunication Facilities.

(1) Construction standards. All wireless telecommunication facilities and support structures shall be certified by an engineer licensed in the State of Ohio to be structurally sound and, at a minimum, in conformance with Ohio Basic Building Code.

(2) Natural resource protection standards. The location of the wireless telecommunication facility shall comply with all natural resource protection standards established either in this Zoning Code or in other applicable regulations, including those for floodplains, wetlands, groundwater protection, and steep slopes.

(3) Color and appearance standards. All wireless telecommunication facilities shall be painted a non-contrasting gray or similar color, minimizing its visibility, unless otherwise required by the Federal Communications Commission, and the Federal Aviation Administration. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Village.

(4) Advertising prohibited. No advertising is permitted anywhere upon or attached to the wireless telecommunication facility.

(5) Artificial lighting restricted. No wireless telecommunication facility shall be artificially lit except as required by the Federal Aviation Administration.

(6) Co-location. All wireless telecommunication facilities shall be subject to the co-location requirements set forth in division (d) of this section.

(7) Abandonment. All wireless telecommunication facilities shall be subject to the abandonment requirements set forth in division (h) of this section.

(8) Setback from edge of roof. Any wireless telecommunication facility and its appurtenances permitted on the roof of a building shall be set back one foot from the edge of the roof for each foot in height of the wireless telecommunication facility. However, this setback requirement shall not apply to antennas that are less than 2 inches in thickness mounted to the sides of antenna support structures and do not protrude more than 6 inches

from the side of such an antenna support structure. This requirement is subject to change by the Village upon the review of the photo simulation provided in compliance with division (i)(3) of this section.

(9) Security enclosure required. All towers and equipment shelters shall be enclosed either completely or individually as determined by the Village. The Village and co-locators shall have reasonable access such as emergency services lock boxes. Fencing shall be required, except no fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.

(10) Existing vegetation and buffer plantings. Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the Village. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.

(11) Access control and emergency contact. "No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of who to contact in the event of an emergency.

(d) Co-Location Requirements.

(1) Jurisdiction study of potential public sites. In order to encourage the location of a wireless telecommunication facility on publicly owned property, the Village shall cooperate with the entity desiring to locate a wireless telecommunication facility in the Village to determine if it is feasible to locate such a facility on publicly-owned property.

(2) Exemption from proof of co-location availability. Persons locating a wireless telecommunication facility upon a publicly owned property shall be exempted from the requirements herein regarding presentation of proof that co-location is not available. However, persons locating a wireless telecommunication facility on publicly- owned property shall continue to be subject to the requirements contained in division (d)(4) of this section.

(3) Exemption from certain requirements. Persons locating a wireless telecommunication facility on a publicly owned property identified by the Village to be suitable for such purposes shall be exempt from the requirements of divisions (e), (f) and (g) of this section.

(4) Co-location design required. No new tower shall be constructed in the Village unless such tower can accommodate at least three carriers if height is sufficient for coverage

(5) Technically suitable space. Authorization for a tower shall be issued only if there is not technically suitable space reasonably available on an existing tower or structure within the geographic area to be served.

(6) Application requirements. With the permit application, the applicant shall list the location of every tower, building, or structure within a reasonably proximity that could support the proposed antenna. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building, or structure within such area. If another communication tower owned by another party within such area is technically suitable, the applicant must show that an offer was made to the owner of such tower to co-locate an antenna on a tower owned by the applicant on reciprocal terms within the Village, and the offer was not accepted. If such co-location offer has not been attempted by the applicant, then such other tower is presumed to be reasonably available.

(e) Wireless Telecommunication Facilities in Residential Districts.

(1) Prohibited as permitted principal use. No wireless telecommunication facility is permitted as a principal use upon a lot.

(2) Accessory use. The following wireless telecommunication facilities are permitted as an accessory use upon a lot, subject to the following requirements:

A. Tower. No wireless telecommunication tower is permitted as an accessory use within a residential district without a conditional use approval under the guidelines of division (e) of this section.

B. Antenna. An antenna for a wireless telecommunication facility may be attached to an existing residential building or to an existing nonresidential structure subject to the following conditions:

1. Maximum height. The antenna shall not extend more than 20 feet above the roof of the existing building or top of the existing structure.

2. Separate equipment shelter. If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located above ground within any required front or side yard.

3. Vehicular access. Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.

(3) Conditional use. The following wireless telecommunication facilities are permitted as a conditional use upon a lot, subject to the following requirements:

A. Tower. A wireless telecommunications tower may be an accessory use to a public or institutional use within a residential zoning district, provided the Planning Commission with the consent of Council or Council without the consent of the Planning Commission finds the following standards have been met:

1. Minimum lot size for principal use. The minimum lot size for principal use for which the tower is accessory shall be five acres.

2. Minimum setback from property lines and residential structures. The minimum setbacks and yard requirements shall be established by the Planning Commission with the consent of Council or Council without the consent of the Planning Commission.

3. Maximum height. The height of such tower shall be subject to approval by the Planning Commission with the consent of Council or Council without the consent of the Planning Commission and be the minimum height necessary.

4. Equipment shelter. The minimum setbacks, height limits, bulk requirements, and screening standards shall be established by the Planning Commission with the consent of Council or Council without the consent of the Planning Commission during the conditional use process. Such shelter shall not be located above ground in any required front or side yard.

B. Antenna.

1. Location. The Planning Commission with the consent of Council or Council without the consent of the Planning Commission may approve the location of an antenna extending more than 20 feet above the roof of an existing building or structure.

2. Attachment to existing building or structure. An antenna for a wireless telecommunication facility may be attached to an existing residential building or to an existing nonresidential structure subject to the following conditions:

a. Roof setback. The pole structure supporting such antenna shall be set back 1 foot from the edge of such roof for each foot of height above such roof. This requirement shall not apply to antennas 2 inches or less in thickness without a supporting pole structure.

b. Separate equipment shelter. If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district. Such shelter shall not be located above ground in any required front or side yard.

c. Vehicular access. Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.

(f) Wireless Telecommunication Facilities in the General Business District. The following wireless telecommunication facilities are permitted as a conditional use upon a lot in the General Business District, subject to approval by the Planning Commission with the consent of Council or Council without the consent of the Planning Commission and the following requirements:

(1) Tower in the GB District.

A. Maximum height. The maximum height shall be less than 200 feet. Towers 200 feet or more in height shall require approval as a conditional use under the guidelines of division (f) of this section.

B. Minimum setback from property lines. The minimum setbacks and yard requirements for principal structures shall apply.

C. Minimum setback from residential structure. No tower shall be located less than 200 feet from a structure used as a residence or a distance less than its height from a structure used as a residence.

D. Equipment shelter. The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.

(2) Antenna in the General Business District. The antenna shall not be attached to a residential structure.

(g) Wireless Telecommunication Facilities in Industrial/Institutional Development Districts. The following wireless telecommunication facilities are permitted as a conditional use, subject to approval by the Planning Commission with the consent of Council or Council without the consent of the Planning Commission and the following requirements:

(1) Tower.

A. Maximum height. The maximum height of such tower shall be less than the distance of such tower from the nearest property line.

B. Minimum setback from property lines. The minimum setbacks and yard requirements for principal or accessory structures shall apply.

C. Minimum setback from residential structure. No tower shall be located a distance less than its height from a structure used as a residence.

D. Equipment shelter. The minimum setbacks and yard requirements for principal or accessory structures shall apply and such shelter shall not be located above ground in any required front or side yard.

(2) Antenna. The antenna shall not be attached to a structure unless such structure is 4 or more stories in height.

(h) Abandonment of Wireless Telecommunication Tower.

(1) Required notification. All providers utilizing towers shall present a report to the Village notifying it of any tower facility located in the Village whose use will be discontinued and the date this use will cease. Such report shall be filed with the Village 30 days prior to the cessation date. If at any time the use of the facility is discontinued for 180 days, the Zoning Inspector may declare the facility abandoned. The 180-day period excludes any dormancy period between construction and the initial use of the facility. The owner/ operator of the facility will receive written notice from the Zoning Inspector and be instructed to either reactivate use of the facility within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the Village will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.

(2) Required notice to owner. The Village must provide the tower owner 30 days' notice and an opportunity to be heard before the Planning Commission with the consent of Council or Council without the consent of the Planning Commission before initiating such action. After such notice has been provided, the Village shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at that time, or in the alternative, order the demolition of the tower and all appurtenances.

(3) Right to public hearing by owner. The Village shall provide the tower owner with the right to a public hearing before the Planning Commission with the consent of Council or Council without the consent of the Planning Commission, which public hearing shall follow the 30-day notice required in division (h)(2) of this section. All interested parties shall be allowed an opportunity to be heard at the public hearing.

(4) Order of abatement or demolition. After a public hearing is held pursuant to division (h)(3) of this section, the Village may order the abatement or demolition of the tower. The Village may require the licensee to pay for all expenses necessary to acquire or demolish the tower.

(i) Application and Review Requirements for Wireless Telecommunication Facilities.

(1) Information for applications. All applications for wireless telecommunication facilities, including towers, shall include the information required under this division.

(2) Plot Plan required. When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than 1-inch equals 100 feet shall be submitted. This plot plan shall indicate all building and land uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.

(3) Photo simulations required. Photo simulations of the proposed wireless telecommunication facility from affected residential properties and public rights-of-way taken at designated locations shall be provided.

(4) Proof why nonresidential tower location not feasible. In applying for authorization to erect a tower within any residential district, the applicant must present sufficient evidence as to why it is not technically feasible to locate such tower in a more appropriate nonresidential zone. The Village shall review this evidence. If the Village refutes the evidence, then the tower is not permitted.

(5) Technical necessity. The applicant shall demonstrate that the telecommunication tower must be located where it is proposed to provide adequate coverage to the applicant's service area. There shall be an explanation of why a tower and the proposed site are technically necessary.

(6) Height, placement, and location in all instances must be approved by the village.

(7) Landowner support and access. Where the wireless telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and vehicular access is provided to the facility.

(8) Required site and landscaping plan. The applicant shall present a site and landscaping plan showing the following:

- A. Specific placement of the wireless telecommunication facility on the site.
- B. The location of existing structures, trees, and other significant site features.
- C. Type and locations of plant materials used to screen the facilities.
- D. The proposed color of the facilities.

(9) Co-location and removal agreement. The applicant shall present signed statements indicating that:

A. The applicant agrees to allow for the potential co-location of additional wireless telecommunication facilities by other providers on the applicant's structure or within the same site location; and

B. The applicant agrees to remove the facility within 180 days after its use is discontinued.

(10) Denial by jurisdiction. Any decision to deny a request to place, construct or modify a wireless telecommunication facility and/or tower shall be in writing and supported by evidence contained in a written record.

(Ord. 01-014. Passed 7-17-01.)

#### 1287.13 OPEN STORAGE AND DISPLAY OF MATERIAL AND EQUIPMENT.

The open storage and display of material and equipment incident to permitted or conditional uses in GB, CB, LI, and GI districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences, or plantings. In no case shall this storage be maintained beyond the front building line except for items displayed for sale or rental. Walls or fences shall be 6 feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than 10 feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than 4 feet in height at the time of planting may be substituted.

(Ord. 01-014. Passed 7-17-01.)

1287.14 SINGLE-FAMILY CLUSTER DEVELOPMENTS; CONDITIONS FOR APPROVAL.

(a) The applicant shall graphically demonstrate the maximum number of residential lots that would normally be permitted on a subject property and show how clustering the same number of housing units will allow for an improved site design and layout.

(b) The applicant shall demonstrate how proposed reductions in lot sizes, setbacks and other requirements are necessary to achieve a preferred site design.

(c) All proposed reductions in lot sizes and other development requirements shall be proportionally related to the provision of a common and connected open space network. To the maximum extent possible, the open space network shall be designed as a network of spaces offering pedestrian access throughout the development and to a central passive or active recreational activity center. In all cases, the amount of common open space shall be not less than 25% of the site, nor more than 50% of the site.

(d) Only detached single-family dwellings may be included in a single-family cluster development and should use common architectural and design elements such as color, building mass, roof lines, facade treatments, landscape elements and related features to produce a distinctive residential area.

(e) Where possible, existing landscape features shall be incorporated into the design of the cluster development. Stormwater detention areas may be included in the calculation of common open space if designed for recreational use (such as a lake or play field). Single purpose stormwater detention areas shall be excluded from the calculations of required open space.

(f) Legal instruments that guarantee that the open space shown on the development plan will remain forever undeveloped shall be provided by the applicant for the satisfaction of the Village's legal counsel.

(g) When a cluster development is proposed to be developed in phases, common open space and residential density shall be provided in proportional amounts for each phase.

(h) All cluster developments shall conform with applicable provisions of the Subdivision Regulations.

(Ord. 01-014. Passed 7-17-01.)

1287.15 PARKING AND STORAGE OF RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS.

Parking of recreational vehicles, boats, boat trailers, campers, motor homes, competition vehicles, snowmobiles, dune buggies, and jet skis on all residentially zoned land shall be subject to the following regulations:

(a) Parking of recreational vehicles, boats and boat trailers is permitted between April 1, and October 31 of each calendar year in any yard, provided that the vehicle, boat, or boat trailer is not closer than five feet to any lot line.

(b) Parking of recreational vehicles, boats and boat trailers is not permitted between November 1 and March 31 of each year, except in a rear yard, and then only if the vehicle, boat, or boat trailer is not closer than five feet to any lot line.



- (c) The Zoning Inspector shall consider the following conditions and the like, as exemptions to 1287.15 (a) and (b):
  - (1) Any paved or concrete driveways which existed prior to passage of this section 1287.15 which are closer than five feet to a lot line.
  - (2) Properties which have no rear yard.
  - (3) Properties which have no access to a rear yard where there is not enough separation between the residence and lot lines for movement of the RV, boat or boat trailer and that residence has no alley behind which abuts the rear yard which would allow for access and parking of the RV, boat, or boat trailer.
- (d) No combination of boat, trailer and/or recreational vehicle shall be parked in any residential area which exceeds a total length of forty feet.
- (e) No recreational vehicle, boat, or boat trailer shall be parked when any portion of it extends from private property on to a sidewalk or street or alley.
- (f) Recreational vehicles may be connected to electric only. At no time shall said vehicles be used for living or housekeeping purposes while located on the residential premises. Said recreational vehicles shall have a current and valid license.
- (g) Penalty for violation of any of the foregoing rules is contained in Chapter 1246.14 Penalty.

## **CHAPTER 1288**

### **Signs and Outdoor Advertising**

- 1288.01 Purpose.
- 1288.02 Sign permit required.
- 1288.03 Prohibited signs.
- 1288.04 Exempted signs.
- 1288.05 Sign area measurement.
- 1288.06 Construction detail.
- 1288.07 Nonconforming signs.
- 1288.08 Maintenance and abandonment.
- 1288.09 Changeable copy.
- 1288.10 Temporary, portable signs.
- 1288.11 Permanent signs.
- 1288.12 Signs permitted in Residential Districts.
- 1288.13 Signs permitted in Business Districts.
- 1288.14 Signs permitted in Industrial Districts.
- 1288.15 Special provisions.
- 1288.16 Appeal procedure.

#### **CROSS REFERENCES**

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

Advertising on traffic control devices - see TRAF. 414.07

Signs on windshields - see TRAF. 438.23

Street name signs - see P. & Z. 1215.10

#### **1288.01 PURPOSE.**

(a) The purpose of this chapter is to promote and protect the public health, safety, and welfare of the Village through a comprehensive system of reasonable, effective, consistent, and nondiscriminatory sign standards and requirements. These sign regulations are intended to protect property values, enhance the visual attractiveness of the village, promote harmonious development, and preserve the scenic and natural beauty of designated areas. It is also the intent, through the provisions herein, to give recognition to the legitimate needs of businesses, industry, and other activities in attaining their identification and informational objectives. Similarly, these sign regulations will help protect the character of the village's residential neighborhoods by discouraging encroachment of signage that undermines the intended character of these areas. It is further intended to have these sign regulations reduce sign clutter, distractions, and obstructions that may contribute to traffic accidents and the

elimination of safety hazards that may be caused by overhanging or projecting signs over the public-right-of way.

#### 1288.02 SIGN PERMIT REQUIRED.

No sign shall be erected, moved, or structurally altered within the village without first obtaining approval either with an individual permit or as part of another application within which the sign is only one (1) portion of the project. This includes all new signs, all alterations of existing sign structures and changes of sign messages when one business replaces another and uses the same sign structure.

#### 1288.03 PROHIBITED SIGNS.

The following types of signs are prohibited:

- (b) Abandoned signs. If the associated business, industry, or other use ceases to operate, all signage shall be removed within 90 days.
- (b) Roof top signs.
- (c) Signs imitating or resembling official traffic or government signs or signals.
- (d) Snipe signs, those signs that are attached to trees, telephone poles, or any other fixture within the public right-of-way.
- (e) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said signs. This does not apply to signs or lettering on buses, taxis, or other vehicles operating during the normal course of business.
- (f) Off-premises signs (billboards). No off-premises sign (billboard) may be erected, re-erected, hung, placed, painted, or repainted, which sign advertises any product or service not provided on the property where the sign is located.
- (g) Any illuminated sign or lighting device that does not emit light of constant intensity or contains flashing, intermittent, or moving light or lights. This does not apply to an automatic changeable copy sign.

(Ord. 01-014. Passed 7-17-01.)

#### 1288.04 EXEMPTED SIGNS.

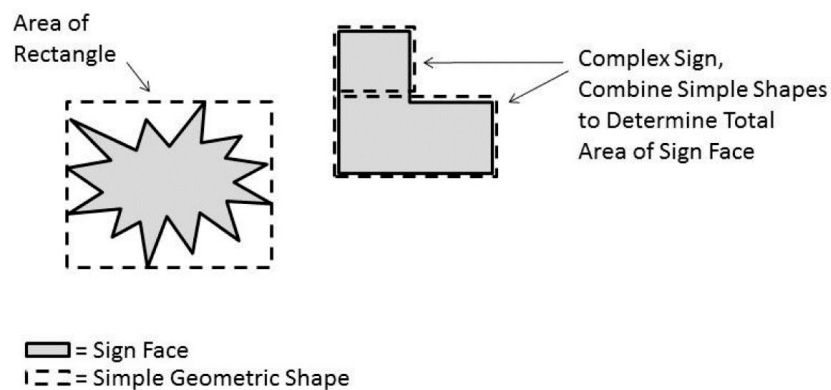
The following types of signs are exempted from permit requirements, but must be in conformance with all other requirements of this chapter:

- (a) Directional/informational signs of 3 square feet or less.
- (b) Holiday or special events decorations.
- (c) Nameplates of 2 square feet or less.
- (d) Any sign erected and maintained for any governmental function or regulation.
- (e) Public signs or notices or any sign relating to an emergency.
- (f) Window signs.
- (g) On-site, private traffic control signs.
- (h) Historical plaques, building cornerstones, and date constructed stones not exceeding four

- (4) square feet in area.
- (i) Sandwich board signs in the Central and General Business Districts. Such signs shall only identify the business where it is located and/or products/menu or services available therein.
- (1) No off-premises signs permitted.
  - (2) Such signs shall be placed between the building façade and the sidewalk when space allows. Signs in the Central Business District may encroach upon the public sidewalk provided an unobstructed walkway is reserved for public passage.
  - (3) Such signs shall not exceed three (3) feet in height and two (2) feet in width.
  - (4) Sandwich board signs shall be placed indoors at the close of business each day.
  - (5) No materials such as papers, balloons, windsocks, mirrors, reflective material, lights or mechanical, electronic, or other moving parts may be added to the signs.
- (Ord. 01-014. Passed 7-17-01.)

#### 1288.05 SIGN AREA MEASUREMENT.

- (a) The surface area of a sign shall be computed as including the entire display area within a regular geometric form, or combination of regular, geometric forms, comprising all the display area of the sign and including all the elements of the matter displayed, together with any material or color used to differentiate the sign from the environment or surroundings in which it is placed.



**Figure 1288-A: Sign Area Shape**

- (b) Structural members or base foundations of monument signs bearing no sign copy shall not be included in sign measurement.
- (c) In computing the area of a double-faced freestanding sign, only one (1) side shall be considered in the calculation of the area provided that the two display surfaces are joined at an angle not greater than fifteen (15) degrees. If greater than fifteen (15) degrees, both sides are counted as sign area.
- (d) In computing the area of a sign comprised of multiple faces, the surface area of the sign is equal to one-half (1/2) of the total surface area.

#### 1288.06 CONSTRUCTION DETAIL.

(a) Construction, erection, and fastening shall comply with applicable State Building and Fire Codes and with the application filed with the Zoning Inspector, including all diagrams and drawings submitted therewith.

(b) Internally illuminated signs shall not exceed 800 milliamperes fluorescent tubes mounted not closer than 12 inches on center. External illumination shall be installed so that the light source is not visible and reflects away from adjoining premises. No external light source shall be located or arranged so as to cause confusion or a hazard to traffic or conflict with traffic control signals.

(Ord. 01-014. Passed 7-17-01.)

#### 1288.07 NONCONFORMING SIGNS.

(a) **Intent.** It is the intent of this Zoning Ordinance to permit the continuance of a lawful use of any sign existing at the effective date of adoption of this chapter, although such sign may not conform to the provisions of this chapter. It is also the intent that nonconforming signs shall not be enlarged upon, expanded, or extended. Sign face changes of nonconforming signs, however, are permitted if the replacement is of equal size or less of the existing nonconforming sign and no structural or foundation work of the existing nonconforming sign is changed or altered as evidenced in writing by a third-party entity (i.e., a sign company) acceptable by the Zoning Inspector. Nonconforming signs shall be maintained in good condition consistent with applicable property maintenance and building code provisions. Further, it is the intent that nonconforming signs shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs within the Village shall be subject to the conditions and requirements set forth herein.

(b) **Change or Modification.** An existing nonconforming sign may be changed or modified subject to approval from the Board of Zoning and Building Appeals (BZBA). In reviewing such cases, the BZBA must find that specific circumstances are consistent with Section 1242.04(h) "Factors to be Considered for Variances," and that the proposed changes reduce the degree of nonconformity.

(a) **Destruction.** Should such sign be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, it shall not be reconstructed except in conformity with the provisions of this zoning ordinance.

#### 1288.08 MAINTENANCE AND ABANDONMENT.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if required. Defective parts and/or deteriorated structural members shall be repaired or replaced. Any sign no longer in use or outdated shall be removed. If, within thirty (90) days after notification by the Zoning Inspector, an abandoned sign is not removed, the Village has the right to remove such sign and assess the cost to the business, person, agent, or owner having the beneficial use of the building, structure, lot, or sign.

#### 1288.09 CHANGEABLE COPY.

Unless otherwise specified in this chapter, any sign herein allowed may use manual or automatic changeable copy such as electronic message centers and LED changeable copy signs. (Ord. 01-014. Passed 7-17-01.)

#### **1288.10 TEMPORARY, PORTABLE SIGNS.**

Temporary, portable signs are for a limited time of display for a special event or condition and not affixed or installed on a permanent basis to a structure, building or to the ground and shall be permitted provided each such sign complies with the following requirements:

- (a) For business and industrial districts, a temporary sign may not exceed forty (40) square feet.
- (b) For public/governmental/institutional/non-profit uses in residential districts a temporary sign may not exceed thirty-two (32) square feet.
- (c) Temporary signs in residential districts are limited to no more than three (3) freestanding yard signs with a maximum aggregate sign face of twenty-four (24) square feet. Such signs may not exceed six (6) feet in height.
- (d) Temporary window signs in business and industrial districts located on the surface of or inside the display window cannot cover more than twenty (20) percent of the display window area and lighted only by using the building's illumination.
- (e) No temporary sign shall be located within the public right-of-way except for those in the Central Business District upon review and approval by the Zoning Inspector as outlined in subsection 1288.04 (i)2.
- (f) Temporary signs must be promptly removed within thirty (30) days after the event or condition.
- (g) All temporary signs shall require a permit but no fee.

#### **1288.11 PERMANENT SIGNS.**

A sign located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

#### **1288.12 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.**

The following signs are permitted in the following residential districts: R-1A-Single-Family Low Density Residential, R-1B Single-Family Medium Density, R-2 Two-Family Medium Density, R-3 Multi-Family, MHP- Manufactured Home Park:

- (a) Non-illuminated, residential nameplates not greater than two (2) square feet mounted on the residence.
- (b) Non-illuminated signs associated with home occupations provided they do not exceed six (6) square feet and are affixed to the structure.
- (c) In the R-1A district, one sign advertising the sale of products raised or produced on the premises providing it does not exceed twenty-four (24) square feet.
- (d) Temporary signs for public/governmental/institutional/non-profit use as outlined in Section 1288.10 (b).

- (e) Temporary signs as outlined in 1288.10 (c).
- (f) Residential Development/Subdivisions, Business Parks and Manufactured home parks may display one identification sign not exceeding twenty-five (25) square feet on the premises.
- (g) Bed and breakfast homestays may display one unlighted sign not exceeding three (3) square feet attached to and parallel to the front wall of the building. Such sign is designed to identify rather than to advertise.
- (h) Changeable copy/Digital/Electronic Message Centers for public/governmental/institutional/non-profit uses in residential districts with the following stipulations:
  - (1) Such signs must be monument in construction with a height not to exceed ten (10) feet in height and a sign face not exceeding twenty-four (24) square feet.
  - (2) The electronic sign message shall be static and can only change once every five seconds.
  - (3) The electronic sign shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
  - (4) The brightness level shall not increase by more than 0.3-foot candles (or 3.23 lumens per square meter or lux over ambient levels) as measured using a foot candle meter at a preset distance.
  - (5) The procedure and distances for measurement of brightness shall be established by the International Sign Association's "Recommended Night-time Brightness Levels for On-premises Electronic Message Centers."
  - (6) The owners of such signs shall include a signed letter accompanying their sign permit application, certifying that they will comply with the prescribed brightness limitations set by this ordinance.
  - (7) All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
  - (8) No electronic message center shall be permitted within one hundred (100) feet of and facing the front lot of residentially zoned lot.
  - (9) Such signs shall be accessory in use and the display messages shall only include activities/events/services that occur on the premises and not advertise or promote off-site businesses, products, or services.

### **1288.13 SIGNS PERMITTED IN BUSINESS, OFFICE AND INSTITUTIONAL DISTRICTS.**

The following signs are permitted in the following business districts: CB-Central Business District; GB-General Business District; PO-Professional Office District; ID-Institutional Development District.



- (a) Signs within the business, office and institutional districts must identify and advertise bonafide businesses that offer merchandise, products, and services conducted on the premises.
- (b) Fascia or wall signs shall not project more than two (2) feet from the nearest part of the building except as specifically permitted within certain districts.
- (c) Fascia or wall signs located on corner buildings may have two such signs one for each street side.
- (d) Projecting signs shall be permitted in the Central, General Business, Professional and Institutional districts with the following provisions:
  - (1) Projection signs overhanging into the public right-of-way must be within three (3) feet of the curb line.
  - (2) No projection signs, with the exception of marquee signs and canopies providing shelter, shall overhang more than one-third (1/3) of the sidewalk width.
- (e) The sign area for permanent signs shall be limited to an area not to exceed one and one-half (1½) square feet per one (1) lineal foot of building width, but not to exceed two hundred (200) square feet. Any wall signage allowance that will be placed on a canopy or awning shall not cover more than fifty (50) percent of any awning or canopy.
- (f) Free standing signs serving an individual business, or a group of businesses shall be permitted as long as the total sign area does not exceed one hundred (100) square feet. A free-standing sign shall not be over thirty (30) feet in height from grade. Additionally, the sign must be located at least twenty (20) feet, or the height of the sign, whichever is greater, from any street, right-of-way or adjoining lot line.
- (g) Free standing or pole signs used for vehicle service stations shall be permitted in the General Business district with the following provisions:
  - (1) No part of the sign shall project into the right-of-way of any street or highway.
  - (2) The support structure of such a sign shall be setback at least twenty feet (20') from any public right-of-way.
  - (3) The maximum area of anyone (1) face of such sign located within the front yard shall not exceed fifty (50) square feet.
  - (4) The pole/support of the sign shall not be less than fifty (50) feet from any lot in any residential district.
- (h) A business may opt to install a digital/electronic message center sign in lieu of a free-standing sign with the following stipulations:
  - (1) The digital/electronic message center must be constructed monument style.
  - (2) Electronic messages shall be static and can only change once every five seconds.
  - (3) The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.

- (4) The brightness level shall not increase by more than 0.3-foot candles (or 3.23 lumens per square meter or lux over ambient levels) as measured using foot candle meter at a pre-set distance.
- (5) The procedure and distances for measurements of brightness shall be established by the International Sign Association's "Recommended Night-time Brightness Levels for On-premises Electronic Message Centers."
- (6) The owners of such signs shall include a signed letter accompanying their sign permit application certifying that they will comply with the prescribed brightness limitations set by this ordinance.
- (7) All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
- (8) No digital/electronic message center shall be permitted within one hundred (100) feet of and facing the front lot line of a residentially zoned lot.
- (9) No digital/electronic message center shall exceed twenty-four (24) square feet of sign space, exclusive of the monument structure and the overall structure cannot exceed ten (10) feet in height.
- (i) Sandwich board signs as delineated in 1288.04 (k).

#### **1288.14 SIGNS PERMITTED IN INDUSTRIAL DISTRICTS.**

The following signs are permitted in the LI-Light Industrial, GI-General Industrial and IP-Industrial Park districts.

- (a) Fascia or wall signs that do not project more than two (2) feet from the nearest part of the building except as specifically permitted within certain districts.
- (b) Fascia or wall signs located on corner buildings may have two such signs one for each street side.
- (c) The sign area for permanent signs shall be limited to an area not to exceed one and one-half (1½) square feet per one (1) lineal foot of building width, but not to exceed two hundred (200) square feet. Any wall signage allowance that will be placed on a canopy or awning shall not cover more than fifty percent (50%) of any awning or canopy.
- (d) Free standing signs serving an individual industry, or a group of businesses shall be permitted as long as the total sign area does not exceed one hundred (100) square feet. A free-standing sign shall not be over thirty (30) feet in height from grade. Additionally, the sign must be located at least twenty (20) feet, or the height of the sign, whichever is greater, from any street, right-of-way, or adjoining lot line.
- (e) An industry may opt to install a digital/electronic message center sign in lieu of a free-standing sign with the following stipulations:
  - (1) The digital/electronic message center must be constructed monument style.
  - (2) Electronic messages shall be static and can only change once every five seconds.

- (3) The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- (4) The brightness level shall not increase by more than 0.3-foot candles (or 3.23 lumens per square meter or lux over ambient) levels as measured using foot candle meter at a pre-set distance.
- (5) The procedure and distances for measurements of brightness shall be established by the International Sign Association's "Recommended Night-time Brightness Levels for On-premises Electronic Message Centers."
- (6) The owners of such signs shall include a signed letter accompanying their sign permit application certifying that they will comply with the prescribed brightness limitations set by this ordinance.
- (7) All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
- (8) No digital/electronic message center shall be permitted within one hundred (100) feet of and facing the front lot line of a residentially zoned lot.
- (9) No digital/electronic message center shall exceed thirty-two (32) square feet of sign area, exclusive of the monument structure and the overall structure cannot exceed fifteen (15) feet in height.

#### 1288.15 SPECIAL PROVISIONS.

The following shall apply to all signage within the applicable district:

(a) Signs Projecting over Sidewalks in commercial and industrial districts. Each sign erected, hung, or suspended and which extends over and across any public sidewalk or public street or part thereof, shall not extend out from the building or structure greater than 8 feet, nor in any event except as hereinafter provided, to a point nearer than 3 feet from any curb line extended vertically. No such sign shall be erected so as to have less than 9 feet of vertical clearance between such sign and the public sidewalk or way over which such sign is suspended, erected or hung; however, this provision shall not apply to signs erected upon but not suspended from any marquee, in which case the sign may extend to within 3 feet of the curb line of the street.

(b) Additional Street Frontages in commercial and industrial districts. Where an occupancy has more than one street frontage, one additional wall sign or painted wall sign and additional canopy, under-canopy, awning and marquee signs shall be permitted on the additional frontage, not to exceed the size limitations of other allowed wall and painted wall signs.

(c) Clearances. Clearance of overhead utilities shall be in conformance with the National Electrical Code and local utility standards.

(d) Non-Commercial Message or Graphic. Non-commercial signs are permitted in all zoning districts and may be substituted for any sign expressly allowed or regulated under these Codified Ordinances. Non-commercial signs are subject to the same requirements and restrictions on size, type, placement and other conditions and specifications as applied to the sign being substituted.

#### 1288.16 APPEAL PROCEDURE.

A variance from the strict application of the provisions of this chapter may be granted by the Board of Zoning and Building Appeals in regard to an existing nonconforming sign or a new sign to be installed, erected, constructed or painted, if the Board finds that requiring strict compliance with the provisions of the variance from the provisions of this chapter will not depreciate or damage neighboring property, will not create a safety hazard and will not be contrary to the purposes of this chapter. The procedure for applying for variance and the hearing therein shall be the same as in cases involving zoning variances.

(Ord. 01-014. Passed 7-17-01.)

## **CHAPTER 1289**

### **Environmental Performance Standards**

- 1289.01 Purpose
- 1289.02 Applicability and Compliance
- 1289.03 Outdoor Lighting
- 1289.04 Noise
- 1289.05 Vibration
- 1289.06 Odors
- 1289.07 Air Quality / Emissions
- 1289.08 Hazardous Material and Waste Handling
- 1289.09 Glare and Heat
- 1289.10 Electromagnetic Radiation
- 1289.11 Nuclear Radiation
- 1289.12 Compliance with Flood Protection Standards
- 1289.13 Wetland Regulations
- 1289.14 Enforcement

#### **1289.01 PURPOSE.**

Environmental performance standards are regulations which are intended to promote a peaceful and quiet environment. Restrictions or limits are established on uses or facilities whose environmental factors may create a nuisance or cause a noxious, objectionable, or other undesirable effect on persons or properties outside of the subject property. These restrictions apply to a uses' construction as well as its operation. Materials and/or products of a use shall be maintained in a method so that the health, safety, and welfare of persons occupying the subject property or adjacent properties are not jeopardized.

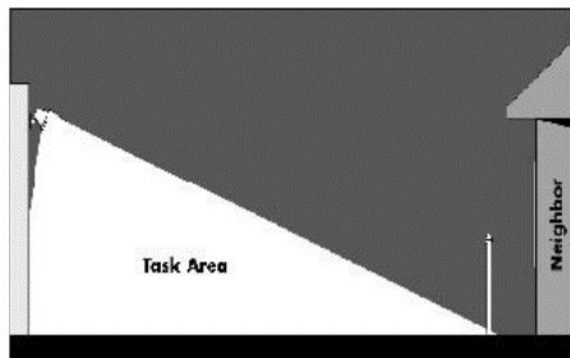
#### **1289.02 APPLICABILITY AND COMPLIANCE.**

The Environmental Performance Standards are applicable to all land uses in all zoning districts, unless specific districts are listed, or specific uses are exempted below. Both initial and continued compliance is required. Any condition or land use falling under the jurisdiction of the standards of this Zoning Ordinance at the time of its adoption and not in conformance with these standards shall be brought in full compliance immediately upon discontinuance of the existing use of land, structure or building. Any change in the principal use of land, structure or building shall constitute discontinuance and be fully subject to these standards and provisions.

#### **1289.03 OUTDOOR LIGHTING.**

- (a) **Applicability.** Except as described below, all outdoor lighting shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

- (1) Lighting related to single-family and two-family dwellings are exempt; however, all lighting for these uses shall be shielded and arranged to reduce glare and to reflect light away from all adjacent property, public roads and highways.
  - (2) Seasonally decorative outdoor lighting is exempt from the requirements of this section.
  - (3) Lighting for certain outdoor recreational uses because of their unique requirements for nighttime visibility and their limited hours of operation are exempt from the requirements of this section. Example of such uses are high school football night games, lighted tennis courts and baseball diamonds.
  - (4) Lighting required by the federal, state, or local law shall be exempted from the standards of this section.
- (b) **Exterior Lighting Plan.** A lighting plan is required for all uses that are required to file a site plan and shall be approved according to the procedures set forth in Chapter 1248 “Site Plan Review.” The lighting plan shall demonstrate compliance with the requirements of this section. However, a photometric study of the illumination shall only be required when a multi-family dwelling or a nonresidential use is proposed to be located adjacent to a lot in a residential district or that is occupied by an existing residential use.
- (c) **Outdoor Lighting Standards.**
- (1) Glare Reduction.
    - A. All on-site lighting of buildings, lawns, parking areas and signs shall be shielded and arranged to reduce glare and to reflect light away from all adjacent property, public roads and highways.



**Figure 1289-A: Illustration of shielded lighting.**

- B. No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.
- (2) Canopy Shielding. Any canopy structure used at a business location (i.e., for uses such as vehicle service stations and drive-through facilities) must have recessed ceiling fixtures which do not extend below the surface of the canopy.

- (3) Building Ornamentation and Accentuation. Utilization of lighting to accentuate key architectural elements of a building or development is permitted provided that:
- A. In no case shall such lighting flash or blink intermittently.
  - B. Any such lighting source located on the side of a building that faces an adjoining residential use or residential district shall be effectively screened from view of the residential use or residential district.

**(d) Illumination Standards and Measurement.**

- (1) Standard. There shall be a maximum illumination of 0.5 footcandles at the lot line in all residential districts and for any nonresidential use that abuts a lot in a residential zoning district or lot occupied by an existing residential use.
- (2) Measurement. Light levels shall be measured in foot-candles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading. Measurements shall be taken at the property line, along a horizontal plane at a height of 3.5 feet above the ground.

**1289.04 NOISE.**

All uses shall comply with the following noise standards.

- (a) A sound-level meter shall be used to measure decibel level.
- (b) Noise levels shall be measured at the lot line.
- (c) No use shall emit noise which exceeds the decibel limits set forth in Table 1289-1.

| <b>Table 1289-1 Maximum Noise Levels</b>   |                  |                            |
|--|------------------|----------------------------|
| Use Occupancy Category                     | Time             | Sound Level Limit<br>dB(A) |
| Residential                                | 7 a.m. – 10 p.m. | 50                         |
|  | 10 p.m. – 7 a.m. | 45                         |
| Commercial, Business,<br>Institutional     | 7 a.m. – 10 p.m. | 65                         |
|  | 10 p.m. – 7 a.m. | 55                         |
| Manufacturing, Industrial,<br>Agricultural | At all times     | 75                         |

- (d) The levels specified in Table 1289-1 above may be exceeded by 10 dB(A) for a single period, no longer than 15 minutes in any one day.
- (e) Any amplified sound equipment shall be mounted so as to direct sounds inward from properties, rather than outward towards property boundaries. Amplified sounds shall not be allowed to cross property lines unless a temporary use permit has been issued for that purpose in connection with a special event.
- (f) **Exclusions.** This section shall not apply to:



- (1) Agricultural operations utilizing equipment with normal silencing devices, home lawn maintenance machines and snow blowers that meet their respective product requirements;
- (2) The emission of sound for the purposes of alerting persons of an emergency or emergency vehicle, construction or demolition activity, and the emission of sound in the performance of emergency work;
- (3) Noises resulting from authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department who has been authorized this responsibility by Village Council; and
- (4) Noises resulting from sports events authorized by the Board of Education, or private schools.

#### **1289.05 VIBRATION.**

No use or activity shall cause inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

#### **1289.06 ODORS.**

- (a) In all zoning districts except the LI and GI districts, the emission of odorous matter in such quantities as to produce a public nuisance or hazard outside the building is prohibited.
- (b) In the LI and GI districts, the emission of odorous matter in such quantities as to produce a public nuisance or hazard shall not be detectable beyond the lot occupied by the use generating the emission.
- (c) Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a zoning permit.

#### **1289.07 AIR QUALITY / EMISSIONS.**

- (a) The emission of air pollutants shall not violate the standards and regulations of any local, state, or federal agency having jurisdiction in said matter. See also Chapter 660 Safety, Sanitation and Health, Section 660.08 "Open Burning" of the Village's codified ordinances.
- (b) To minimize off-site fugitive emissions, trucks carrying dry bulk materials are to be fully enclosed, or the cargo is to be enclosed within canvases, tarpaulins, or other method of confinement that fully covers the payload area of the truck. Alternatively, a crusting agent (a chemical or product that creates a surface seal to control dust) may be used to cover the cargo.

- (c) Dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas, or yards shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable treatment.

#### **1289.08 HAZARDOUS MATERIAL AND WASTE HANDLING.**

- (a) All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, impermeable trash containers that are screened in accordance with the requirements of this Zoning Ordinance.
- (b) Packing crates and other excess materials shall be regularly disposed of or stored and screened in accordance with the requirements of this Zoning Ordinance and shall not be permitted to accumulate on any lot.
- (c) If liquid wastes are disposed of in containers, they shall be appropriate containers, and the wastes shall be removed from the site on a regular basis.
- (d) Lubrication and fuel substances shall be prevented from leaking and/or draining onto the ground.
- (e) Liquid waste or sewerage shall not be discharged into a reservoir, stream, or other open body of water or into a storm or sanitary sewer except as allowed by other codes of the Village of Grafton, County, State or similar jurisdictional authority.

#### **1289.09 GLARE AND HEAT.**

If the proposed activity or operation produces intense glare or heat, whether direct or reflected, that is perceptible from any point along the development's property lines, the operation shall be conducted within an enclosed building or with other effective screening sufficient to make such glare or heat imperceptible at the property line.

#### **1289.10 ELECTROMAGNETIC RADIATION.**

No use or activity shall create or operate an intentional source of electromagnetic radiation that does not comply with the then current regulations of the Federal Communications Commission regarding that type of electromagnetic radiation source. In case of governmental communications facilities, governmental agencies, and government owned plants, the regulations of the interdepartmental Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation.

#### **1289.11 NUCLEAR RADIATION.**

No use or activity shall cause radiation at any property line that violates any regulation of the United States Nuclear Regulatory Commission.

#### **1289.12 COMPLIANCE WITH FLOOD PROTECTION STANDARDS.**

Flood protection standards shall be as provided in Chapter 1460 "Flood Damage Reduction" of the Village's codified ordinances. The uses permitted within flood prone areas shall be as provided in this Ordinance. The requirements of Chapter 1460 shall be enforced as "overlay" regulations, which impose additional development restrictions on properties located in flood prone areas, beyond the restrictions normally placed upon such properties by this Zoning Ordinance.

#### **1289.13 WETLAND REGULATIONS.**

Wetlands that are required to be retained by the Army Corps of Engineers or the Ohio Environmental Protection Agency (OEPA) shall be protected by the following:

- (a) A buffer area shall be established having a minimum width of 20 feet measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state. During construction, this buffer shall be fenced off to prevent disturbance of this required buffer area.
- (b) All buildings and pavement shall be set back a minimum of 35 feet from the edge of the designated wetland.

#### **1289.14 ENFORCEMENT.**

Where determinations can be made by the Zoning Inspector or other authorized Village employee, using equipment normally available or obtainable without extraordinary expense, such determinations or evaluation shall be made whenever possible before a notice of violation is issued. Where technical complexity or extraordinary personnel or equipment is required to make the determination, the Zoning Inspector may, in the case of the offenses under this section, require the owner to either obtain and pay for an independent survey or share in the cost of an independent survey from a professional engineer experienced in the particular specialty.

## **CHAPTER 1290**

### **Off-Street Parking and Loading**

- 1290.01 Purpose.
- 1290.02 Applicability
- 1290.03 Parking in R-1A, R-1B, R-2, R-3, MHP, and PUD Districts.
- 1290.04 Parking space dimensions, width of driveway and drive aisles.
- 1290.05 Loading space requirements and dimensions.
- 1290.06 Paving.
- 1290.07 Drainage.
- 1290.08 Maintenance.
- 1290.09 Lighting.
- 1290.10 Screening and/or landscaping; parking area capacity.
- 1290.11 Parking and storage of vehicles without current license plates.
- 1290.12 Minimum distance and setbacks.
- 1290.13 Wheel blocks.
- 1290.14 Access.
- 1290.15 Signs and access road requirements.
- 1290.16 Striping.
- 1290.17 Handicap parking spaces.
- 1290.18 Bicycle parking.
- 1290.19 Drive through stacking space requirements
- 1290.20 Parking space requirements.
- 1290.21 Location of parking spaces.
- 1290.22 Alternative Parking Provisions.
- 1290.23 General interpretations.

### **CROSS REFERENCES**

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

Parking generally - see TRAF. Ch. 452

Enclosed parking areas for dwellings - see B. & H. 1462.03

Parking of trailers - see B. & H. 1480.03

### **1290.01 PURPOSE.**

The purpose of this chapter is to ensure that uses have a minimum level of off-street parking to avoid congestion on surrounding streets, promote greater safety of passage between highway

and land, minimize the detrimental effects of off-street parking areas on adjacent properties, and establish provisions for stacking, loading and access control.

#### 1290.02 APPLICABILITY.

No building or structure shall be erected, substantially altered, or its use changed, unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Zoning Code.

(a) **Existing Buildings.** The provisions of this chapter, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves additions or enlargements, there shall be provided as many of such spaces as may be required by this Code.

(b) **Change in Permitted Use.** A permitted use that does not meet the parking requirements of this chapter may be converted to another permitted use without full compliance with the required number of parking spaces provided:

- (1) The applicant provides the maximum amount of parking, loading, or stacking spaces possible without being required to remove or partially remove a structure or required landscaping or buffers.
- (2) If a structure or a portion of a structure is voluntarily removed, the resulting area shall be used to provide the additional parking, loading, or stacking spaces necessary towards fulfilling the minimum requirements of this chapter.

(c) **Expansions and Enlargements.** Structures enlarged so as to increase the floor area, seating capacity, dwelling units, or otherwise increasing the unit of measurement used to determine the number of required parking spaces by more than 25 percent shall provide additional off-street parking spaces necessary for the enlargement but shall not be required to remove any pre-existing parking deficit for the structure and use prior to the enlargement.

(d) **Downtown Parking Exemption.** Off-street parking is not required in the Central Business District (CB).

(Ord. 01-014. Passed 7-17-01.)

#### 1290.03 PARKING IN R-1A, R-1B, R-2, R-3, MHP, AND PUD DISTRICTS.

In any R-1A, R-1B, R-2, R-3, MHP, and PUD District, no off-street parking space shall be located within any front yard on any lot except on an approved driveway. Such driveway shall be suitably paved with concrete/asphalt. The area of the driveway in a front yard shall not exceed one-third of the area of such yard, and the width of such driveway shall not exceed 20 feet measured at the front lot line. Permitted front yard parking shall include motor vehicles as defined in Section 402.20, except trucks, tractors, or any other commercially licensed vehicle over one-ton capacity which are prohibited from parking in the R-1A, R-1B, R-2, R-3, MHP and PUD Districts.

(Ord. 05-026. Passed 12-20-05.)

#### 1290.04 PARKING SPACE DIMENSIONS AND WIDTH OF DRIVEWAY AND DRIVE AISLES.

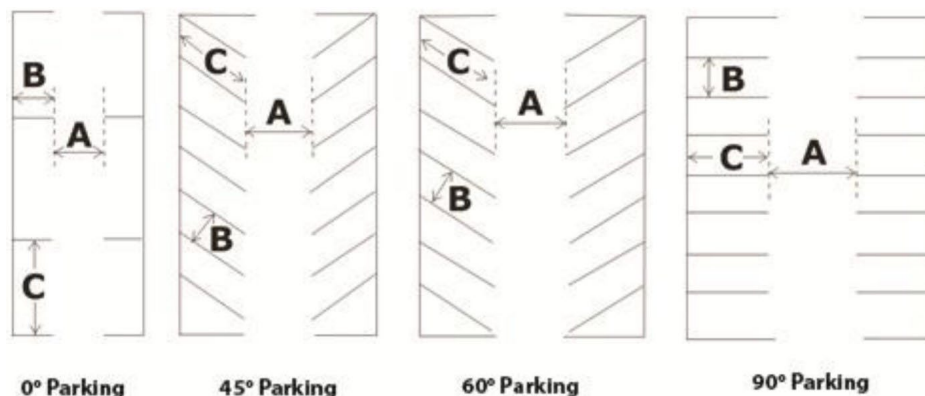
The following standards shall apply to the design and construction of off-street parking unless otherwise noted.

- (a) **Dimensions.** The minimum size of a parking space may be altered based on aisle width and angle of parking. Parking stalls shall conform to the minimum standards set forth in Table 1290.04-1 and Figure 1290.04A.

| TABLE 1290.04-1: Parking Stall and Aisle Dimensions |   |   |                               |                                  |
|---|---|---|-------------------------------|----------------------------------|
| Parking Angle Type (degree)                         | One Way Maneuvering Aisle Width (ft.) "A" | Two-Way maneuvering Aisle Width (ft.) "A" | Parking Stall Width (ft.) "B" | P Parking Stall Length (ft.) "C" |
| 0 / Parallel  | 12  | 20  | 9                             | 23                               |
| 45  | 13  | 20  | 12                            | 20                               |
| 60  | 18  | 22  | 10                            | 19                               |
| 90  | 22  | 24  | 9 or 10 <sup>[1]</sup>        | 20 or 18 <sup>[1]</sup>          |

Footnote

[1] Each required off-street parking space for passenger vehicles shall have a minimum area of one hundred eighty (180) square feet, measuring either nine feet (9') by twenty feet (20') or ten feet (10') by eighteen feet (18'), exclusive of aisles or drives and shall be designed for adequate ingress and egress.



**Figure 1290.04-A: Illustration of parking angles and related dimensional reference**

#### 1290.05 LOADING SPACE REQUIREMENTS AND DIMENSIONS.

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05.)

- (a) **Size.** A loading space shall have minimum dimensions of not less than twelve feet in width, fifty feet in length, exclusive of driveways, aisles, and other circulation areas, and a height clearance of not less than fifteen feet.
- (b) **Number.**

- (1) Off-street loading space shall be provided and maintained on the same lot for every separate occupancy if that occupancy requires the delivery of goods in accordance with the schedule set forth in Table 1290.05-1 “Off-Street Loading Requirements.”

| <b>Table 1290.05-1 Off Street Loading Requirement</b> |                                   |
|---|-----------------------------------|
| Gross Floor Area of Structure<br>(square feet)        | Number of Required Loading Spaces |
| 5,000-10,000  | 1                                 |
| 10,001 to 50,000                                      | 1/2                               |
| 50,001-100,000  | 2                                 |
| 100,001 – 200,000                                     | 3                                 |
| Each additional 100,000                               | 1                                 |

- (2) The requirements of Table 1290-05 “Off-Street Loading Requirements” may be reduced or waived during site plan review and approval under Chapter 1248 “Site Plan Review” based on documentation from the applicant demonstrating that due to the specific uses, the number of loading spaces is not required.

**(c) Location.**

- (1) All loading spaces shall be set back a minimum of fifty (50) feet from all residential lot lines unless completely enclosed by building walls, a uniformly painted solid fence or wall, or any combination thereof, that has a minimum height of six feet.
- (2) Loading spaces shall only be permitted in the rear yard except in the Light Industrial (LI), General Industrial (GI), and the Industrial Park (IP) districts where they may be located in any yard except those that have frontage on a primary through route or primary local street. The Zoning Inspector may waive this requirement through an administrative waiver and where mounding and vegetation is provided to help screen the loading areas.
- (3) Each required off-street loading/unloading space shall be designed for direct vehicular access by means of a driveway, or driveways, to a public street, provided, however, that loading/unloading shall not be from the public right of way except in situations of existing commercial facilities in the CB Central Business district where no other opportunity for loading/unloading exists.

**1290.06 PAVING.**

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05; Ord. 16-011. Passed 6-21-16.)



- (a) All off-street vehicular use areas shall be provided with a hard surface of asphaltic, bituminous cement, concrete, or other properly bound pavement so as to provide a durable and dustless surface, including private parking areas on residential lots. Areas surfaced with gravel, stone, dirt, lawn, landscaping, or other surface not expressly permitted by this Zoning Ordinance shall not be used for off-street vehicular use areas.
- (b) Temporary parking permitted as part of a temporary use per Section 1253.33 "Temporary Use Not Listed" may be exempt from this section.
- (c) Up to 50 percent of parking spaces may be constructed of a pervious surface as part of a site plan review under Chapter 1248 "Site Plan Review." The design of any areas surfaced with a pervious surface shall be reviewed by the Village Inspector. Failure to maintain the pervious surface in good working order as may be necessary dependent on the type of surface shall be considered a violation of this Zoning Ordinance subject to Chapter 1246.14 "Penalty."

#### 1290.07 DRAINAGE.

All parking and loading areas shall provide proper drainage of surface water to prevent the drainage of water onto adjacent properties or walkways. Storm system and detention design calculations will be required per Village design standards and specifications for all improvements.

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05.)

#### 1290.08 MAINTENANCE.

The owner of the property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05.)

#### 1290.09 LIGHTING.

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be of such a type and/or so arranged/diffused so as to reflect the light away from the adjoining property per Chapter 1289.03.

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05.)

#### 1290.10 SCREENING AND/OR LANDSCAPING; PARKING AREA CAPACITY.

Whenever a parking area is located in or adjacent to a residential district or property used for residential purposes, it shall be effectively screened on all sides which adjoin or face a residential use, buffered either by a wall, fence, or vegetation. Such fence, wall, or vegetation shall be not less than 4 feet nor more than 6 feet in height and shall be maintained in good condition. The space between the screen and adjoining residential uses shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In the

event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping may be required.

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05.)

#### 1290.11 PARKING AND STORAGE OF VEHICLES WITHOUT CURRENT LICENSE PLATES.

Automobile vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, boat, travel trailers and utility trailers may be stored in the rear yard if they have a current license. See Section 1287.15 Parking and Storage of Recreational Vehicles.

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05.)

#### 1290.12 MINIMUM DISTANCE AND SETBACKS.

No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. In no case shall any part of a parking area be closer than 15 feet to any street or 4 feet to any alley right-of-way.

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05.)

#### 1290.13 WHEEL BLOCKS.

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05.)

#### 1290.14 ACCESS.

Parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall be traveling in a forward motion. Access of driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible from a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05.)

#### 1290.15 SIGNS AND ACCESS ROAD REQUIREMENTS.

The entrance and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards:

- (a) For one-way traffic, the minimum width of 14 feet.
- (b) Access roads for two-way traffic shall have a minimum width of 25 feet.

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05.)

#### 1290.16 STRIPING.

All parking areas with a capacity over 6 vehicles shall be striped with a single line 6 inches in thickness on both sides between spaces to facilitate efficient movement into and out of the parking spaces.

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05.)

#### 1290.17 HANDICAPPED PARKING SPACES.

Handicap parking spaces shall be provided as required by the Ohio Basic Building Code and shall include all necessary markings, striping and signage.

#### 1290.18 BICYCLE PARKING.

When bicycle parking accommodations are provided on a site, they shall be located in an area adjacent to the building and separate from vehicular or pedestrian (sidewalk) traffic circulation so as to prevent traffic conflicts and safety hazards between vehicles, people and bicyclists.

#### 1290.19 DRIVE THROUGH STACKING SPACE REQUIREMENTS.

Vehicle stacking spaces for drive through facilities shall be provided according to the following provisions:

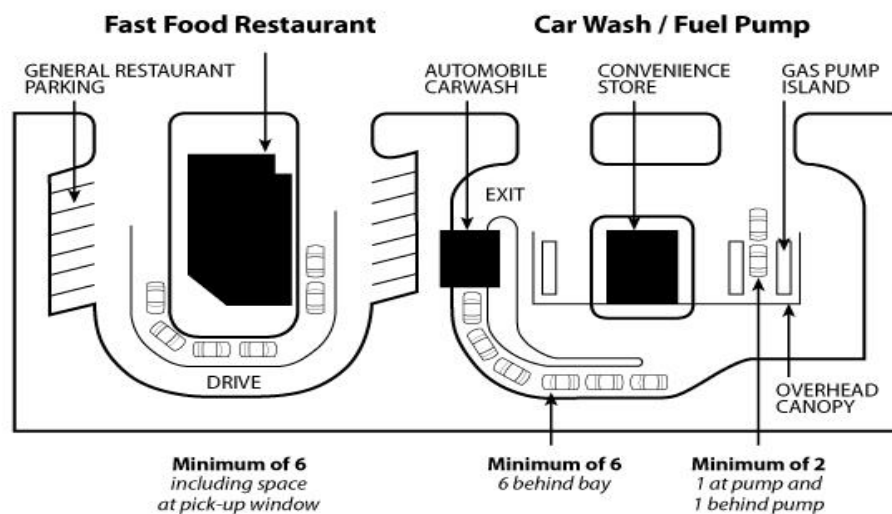
- (a) **Number.** The number of required stacking spaces shall be as provided for as delineated in Table 1290.19-1.

| Table 1290.19-1 Stacking Space Requirements   |  |                  |
|---|--|------------------|
| Commercial use                                | Minimum stacking spaces per lane                       | Measured from    |
| Financial Institution                         | 3  | Teller or Window |
| Automated Teller Machine ATM                  | 3  | Teller Machine   |
| Restaurant                                    | 6  | Pick-up Window   |
| Full Service Automotive Washing Establishment | 6  | Washing Bay      |
| Self-service Automotive Washing Establishment | 2  | Washing Bay      |
| Fuel or Gasoline Pump Island                  | 2 (per side)   | Pump Island      |
| Electric Vehicle Charging Station             | As determined by the Village Zoning Inspector/Engineer |                  |
| Other   | As determined by the Village Zoning Inspector/Engineer |                  |

(b) **Variations.** The Village Zoning Inspector/Engineer may permit variations from these minimums when he/she finds that such modifications would not adversely affect the functionality of the parking area and the safety of those that use it. The Village Zoning Inspector/Engineer may require stacking spaces in excess of the minimum when he/she finds that the proposed facility would cause traffic to back-up on a public thoroughfare.

(c) **Design and Layout.**

- (1) Minimum Dimensions. Each queue space shall be at least ten (10) feet in width and twenty (20) feet in length.
- (2) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.



**Figure 1290.19-A: Illustrative Stacking Requirements**

**1290.20 PARKING SPACES REQUIREMENTS.**

- (a) The following rules shall apply when computing parking spaces:
- (1) On-Street Parking. On-street parking spaces shall not be counted toward off-street parking space requirements except as may otherwise be provided for in this Zoning Ordinance.
  - (2) Driveway Space Meeting Parking Requirements. Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of single-family or two-family dwellings where driveways may be used in calculating the amount of off-street parking.
  - (3) Multiple Uses. Where a building or group of buildings on the same lot contains two or more uses, the parking areas shall include a number of spaces that equals the combined total of parking spaces required for each individual use, except as otherwise allowed in this chapter.

- (4) **Area Measurements.** All square footage-based parking standards shall be computed on the basis of gross floor area of all floors in the building.
- (5) **Bench Seating.** In the case of benches, pews, and similar seating accommodations that do not have individual seats, each 24 inches of length of seating shall be counted as one seat for the purpose of determining the parking requirements.
- (6) **Electric Vehicle Charging Station Spaces.** Parking spaces that are restricted or otherwise dedicated to and provided with equipment solely for the purpose of charging electric vehicles shall count towards the total number of required off-street parking spaces on a space for space basis where required. Such parking spaces shall meet all other code requirements.
- (7) **Parking Areas within a Structure.** No parking spaces located within the interior of a structure (excluding parking garages) shall be counted in meeting the off-street parking requirements of this section except when located within a private garage, parking garage, or other facility designed for the parking of cars.
- (8) **Accessory and Temporary Uses.** Accessory and temporary uses shall be exempt from off-street parking requirements unless specifically required in Section 1253.33 "Temporary Uses Not Listed."
- (9) **Unlisted Uses.** Upon receiving an application for a use not specifically listed or addressed in Table 1290.20-1 in Section 1290.20 "Parking Space Requirements," the Zoning Inspector shall apply the parking standard specified for the listed use that the Zoning Inspector deems most similar to the proposed use in regard to use, size and intensity of use. If the Zoning Inspector determines that there is no listed use similar to the proposed use, intensity, or size, the Zoning Inspector may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE). The Zoning Inspector's decision regarding parking requirements for a specific use is appealable to the Board of Zoning Appeals as established in Section 1242.04 (f) "Appeals."

**(b) Number Of Spaces Required.**

- (1) This section defines the number of parking spaces required for each use within the Village.
- (2) Additional reductions shall be permitted if the applicant provides off-site parking spaces, shared parking spaces, or deferred construction parking spaces as provided for in Section 1290.22 "Alternative Parking Provisions."

| Table 1290.20-1 Number of Parking Spaces Required |                                   |
|---|-----------------------------------|
| Use   | Number of Parking Spaces Required |
| Agriculture                                       |                                   |
| icAgriculture                                     | rNo requirement                   |

**Table 1290.20-1 Number of Parking Spaces Required**

| Use  | Number of Parking Spaces Required   |
|--|---|
| mFarms   | rNo requirement   |
| e Greenhouses and Nurseries (plant materials)        | p One space per 300 square feet of indoor display and sales area                      |
| Residential  |   |
| gl Single-family dwelling                            | p 2 spaces per dwelling unit  |
| b- Two-family dwellings                              | p 2 spaces per dwelling unit  |
| lt Multi-family dwellings                            | p 2 spaces per dwelling unit  |
| h Manufactured home park                             | p 2 spaces per dwelling unit  |
| l Adult family homes or Small residential facilities | p1 space per 2 beds   |
| l Adult group homes or Large residential facilities  | p 1 space per 2 beds  |
| s Nursing or Personal care facilities,               | p 1 space for each 2 beds and 1 space for each dwelling unit if any                   |
| Public and Institutional Uses                        |   |
| h Cemeteries   | p1 space per 5 seats in a chapel or place of assembly                                 |
| h Community center, public                           | p1 space for each three persons at maximum building capacity.                         |
| c Cultural institutions                              | p1 space per 1,000 square feet of floor area  |
| Day Care   |   |
| Type A Family day care home                          | p2 spaces for every 10 children   |
| Type B Family day care home                          | p2 spaces for every 10 children   |
| Day care center (child or adult)                     | p2 spaces for every 10 children or adults   |
| c Educational institutions (K-8)                     | p2 spaces for each classroom and 1 for every 5 seats in auditoriums or assembly halls |
| c Education institutions (9-12)                      | p1 space for every 10 students and one for each teacher and employee                  |
| cEducational institutions, higher                    | p1 space for each two students  |
| e Essential services                                 | p1 space per 500 square feet plus 1 space per service vehicle                         |
| reGovernment facilities                              | p1 space per 500 square feet plus 1 space per service vehicle                         |
| re Government offices                                | p 1 space per 400 square feet plus 1 space per service vehicle                        |
| a Library  | p1 space per 1,000 square feet  |
| k Parks and Playgrounds                              | Passive: 1 space per acre<br>Active: 1 space per three persons maximum capacity       |
| c Places of worship                                  | p1 space for each 5 seats   |
| eWireless telecommunications facilities              | rNo requirement   |
| Accessory Uses                                       |   |
| eAccessory Buildings and Uses                        | rNo requirement   |

**Table 1290.20-1 Number of Parking Spaces Required**

| Use  | Number of Parking Spaces Required  |
|--|--|
| Home Occupation  | No requirement   |
| Roadside Stand   | See Section 1253.30 "Roadside Stand"   |
| Swimming Pool, private                                 | No requirement   |
| <b>Commercial</b>                                      |  |
| Adult entertainment businesses                         | 1 space per 200 square feet.   |
| Animal day care / animal grooming                      | 1 space per 300 square feet  |
| Bicycle shops  | 1 space per 300 square feet  |
| Building Trades and Services                           | 1 space for every 500 square feet of floor area  |
| Business and Professional Offices                      | 1 space for each 400 square feet   |
| Business Service Establishments                        | 1 space for each 400 square feet   |
| Commercial Entertainment Facilities                    | 1 space per 200 square feet or 1 space per 5 persons at maximum capacity, whichever is greater                 |
| Conference Centers, Banquet Facilities, Assembly Halls | 1 space per 4 fixed seats or 1 space per 2 persons based on the maximum occupancy, whichever is greater        |
| Drug store   | 1 space per 300 square feet  |
| Eating and drinking establishments                     |  |
| Bar, tavern, cocktail lounge                           | 1 space per 100 square feet  |
| Café, doughnut, and sandwich shops                     | 1 space per 100 square feet  |
| Craft or artisanal production of beer, liquor, or wine | 1 space per 100 square feet  |
| Drive in/Drive through restaurants                     | 1 space per 100 square feet of floor area plus stacking requirements Sec. 1139.14                              |
| Restaurants (no drive-in/drive through)                | 1 space per 100 square feet of floor area  |
| Financial Institutions                                 |  |
| Drive-through banks (stand-alone)                      | See Section 1290. "Drive-through Stacking Space Requirements"  |
| Financial institutions                                 | 1 space for every 400 square feet plus stacking requirements Sec. 1139.14                                      |
| Food and Beverage Retail Sales                         |  |
| Farmers' Market  | 1 space per booth; host property parking may apply if farmers market parking does not leave host use deficient |
| Food preparation/Specialty foods                       | 1 space per 300 square feet  |
| Grocery and convenience stores                         | 1 space per 300 square feet  |



**Table 1290.20-1 Number of Parking Spaces Required**

| Use  | Number of Parking Spaces Required  |
|--|--|
| Supermarkets   | p1 space per 300 square feet   |
| Food Pantries  | p1 space per 300 square feet, none required if accessory use   |
| dFood lockers  | p1 space per 300 square feet   |
| eFuneral home  | p1 space per 100 square feet in assembly areas   |
| dGarden and nursery center                             | p1 space per 300 square feet of indoor display and sales area  |
| i Liquor store   | p1 space per 300 square feet   |
| g Lodging  |  |
| Apartment hotel  | p1 space per rental unit   |
| Bed and Breakfast                                      | p1 space for each guest room plus 2 spaces for the owner   |
| Motels and hotels                                      | p1 space per room, plus spaces required for associated uses  |
| hLumber yards/Building materials                       | p1 space per 300 square feet of indoor display and sales area  |
| d Medical or Dental Clinics/Offices                    | p1 space per 200 square feet   |
| n Monument sales                                       | p1 space per 300 square feet of indoor display and sales area  |
| s Personal service establishment                       | p1 space per 300 square feet or 2 spaces per station/chair, whichever is greater   |
| i Radio and television studios                         | p1 space for each 2 employees  |
| r Recreational Facilities                              |  |
| Recreational facility, commercial                      | ilIndoor: 1 space for each three persons at maximum building capacity  |
|  | tOutdoor: 1 space per 500 square feet of customer/activity area  |
| Golf Courses   | p4 spaces per hole plus any additional spaces required for associated uses such as restaurants and/or taverns.                                   |
| Clubs, (social, fraternal, or athletic)                | p1 space per 300 square feet   |
| aiRetail Commercial Uses                               | p1 space per 300 square feet   |
| i Vehicle Sales and Service                            |  |
| Vehicle service stations                               | p1 space per 300 square feet of indoor floor area, plus 1.5 spaces per service bay (service bay may not be counted as a parking space).          |
| Vehicle service station and convenience store combined | p1 space per 300 square feet of indoor floor area, plus 1 space per fuel pump or service bay (service bay may not be counted as a parking space) |
| Auto, truck, RV and motorcycle sales and service       | p1 space per 5,000 square feet of open sales area, plus 1 space per 500 square feet of enclosed sales area, plus 1.5 spaces per service bay      |

| Table 1290.20-1 Number of Parking Spaces Required       |  |
|---|--|
| Use   | Number of Parking Spaces Required  |
| Farm implement sales                                    | p1 space per 5,000 square feet of open sales area, plus 1 space per 1,000 square feet of enclosed floor area                           |
| Machinery and heavy equipment rental, sales and storage | p1 space per 7,500 square feet of open sales area, plus 1 space per 1,000 square feet of enclosed sales area, plus 1.5 per service bay |
| Vehicle repair shops                                    | 1.5 spaces per service bay   |
| Car wash facilities (automatic and self-service)        | See Section 1290.19 "Drive-through Stacking Space Requirements   |
| eVeterinary offices/hospital and kennels                | p1 space per 300 square feet   |
| Industrial  |  |
| nLaundries, dry cleaning and dyeing plants              | p1 space per employee on the largest shift plus 1 space for each vehicle used in the business  |
| nManufacturing, all types                               | p1 space per employee on the largest shift plus 1 space for each vehicle used in the business  |
| viMoving and storage companies                          | p1 space per employee on the largest shift plus 1 space for each vehicle used in the business  |
| yRecycling Collection/Processing Facilities             | p1 space per employee on the largest shift plus 1 space for each vehicle used in the business  |
| eResearch laboratories and facilities                   | p1 space per employee on the largest shift plus 1 space for each vehicle used in the business  |
| - Self-service storage facilities                       | p4 spaces plus 1 space per 250 rental units  |
| r Warehouse   | p1 space for each 1,000 square feet plus 1 per vehicle used in the business  |
| oWholesale Sales and Distribution Centers (indoors)     | p1 space for each 1,000 square feet plus 1 per vehicle used in the business  |
| oWholesale Sales and Distribution Centers (outdoors)    | p1 space per 2,500 square feet of outdoor space plus 1 per vehicle used in the business  |

### 1290.21 LOCATION OF PARKING SPACES.

The following regulations shall govern the location of off-street parking spaces and areas:

- (a) Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
- (b) Parking spaces for commercial, industrial, or institutional uses shall be located not more than 300 feet from the principal use. Parking lots farther than 300 feet from the principal use may be approved by the Board of Zoning and Building Appeals.

- (c) Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than 300 feet from the principal use.
- (d) **Private Garage Rental Exception.** Not more than one space can be rented for parking to persons not residents on the premises.

#### **1290.22 ALTERNATIVE PARKING PROVISIONS.**

The following are optional methods of accommodating parking as an alternative to constructing an adequate number of parking spaces on an individual lot pursuant to this chapter. The use of one of these alternatives shall require review and approval under Chapter 1248 "Site Plan Review."

**(a) Reduction of Required Parking for Joint Use of Parking Spaces.**

- (1) A reduction in the total number of required off-street parking spaces for two or more uses jointly providing parking facilities may be approved when their respective hours of need of maximum parking do not normally overlap, provided that the developer submits sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap. Such joint use agreement must be in writing and approved by the Planning Commission. The required spaces assigned to one use may not be assigned to another use at the same time.

- (2) No joint parking area shall be located in a residential district.

- (b) **Deferred Parking Reduction for Elderly and Disabled Housing.** Consideration may be granted to reduce the parking for dwelling units restricted for the elderly and disabled to one space per unit plus an area on the site reserved for future parking to accommodate one additional space per dwelling unit. This provision is intended only for new developments and projects that involve major remodeling.
- (c) **Additional Reductions in Parking.** A reduction in the required number of parking spaces may be allowed if the applicant submits a parking demand study, prepared by a qualified parking or traffic consultant, substantiating the basis for granting a reduced number of spaces.

#### **1290.23 GENERAL INTERPRETATIONS.**

In the interpretations of this chapter, the following rules shall govern:

- (a) Parking spaces for other permitted or conditional uses not listed in this chapter shall be determined by the Board of Zoning and Building Appeals.
- (b) Fractional numbers shall be increased to the next whole number.
- (c) The total number of parking spaces shall be based on the cumulative total required for all uses occurring on the site.

(Ord. 01-014. Passed 7-17-01; Ord. 05-026. Passed 12-20-05.)

## **CHAPTER 1291**

### **Building Design Standards**

#### **1291.01 Purpose**

#### **1291.02 Applicability**

#### **1291.03 Building Design Review Procedure**

#### **1291.04 Building Design Standards for Multi-Family Dwellings**

#### **1291.05 Building Design Standards for Nonresidential Structures**

#### **1291.06 Exemptions to Building Design Standards**

#### **1291.01 PURPOSE.**

The purpose of building design standards is to ensure the exteriors of both new construction and new additions to existing buildings are well designed, detailed, and crafted to embody high standards of architectural design and to ensure the long-term viability of structures in the Village. This purpose shall be supported and accomplished through the use of the standards of this chapter.

#### **1291.02 APPLICABILITY.**

The development standards of this chapter shall apply to:

- (a) **Multi-family Development.** All multi-family development containing three or more dwelling units.
- (b) **Nonresidential Development.** All nonresidential development in the Residential and Business Zoning Districts.
- (c) **Building Design Standards for PUDs.** Multi-family and nonresidential development in a PUD shall be subject to the standards of this chapter unless otherwise modified through the PUD review and approval process.
- (d) **Accessory Building Exception.** Accessory buildings located behind the principal building or when located at least 60 feet from a public street are exempt from these standards. Accessory buildings 400 square feet or less are also exempt.
- (e) **Properties within the Downtown Overlay District Boundaries are exempt from these standards.**

#### **1291.03 BUILDING DESIGN REVIEW PROCEDURE.**

- (a) **New Buildings.** The building design of new buildings shall be reviewed and approved in accordance with the requirements of this chapter as part of the site plan review provisions of Chapter 1248 "Site Plan Review."

- (b) **Expansions to Buildings.** For buildings existing prior to the effective date of this Zoning Ordinance, major building improvements or expansions that require site plan approval may be permitted without a complete upgrade to meet the standards of this chapter, provided there are reasonable improvements to the building in relation to the scale and construction cost of the building improvements or expansion. Major exterior renovations shall be consistent with the building design standards herein to the extent deemed practical.

#### **1291.04 BUILDING DESIGN STANDARDS FOR MULTI-FAMILY DWELLINGS.**

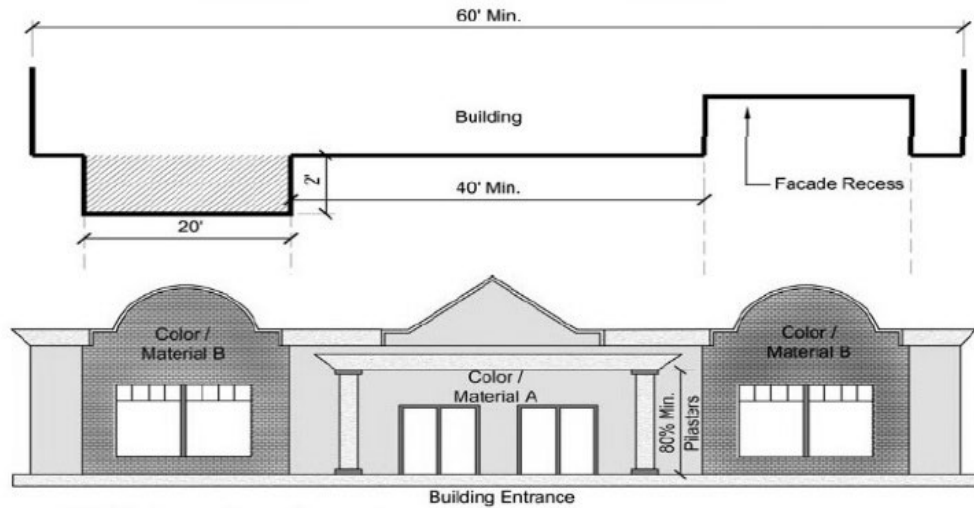
- (a) **Applicability.** The standards of this section shall apply to all structures that contain three or more dwelling units.
- (b) **Design of Facades.** Front facades shall incorporate variation in mass through one or more of the following methods every 50 feet of façade frontage:
  - (1) Wall offsets in the form of projections and/or recesses in the façade plane. Wall offsets shall have a minimum depth of two feet;
  - (2) Bay windows;
  - (3) Façade color changes;
  - (4) Use of pilasters, columns, or other detailing to articulate the facades; or
  - (5) Roofline changes when coupled with correspondingly aligned façade material changes.
- (c) **Building Material.** A minimum of 50 percent of all facades shall be constructed of brick, stone, wood, or other natural materials. The use of cultured stone, brick veneer, cementitious materials, or other fabricated materials that resemble natural materials is also permitted, excluding vinyl siding. The remaining 50 percent of facades may be constructed with any sturdy building material, including vinyl.

#### **1291.05 BUILDING DESIGN STANDARDS FOR NONRESIDENTIAL BUILDINGS.**

- (a) **Applicability.** The standards of this subsection shall apply to all non-residential structures in the Residential and Business Zoning Districts.
- (b) **General Nonresidential Building Requirements.**
  - (1) **Building Orientation.** Buildings shall be parallel to the street they front unless an alternate orientation is consistent with existing adjacent development.
  - (2) **Primary Entrances.** The primary entrances of buildings shall be oriented:
    - i. Towards a street along the perimeter of the development; or
    - ii. Towards streets or roadways in the interior of the development if none of the building's facades has frontage on a public street; or

- iii. As approved under the site plan review provisions of Chapter 1248 “Site Plan Review.”
- (3) General Building Façade Requirements. Building facades shall comply with the following standards.
  - i. Blank building walls facing streets are prohibited;
  - ii. Rear and side facades, if visible from public streets, shall have a similar architectural treatment as utilized on the primary or front façade; and
  - iii. These requirements shall not apply to those walls that are not visible from a street and only visible from an alley, or the rear yard of another nonresidential site.
- (c) **Unified Theme.** Where there are multiple buildings within a single development, the architectural design of buildings, including freestanding outparcel structures, should be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures should adjust some aspects of their standard architectural model to be consistent with a development’s architectural character.
- (d) **Infill Development.** All new development or redevelopment shall be compatible with the established architectural character of the surrounding area utilizing a building design and style that is complementary to the surrounding uses and structures. Compatibility may be achieved through the repetition of similar rooflines, similar proportions in relation to height, size, scale and mass, similar door and window patterns and openings, building materials and color, and building orientation.
- (e) **Building Transparency.** Building elevations that are visible from a public street should dedicate a minimum of 25 percent of the length of the front façade to windows or transparent entrances.
- (f) **Design of Façades.**
  - (1) Offset Required. Front façades 60 feet wide or wider shall incorporate wall offsets of at least two (2) feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet.
  - (2) Offset Alternatives. The following alternatives can be used in place of the required front façade offsets:
    - i. Façade color changes following the same dimensional standards as the offset requirements;

- ii. Pilasters having a minimum depth of one (1) foot, a minimum width of one (1) foot, and a minimum height of 80 percent of the façade's height; and/or
- iii. Roofline changes when coupled with correspondingly aligned façade material



changes.

**Figure 1291-A: Illustration of How the Façade Offset Provisions may be Applied**

**(g) Roof Line Changes.**

- (1) Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
- (2) When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes.





**Figure 1291-B: Illustration of Roof Line Changes**

(h) **Building Design and Mass.** All architectural elevations of principal buildings shall consist of a base, a body, and a cap.

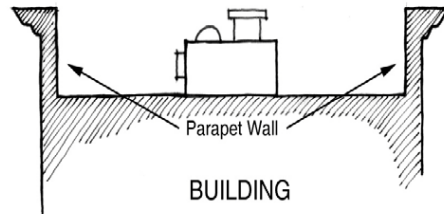
- (1) The base shall occupy the lowest portion of the elevation.
- (2) The body shall occupy the middle portion of the elevation.
- (3) The cap shall occupy the highest portion of the elevation and shall consist of at least one of the following architectural features: a cornice, parapet, awning, canopy, or eaves.
- (4) The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.



**Figure 1291-C: Illustration Showing a Building Base and Cap**

(i) **Roofs.**

- (1) **Roof Types.** All roof types are permitted. When flat roofs are used a parapet wall having a three-dimensional cornice treatment shall conceal them.
- (2) **Roof Materials.** Where any non-architectural roofing materials (e.g., tar and paper) are utilized, such roofing shall be concealed with parapet walls that have 3-dimensional cornice treatments or similar screening methods.
- (3) **Screening Rooftop Mounted Equipment.** Roof-based mechanical equipment shall be screened from view of adjacent properties and public rights-of-way. The method of screening may include a parapet wall having a three-dimensional cornice treatment.



**Figure 1291-D: Example of How to Screen Roof Mounted Mechanical Equipment**

**(j) Building Materials List.**

- (1) **Combination of Materials.** A combination of materials, textures, colors, and finishes shall be utilized to create visual interest.
- (2) **Primary Building Materials.** Durable natural or natural-appearing building materials such as brick, stone, stucco, split face block, or other similar materials are preferred primary building materials. Durable synthetic building materials that convincingly match the appearance of natural building materials may be used as a primary building material. Non-durable building materials such as EIFS (Exterior Insulation and Finish System) may not be used within three feet of the finished grade or sidewalk.
- (3) **Accent Building Materials.** In addition to the above materials, acceptable accent materials include decorative precast concrete block, metal, stone and glass block.
- (4) **Prohibited Primary Building Materials.** The following are considered inappropriate primary building materials: aluminum or vinyl siding; exposed metal panels (such as corrugated metal); smooth-faced concrete blocks; smooth-faced tilt-up concrete panels, and wood sheet goods.

**1291.06 EXEMPTIONS TO BUILDING DESIGN STANDARDS.**

The Village may, through the site plan approval process, modify or exempt all or parts of the building design standards in this chapter upon findings that that the request will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would detract from the stated purpose of this chapter.

## **CHAPTER 1292**

### **Landscaping**

- 1292.01 Landscaping requirements.
- 1292.02 Special exceptions.
- 1292.03 Screening of service courts, storage areas and loading docks.
- 1292.04 Screening of trash container receptacles.
- 1292.05 Interior parking area landscaping.
- 1292.06 Plant material specifications.
- 1292.07 Screening of exterior mechanical equipment.
- 1292.08 Buffer strip required.
- 1292.09 Maintenance and replacement requirements.

### **CROSS REFERENCES**

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures see Ohio R.C. 713 .07 et seq.

Restrictions on percentage of lot occupancy and set-back building lines see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings or structures see Ohio R.C. 713.10

BOCA National Property Maintenance Code - see B. & H. Ch. 1486

#### **1292.01 LANDSCAPING REQUIREMENTS.**

Consistent with the objectives established in this chapter, landscaping shall be provided according to the following standards for the following districts, with the new construction, enlargement, addition, or alteration of any principal building:

- (a) R-3 Multiple-Family Residential District
- (b) GB General Business District
- (c) CB Central Business District
- (d) PO Professional Office
- (e) LI Light Industrial District
- (f) GI General Industrial District
- (g) IP Industrial Park
- (h) ID Institutional Development District
- (i) PUD Planned Unit Development
- (j) SR-57 State Route 57 Corridor Overlay District
- (k) Downtown Overlay District

(Ord. 01-014. Passed 7-17-01.)

#### **1292.02 SPECIAL EXCEPTIONS.**

The Village shall recognize that, in some cases, the landscaping requirements may be difficult or impractical to meet due to specific site characteristics. In these cases, an alternate landscaping plan may be approved by the Planning Commission as part of the site plan review process.

(Ord. 01-014. Passed 7-17-01.)

#### 1292.03 SCREENING OF SERVICE COURTS, STORAGE AREAS AND LOADING DOCKS.

For all uses that include areas used for service, loading, and unloading activities, such areas shall be screened along the entire rear lot line and side lot lines from the rear lot line to the rear building line to the following minimum standards:

(a) The width of the screening area shall be a minimum of 5 feet. Screening shall consist of walls, hedges, fences, vegetation, or an acceptable combination of these elements, provided that screening must be at least 6 feet in height.

(b) Vegetation used for screening shall have a minimum opaqueness of 75% at all times within 2 years of planting.

(Ord. 01-014. Passed 7-17-01.)

#### 1292.04 SCREENING OF TRASH CONTAINER RECEPTACLES.

(a) Applicability. All commercial, industrial, institutional, and multi-family residential uses that provide an exterior trash receptacle (dumpster) and/or garbage collection area shall provide a trash receptacle area.

(b) Screening. Trash areas shall be enclosed on all four sides by a solid wall, fence, gate, or landscaping of at least 6 feet in height that provides an opaque screen (75%) to fully screen the facility from off-site views. If landscaping is to be used for screening, evergreen vegetation is encouraged. Such vegetation shall be of a variety and size that will attain six feet in height within two (2) years of planting.

(c) Review. Such trash areas shall be designated on site plans and be exclusive of normal parking area requirements. Location of such areas shall be approved as part of the review process in Chapter 1248 Site Plan Review Procedures.

#### 1292.05 INTERIOR PARKING AREA LANDSCAPING.

Landscaping within parking areas, whether ground cover or upright plant material, is necessary not only to reduce the generation of heat and water runoff, but to break up visually the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged. Any open parking area containing more than 6,000 square feet or 15 or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:

(a) An area equal to 5% of the total area devoted to parking space and parking lanes shall be landscaped and permeable.

(b) Whenever possible, large parking areas of 30,000 square feet or larger shall be designed so as to break up their visual expanse and create the appearance of smaller parking lots. This distinction or separation can be achieved by interspersing yard space and buildings in strategic areas and by taking advantage of natural features such as slope, existing woodland or vegetation, drainage courses, and retention/detention areas that contain water throughout the year.

(c) Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. The minimum island or peninsula size shall be 180 square feet with a 2-foot minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang and should have a

minimum width of 10 feet. Islands shall typically be located every 10 to 12 parking spaces and may be curbed.

(d) The required plant materials for the interior of parking areas shall be 1 deciduous tree for every 3,000 square feet. Where sight distance or maneuvering conflicts exist, trees shall have a clear trunk of at least 5 feet above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed 2 feet in height.

(e) Areas located between any parking area and public right-of-way shall be landscaped with elements such as mounding, trees, ground cover, and shrubs.

(Ord. 01-014. Passed 7-17-01.)

#### 1292.06 PLANT MATERIAL SPECIFICATIONS.

The following sections include specifications for plant materials. Plant materials shall conform to the American Standard for Nursery Stock of the American Association of Nurserymen. Plant materials should consist of hardy, native and/or drought-tolerant vegetation to the maximum extent feasible. Alternatives to these materials that can be shown to meet both the intent and requirements of this Zoning Code may be approved as part of a site plan:

(a) Shrubs. Shrubs shall be at least 24 inches average height and spread at the time of planting, and, where required for screening, shall form a continuous, year-round, solid visual screen within 5 years after planting.

(b) Ground Cover and Grass. Ground cover shall be planted a minimum of 8 inches on center and shall be planted in such a manner to present a finished appearance and 75% coverage after 1 complete growing season. If approved as part of a site plan, ground cover may also consist of rocks, pebbles, wood chips, and other material. Grass shall be planted in species normally grown as permanent lawns.

(c) Prohibited Tree Species.

(1) Within any required landscaping, the following tree species may not be used:

|              |                |               |
|--------------|----------------|---------------|
| Box Elder    | Tree of Heaven | Catalpa       |
| Black Walnut | Poplar         | Willow        |
| Mountain Ash | Siberian Elm   | Black Locust  |
| Hickory      | Mulberry       | Bradford Pear |

(2) In addition to the species listed above, trees which produce nuts, seeds, or fruit that can create a hazard to pedestrians or vehicles, shall not be planted in such a manner that the natural dripline of an average adult tree of the species planted will be any closer than 3 feet of a pedestrian walkway or parking lot.

(Ord. 01-014. Passed 7-17-01.)

#### 1292.07 SCREENING OF EXTERIOR MECHANICAL EQUIPMENT.

Exterior components of plumbing, processing, heating, cooling, and ventilating systems, including but not limited to piping, tanks, stacks, collectors, heating, cooling, and ventilating-equipment fans, blowers, duct work, vents, louvers, meters, compressors, motors, incinerators, ovens, etc., shall not be directly visible at ground level. Any landscaping or structural means

employed to screen exterior components of plumbing, processing, heating, cooling, and ventilating systems from direct view shall appear as integrated parts of the buildings; shall be constructed of complementary and durable materials; and finished in a texture and color scheme complementary to the overall architectural design. Any exterior components of plumbing, processing, heating, cooling, and ventilating systems, and their screening devices which will be visible from upper floors of adjacent buildings shall be kept to a visible minimum, shall be installed in a neat and compact fashion, and shall be painted such a color as to allow their blending with their visual backgrounds.

(Ord. 01-014. Passed 7-17-01.)

#### 1292.08 BUFFER STRIP REQUIRED.

(a) In all side and rear yards in the CB, GB, LI, GI, IP, ID, SR-57 Overlay, and PO Districts that adjoin a residential district, there shall be a buffer strip that is not less than 10 feet in width and running the length of the side and/or rear yards adjacent to the residential district.

(b) Required buffer strips shall consist of maintained living vegetative material such as trees, shrubs, ornamental plants; earth mounding or fencing made of wood that results in 100% opacity to a height of 6 feet or more within 1 year of planting.

(Ord. 01-014. Passed 7-17-01.)

#### 1292.09 MAINTENANCE AND REPLACEMENT REQUIREMENTS.

The owner shall be responsible for maintaining all landscaping in good condition to present a healthy, neat, and orderly appearance. This should be accomplished by the following standards:

(a) All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a hazard.

(b) All planted areas shall be maintained in a weed-free condition, clear of undesirable undergrowth, and free from refuse and debris.

(c) Replacement plants shall conform to the standards that govern original installation. Dead or unhealthy plants shall be replaced within the next planting season.

(d) The Zoning Inspector, or his Representative, shall have the authority to inspect landscaping and check it against the approved plan on file.

(Ord. 01-014. Passed 7-17-01.)

## **CHAPTER 1294**

### **Sexually Oriented Businesses**

- 1294.01 Purpose.
- 1294.02 Findings.
- 1294.03 Definitions.
- 1294.04 Classification.
- 1294.05 License required.
- 1294.06 Issuance of license.
- 1294.07 Fees.
- 1294.08 Inspections.
- 1294.09 Expiration of license.
- 1294.10 Revocation of license.
- 1294.11 Transfer of license.
- 1294.12 Conditional uses in General Business Districts; location requirements.
- 1294.13 Additional regulations for adult motels.
- 1294.14 Nonconforming uses.
- 1294.99 Penalty.

### **CROSS REFERENCES**

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures see Ohio R.C. 713 .07 et seq.

Restrictions on percentage of lot occupancy and set-back building lines see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings or structures see Ohio R.C. 713.10

Sex-related offenses - see Ohio R.C. Ch. 2907; GEN. OFF. Ch. 666

Zoning Inspector - see P. & Z. Ch. 1242.02

### **1294.01 PURPOSE.**

It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Village and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Village. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

### **1294.02 FINDINGS.**



Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including but not limited to Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group on the Regulation of Sexually-Oriented Businesses (June 6, 1989, State of Minnesota), the Council finds:

(a) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are currently uncontrolled by the operators of the establishments. Further, there is currently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

(b) Certain employees of sexually oriented businesses defined in this chapter as adult theaters and cabarets engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(c) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(d) Offering and providing such space encourages such activities, which creates unhealthy conditions.

(e) Persons frequent certain adult theaters, adult arcades, and other sexually-oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

(f) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections.

(g) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.

(h) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November 1990.

(i) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

(j) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(k) The findings noted above raise substantial governmental concerns.

(l) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(m) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the Village. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(n) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(o) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(p) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually- oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

(q) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct that this chapter is designed to prevent or who are likely to be witnesses to such activity.

(r) The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this chapter.

(s) The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct that leads to the transmission of sexually transmitted diseases.

(t) The general welfare, health, morals, and safety of the citizens of the Village will be promoted by the enactment of this chapter.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

### 1294.03 DEFINITIONS.

As used in this chapter:

(a) "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or, for any form of consideration, electronically, electrically, or mechanically-controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(b) “Adult bookstore,” “adult novelty store,” or “adult video store” means a commercial establishment that, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or

(2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an “adult bookstore,” “adult novelty store,” or “adult video store.” Such other business purposes will not serve to exempt such commercial establishment from being categorized as an “adult bookstore,” “adult novelty store,” or “adult video store” as long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(c) “Adult cabaret” means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:

(1) Persons who appear in a state of nudity or semi-nudity.

(2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

(3) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(d) “Adult motel” means a hotel, motel, or similar commercial establishment that:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions.

(2) Offers a sleeping room for rent for a period of time that is less than ten hours; or

(3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

(e) “Adult motion picture theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(f) “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or semi-nudity, or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

(g) “Employee” means a person who performs any service on the premises of a sexually-oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. “Employee” does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

(h) “Escort” means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(i) “Escort agency” means a person or business association who or which furnishes, offers to furnish, or advertises to furnish escorts as one of his, her or its primary business purposes for a fee, tip, or other consideration.

(j) “Establishment” means and includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually- oriented business, to any sexually oriented business;
- (3) The addition of any sexually oriented business to any other existing sexually-oriented business; or
- (4) The relocation of any sexually oriented business.

(k) “Licensee” means a person in whose name a license to operate a sexually- oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually-oriented business.

(l) “Nude model studio” means any place where a person who appears semi- nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. “Nude model studio” shall not include a proprietary school licensed by the State of Ohio or a college, junior college, or university supported entirely or in part by public taxation; a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

(1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;

(2) Where in order to participate in a class a student must enroll at least three days in advance of the class; and

(3) Where no more than one nude or semi-nude model is on the premises at any one time.

(m) “Nudity” or a “state of nudity” means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

(n) “Person” means an individual, proprietorship, partnership, corporation, association, or other legal entity.

(o) "Semi-nude" or in a "semi-nude condition" means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided that the areola is not exposed in whole or in part.

(p) "Sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, offers, for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

(q) "Sexually-oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(r) "Specified anatomical areas" means:

(1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(2) Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

(s) "Specified criminal activity" means any of the following offenses:

(1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of material harmful to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries for which:

A. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

B. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

C. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(2) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

(t) "Specified sexual activities" means any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

(3) Excretory functions as part of or in connection with any of the activities set forth in divisions (t)(1) and (2) above.

(u) "Substantial enlargement" of a sexually-oriented business means the increase in floor area occupied by the business by more than 25%, as the floor areas exist on the date this chapter takes effect.

(v) "Transfer of ownership or control" of a sexually-oriented business means and includes any of the following:

(1) The sale, lease, or sub-lease of the business;

(2) The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

#### 1294.04 CLASSIFICATION.

Sexually oriented businesses are classified as follows:

(a) Adult arcades;

(b) Adult bookstores, adult novelty stores, or adult video stores;

(c) Adult cabarets;

(d) Adult motels;

(e) Adult motion picture theaters;

(f) Escort agencies;

(g) Nude model studios; and

(h) Sexual encounter centers.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

#### 1294.05 LICENSE REQUIRED.

(a) It is unlawful:

(1) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Village pursuant to this chapter.

(2) For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually-oriented business employee by the Village pursuant to this chapter.

(3) For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this chapter.

(b) An application for a license must be made on a form provided by the Village.

(c) All applicants must be qualified according to the provisions of this chapter. The application may request, and the applicant shall provide such information (including fingerprints) as to enable the Village to determine whether the applicant meets the qualifications established in this chapter.

(d) If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. Each applicant must be qualified under this chapter and each applicant shall be considered a licensee if a license is granted.

(e) The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:

(1) If the applicant is:

A. An individual, the individual shall state his or her legal name and any aliases and submit proof that he or she is 18 years of age;

B. A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any.

C. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors, and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.

(2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, he or she must state (1) the sexually-oriented business's fictitious name, and (2) submit the required registration documents.

(3) Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this chapter, and, if so, the specified criminal activity involved, and the date, place, and jurisdiction of each.

(4) Whether the applicant, or a person residing with the applicant, has had a previous license under this chapter or other similar sexually- oriented business ordinances from another city or county denied, suspended, or revoked, including the name and location of the sexually-oriented business for which the permit was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is licensed under this chapter whose license has previously been denied, suspended, or revoked, including the name and location of the sexually-oriented business for which the permit was denied, suspended, or revoked, as well as the date of such denial, suspension, or revocation.

(5) Whether the applicant or a person residing with the applicant holds any other licenses under this chapter or other similar sexually- oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses.

(6) The single classification of license for which the applicant is filing.

(7) The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.



- (8) The applicant's mailing address and residential address.
  - (9) A recent photograph of the applicant(s).
  - (10) The applicant's driver's license number, Social Security number, and/or his or her State or Federally issued tax identification number.
  - (11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
  - (12) A current certificate and straight-line drawing prepared within 30 days prior to application by a registered land surveyor, depicting the property lines and the structures containing any existing sexually- oriented businesses within 800 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park, or recreation area within 800 feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- (f) Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit, on a form to be provided by the Village, the following information:
- (1) The applicant's name or any other name (including "stage" names) or aliases used by the individual;
  - (2) Age, date, and place of birth;
  - (3) Height, weight, hair and eye color;
  - (4) Current residence address, email address, and telephone number;
  - (5) Current business address, email address, and telephone number;
  - (6) Date, issuing state and number of driver's permit or other identification card information;
  - (7) Social Security number; and
  - (8) Proof that the individual is at least 18 years of age.
- (g) Attached to the application form for a sexually oriented business employee license, as provided above, shall be the following:
- (1) A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant.
  - (2) A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate a sexually-oriented business, in this or any other county, city, state, or country, has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, the applicant shall state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

(3) A statement whether the applicant has been convicted of a specified criminal activity as defined in this chapter and, if so, the specified criminal activity involved, and the date, place, and jurisdiction of each.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

#### 1294.06 ISSUANCE OF LICENSE.

(a) (1) Upon the filing of said application for a sexually-oriented business employee license, the Village shall issue a temporary license to said applicant. The application shall then be referred to the appropriate Village departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within 30 days from the date the completed application is filed. After the investigation, the Village shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

A. The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

B. The applicant is under the age of 18 years;

C. The applicant has been convicted of a specified criminal activity as defined in this chapter; or

D. The sexually oriented business employee license is to be used or employment in a business prohibited by local or State law, statute, rule or regulation, or prohibited by a particular provision of this chapter.

(2) If the applicant has had a sexually oriented business employee license denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this division shall be subject to review as set forth in Section 1294.10(d).

(b) A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the Village that the applicant has not been convicted of any specified criminal activity as defined in this chapter or committed any act during the existence of the previous license which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in Section 1294.07.

(c) Within 30 days after receipt of a completed sexually oriented business application, the Village shall approve or deny the issuance of a license to an applicant. The Village shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(1) An applicant is under 18 years of age.

(2) An applicant or a person with whom applicant is residing is overdue in payment to the Village of taxes, fees, fines, or penalties assessed against or imposed upon him or her in relation to any business.

(3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information reasonably necessary for

issuance of the license or has falsely answered a question or request for information on the application form.

(4) An applicant or a person with whom the applicant is residing has been denied a license by the Village to operate a sexually oriented business within the preceding 12 months or whose license to operate a sexually-oriented business has been revoked within the preceding 12 months.

(5) An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this chapter.

(6) The premises to be used for the sexually oriented business has not been approved by the Health Department, Fire Department, and the Building Official as being in compliance with applicable laws and ordinances.

(7) The license fee required by this chapter has not been paid.

(8) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.

(d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to Section 1294.04. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.

(e) The Health Department, Fire Department, and the Building Official shall complete their certification that the premises is in compliance or not in compliance within 20 days of receipt of the application by the Village.

(f) A sexually oriented business license shall issue for only one classification as found in Section 1294.04.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

#### 1294.07 FEES.

(a) Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a five hundred dollar (\$500.00) non-refundable application and investigation fee.

(b) In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the Village an annual non-refundable license fee of five hundred dollars (\$500.00) within 30 days of license issuance or renewal.

(c) Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual five hundred dollar (\$500.00) non-refundable application, investigation, and license fee.

(d) All license applications and fees shall be submitted to the Administrator of the Village.  
(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

#### 1294.08 INSPECTIONS.

(a) An applicant or licensee shall permit representatives of the Police Department, Health Department, Fire Department, Zoning Department, or other Village departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law at any time it is occupied or open for business.

(b) A person who operates a sexually oriented business or his or her agent or employee commits a misdemeanor if he or she refuses to permit such lawful inspection of the premises at any time it is open for business.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

#### 1294.09 EXPIRATION OF LICENSE.

(a) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 1294.05. Application for renewal shall be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected.

(b) When the Village denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Village finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the denial became final.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

#### 1294.10 REVOCATION OF LICENSE.

(a) The Village shall revoke a license if a cause of suspension in this section occurs and the license has been suspended within the preceding 12 months.

(b) The Village shall revoke a license if it determines that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(3) A licensee has knowingly allowed prostitution on the premises;

(4) A licensee has knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(5) Except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or

(6) A licensee is delinquent in payment to the Village, County, or State for any taxes or fees.

(c) When the Village revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented business license for one year from the date the revocation became effective. If, subsequent to revocation, the Village finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective.

(d) After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

#### 1294.11 TRANSFER OF LICENSE.

A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

#### 1294.12 CONDITIONAL USES IN GENERAL BUSINESS DISTRICTS; LOCATION REQUIREMENTS.

Sexually oriented businesses are conditionally permitted uses within the GB General Business District. A conditional use for such facilities shall not be approved unless the following minimum conditions shall be complied with:

(a) No sexually oriented business shall be established within 800 feet of:

- (1) Any Residential (R) District;
- (2) Any public, private, governmental, or commercial library, educational institution, park, recreational facility, religious place of worship, child day care facility, playground, or swimming pool;
- (3) Any planned unit or planned cluster development utilized for residential purposes;
- (4) Any tavern, bar, or other establishment for the sale of beer or intoxicating liquor for consumption on the premises; or
- (5) Any other sexually oriented business.

(b) For the purpose of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in division (a) of this section. The presence of a Village, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(c) No advertisements, displays, or other promotional materials shall be shown, distributed or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

(d) All building openings, entries, windows, and doors of adult entertainment facilities 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. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.

(e) No screens, loudspeakers, or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) or any other adult entertainment facility that can be seen or discerned by the general public from public or semi-public areas.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

#### 1294.13 ADDITIONAL REGULATIONS FOR ADULT MOTELS.

(a) Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

(b) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually-oriented business license, he or she rents or sub-rents a sleeping room to a person and, within ten hours from the time the room is rented, he or she rents or sub-rents the same sleeping room again.

(c) For purposes of division (b) of this section, the terms “rent” or “sub-rent” mean the act of permitting a room to be occupied for any form of consideration.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

#### 1294.14 NONCONFORMING USES.

(a) Any sexually oriented business lawfully operating on August 1, 2000, that is not in conformity with the provisions of this chapter shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless terminated sooner for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered, except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 800 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operating at a particular location is the conforming use and the later established business(es) is/are nonconforming.

(b) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in Section 1294.12(a) within 800 feet of the sexually-oriented business. This provision applies only to the renewal of a valid license and does not apply when an application for a license is submitted after a license has expired or been revoked.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

#### 1294.99 PENALTY.

(a) A person commits a misdemeanor of the first degree if that person operates or causes to be operated a sexually oriented business in any zoning district other than those specified in Section 1294.12 and as defined and described in this Zoning Code.

(b) A person commits a misdemeanor of the first degree if the person operates or causes to be operated a sexually oriented business within 800 feet of:

- (1) Any Residential (R) District;
- (2) Any public, private, governmental, or commercial library, educational institution, park, recreational facility, religious place of worship, child day care facility, playground, or swimming pool;

- (3) Any planned unit or planned cluster development utilized for residential purposes;
- (4) Any tavern, bar, or other establishment for the sale of beer or intoxicating liquor for consumption of the premises; or
- (5) Any other sexually oriented business.

(c) A person commits a misdemeanor of the first degree if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 800 feet of another sexually oriented business.

(d) A person commits a misdemeanor of the first degree if that person causes or permits the operation, establishment, or maintenance of more than one sexually- oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(e) For the purpose of division (b) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually- oriented business is conducted, to the nearest property line of the premises of a use listed in division (b) of this section. The presence of a Village, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(f) For purposes of division (c) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects of political boundaries, from the closest exterior wall of the structure in which each business is located.

(Ord. 00-040. Passed 11-21-00; Ord. 01-014. Passed 7-17-01.)

## **CHAPTER 1295**

### **Construction and Post Construction Site Soil Erosion, Sediment, Storm Water Runoff and Storm Water Quality Controls and Regulations**

1295.01 Purpose.

1295.02 Scope.

1295.03 Conflicts, severability, nuisances and responsibility.

1295.04 Definitions.

1295.05 Performance standards.

1295.06 Site development plan.

1295.07 Storm water management (SWM) plan requirements.

1295.08 Compliance responsibility.

#### **1295.01 PURPOSE.**

The intent of this chapter is to comply with the requirements of the Ohio Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Phase II General Permit by establishing standards to achieve a level of soil erosion and storm water control that will minimize and abate degradation of land and water resources and damage to public and private property resulting from earth-disturbing activities involving one acre or more. Reduction of storm water discharges from construction activity disturbing less than one acre must be considered if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. In addition, this chapter further intends to:

(a) Assure that those involved in earth-disturbing activities minimize both soil erosion and the volume and rate of storm water runoff from their sites.

(b) Assure that storm water controls are incorporated into site planning and design at the earliest possible stage and that all storm water management practices are properly designed, constructed, and maintained.

(c) Prevent unnecessary stripping of vegetation and loss of soil and to promptly revegetate and stabilize the site following earth-disturbing activities.

(d) Encourage the construction of storm water management practices that serve multiple purposes such as flood control, erosion control, water quality protection, recreation, and habitat preservation.

(Ord. 13-030. Passed 10-15-13.)

#### **1295.02 SCOPE.**

(a) Any person or persons proposing to disturb one acre or more of land for residential, institutional, commercial, office and industrial purposes, including land development proposals for non-agricultural uses and public infrastructure uses, including transportation and utilities within the Municipality shall design, develop, and submit a site development plan as described in Section 1295.06. Said plan will be evaluated to determine the potential for erosion, runoff, and sedimentation impacts that may result from such development activities.



(b) A storm water management (SWM) plan shall be prepared as described in Section 1295.07 to minimize the impacts of increased impervious surfaces.

(c) No earth-disturbing activity subject to regulation under this chapter shall be undertaken for any land disturbance equal to or greater than one acre without an approved site development plan as required under Section 1295.06 and a storm water management (SWM) plan as required under Section 1295.07.

(d) Final approval of a proposed development, redevelopment, street or utility project shall not be given unless:

(1) A determination is made by the Municipal Engineer based on submission of a site development plan as detailed in Section 1295.06 that the proposed earth-disturbing activity will minimize accelerated runoff, erosion, and/or sediment.

(2) A SWM plan has been approved by the Municipal Engineer that determines that the proposed earth-disturbing activity will not cause accelerated runoff, erosion, and/or sediment.

(e) Any person or persons seeking approval to construct a structure shall be exempted from having to prepare a site development plan and a SWM plan provided they meet all of the following:

(1) Construction takes place on one parcel.

(2) The earth-disturbing activity does not affect more than one acre of the development site at a time.

(3) The activity is not located within a floodplain or floodway as identified by FEMA.

(4) The parcel is part of an overall development plan which has received approval of a SWM plan and the developer certifies that they will comply with said plan.

(f) This chapter does not apply to:

(1) Land-disturbing activities related to producing agricultural crops or silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501:15-3-01 to 1501:15-309 of the Ohio Administrative Code).

(2) Existing strip mining operations regulated by Ohio R.C. Chapter 1513.

(3) Existing surface mining operations regulated by Ohio R.C. Chapter 1514.

(Ord. 13-030. Passed 10-15-13.)

#### 1295.03 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by other Municipal provisions of law, ordinance, contract or deed, the provisions of this chapter shall prevail.

(b) If a court of competent jurisdiction declares any clause, section, or provision of this chapter invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

(c) These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this chapter shall not be a defense in any action to abate such nuisance.

(d) Failure of the Municipality to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the

condition or damage resulting therefrom, and shall not result in the Municipality, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.  
(Ord. 13-030. Passed 10-15-13.)

#### 1295.04 DEFINITIONS.

All words used in this chapter shall have their customary meanings as defined in Webster's New World Dictionary and/or Rainwater and Land Development: Ohio's Standards for Storm Water Management, Land Development and Urban Stream Protection, current edition, except those specifically defined in this section.

(a) "Approval authority." An official, organization, or group designated to review and approve or disapprove storm water pollution prevention plans (SWP3s).

(b) "Authorized agent." An official, organization, or group designated to provide technical guidance in the development and implementation of site development plan and storm water management plan and to review and approve/disapprove such plans as authorized.

(c) "Best Management Practices (BMPs)." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. "BMPs" also include treatment requirements, operating procedures, and practices to control plant and/or construction site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(d) "Buffer." A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Construction activities in this area are restricted or prohibited.

(e) "Critical storm." A storm which is calculated by means of the percentage increase in volume of runoff by a proposed earth-disturbing activity or development area. The critical storm is used to calculate the maximum allowable storm water discharge rate from a site.

(f) "Cut." An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade.

(g) "Detention basin." An impoundment area created by constructing an embankment, excavating a pit, or both, for the purpose of temporarily storing storm water.

(h) "Detention facility." A detention basin or alternative structure designed to temporarily store storm water runoff and gradually release the stored water at a controlled rate.

(i) "Development." A group of houses, apartments, industrial or commercial buildings, usually constructed as part of a single project.

(j) "Development area." Any area upon which earth-disturbing activities are planned or underway for a development.

(k) "Earth-disturbing activity." Any grading, excavation, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

(l) "Federal Emergency Management Agency (FEMA)." The agency with the overall responsibility for administering the National Flood Insurance Program.

(m) "Fill." Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the

ground or on top of the stripped surface. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

(n) "Grubbing." Machine clearing of vegetation. Usually performed as the first step in the development of land.

(o) "Non-structural controls." Storm water runoff control and treatment techniques that use natural measures to control runoff and/or reduce pollution levels. Examples include minimizing impervious area, buffer strips along streams, and preserving natural vegetation.

(p) "NPDES." National Pollutant Discharge Elimination System.

(q) "Parcel." Any legally described piece of land created by a partition, subdivision, deed or other instrument recorded with the appropriate entity or agency.

(r) "Peak rate of runoff." The maximum rate of runoff for any 24-hour storm of a given frequency.

(s) "Pre-development conditions." Site conditions as they existed prior to any improvement activities.

(t) "Riparian." Relating to the banks of a natural course of water.

(u) "Sediment basin." A barrier, dam or other facility built to reduce the velocity of water in order to settle and retain sediment.

(v) "Site development plan." The written document or set of plans meeting the requirements of this chapter that provides information on the location of the area proposed for development, the site in relation to its general surroundings, and existing characteristics of the site, including limits of earth-disturbing activities.

(w) "Silviculture." A branch of forestry dealing with the development and care of forests.

(x) "Stop-work order." An order issued which requires that all work on the site must cease except work associated with bringing the site into compliance with the approved SWM plan or site development plan.

(y) "Storm water management (SWM) plan." The written document meeting the requirements of this chapter that sets forth the plans and practices to be used to minimize storm water runoff from a site and to safely convey or temporarily store and release post-development storm water runoff at an allowable rate to minimize flooding and erosion.

(z) "Storm water pollution prevention plan (SWP3)." The document required by the Ohio EPA for compliance with its NPDES Construction Activity General Permit #OHC000003. The requirements of the SWP3 are required as part of the local jurisdiction's storm water management plan as described above and in this regulation.

(aa) "Storm frequency." The average period of time in years within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

(bb) "Structural controls." Any human-made facility, structure, or device that is constructed to provide temporary storage and/or treatment of storm water runoff. Examples include retention and detention basins, rock check dams, swales, and constructed wetlands.

(cc) "Swale." A low-lying stretch of vegetated land which gathers and carries surface water.

(dd) "Temporary vegetation." Short term vegetative cover such as oats, rye, or wheat, used to stabilize the soil surface until final grading and installation of permanent vegetation.

(ee) "Watercourse." Any natural waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course either continuously or intermittently and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.  
(Ord. 13-030. Passed 10-15-13.)

#### 1295.05 PERFORMANCE STANDARDS.

(a) Erosion and Sediment Kept on Site. Erosion and sedimentation caused by accelerated wind or storm water runoff over the site due to earth-disturbing activities shall be stabilized and confined to within the boundaries of the development site.

(b) Structural and Nonstructural Best Management Practices. Nonstructural storm water management practices shall be encouraged. Such practices may include, but not be limited to, preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction, and designation of tree preservation areas.

(c) Stream and Wetland Riparian Buffers. The site owner and/or applicant shall leave a riparian buffer on sides of and/or surrounding water resources, except for crossings and other riparian area impacts approved by the Municipal Engineer. Buffer area shall equal all identified FEMA floodways and floodplains unless otherwise approved by the Municipal Engineer. Buffer areas shall be maintained for minor and major ditch setbacks.

(d) Channel Protection. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the latest edition of Rainwater and Land Development.

(e) Temporary Stabilization of Disturbed Areas and Soil Stockpiles.

(1) A temporary vegetative cover shall be established on disturbed areas as specified in Table I below.

#### Table 1: Temporary Stabilization

##### Area Requiring Temporary Stabilization

##### Time Frame to Apply

##### Erosion Controls

Any disturbed areas within 50 feet of a stream but not at final grade.

Within two days of the most recent disturbance if that area will remain idle for more than 21 days.

For all construction activities, any disturbed area, including soil stockpiles that will be dormant for more than 21 days but less than one year.

Within seven days of the most recent disturbance within the area.

Disturbed areas that will be idle over winter.

Prior to November 1.

(2) Application practices include vegetation establishment, mulching, and the early application of gravel base on areas to be paved. Soil stabilization measures should be appropriate for the time of year, site conditions and estimated time of use.

(3) Topsoil shall be maintained in a usable condition for sustaining vegetation and reused on the site.

(f) Permanent Stabilization.

(1) A permanent vegetative cover shall be established on disturbed areas as specified in Table 2 below.

Table 2: Permanent Stabilization

Area Requiring Permanent Stabilization

Time Frame to Apply

Erosion Controls

Any area that will lie dormant for one year or more.

Within two days of the most recent disturbance.

Any areas within 50 feet of any stream and at final grade.

Within two days of reaching final grade.

Any area at final grade.

Within seven days of reaching final grade within that area.

(2) Permanent vegetation shall not be established until a ground cover is achieved which is mature enough to control soil erosion and will survive severe weather conditions.

(g) Cut and Fill Slopes. Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion and slippage. Consideration shall be given to the length and steepness of the slope, soil type, up-slope drainage area, groundwater conditions and slope stabilization.

(h) Protection of Adjacent Properties/Public Right-of-Ways. Properties, public right-of-ways, and thoroughfares adjacent to the site of an earth-disturbing activity shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer at the perimeter of the site whenever possible, by installing perimeter controls such as sediment barriers, filters, dikes, sediment basins, or by a combination of such measures as applicable.

(i) Sediment Control Structures.

(1) Erosion and sediment control practices used to satisfy the performance standards shall meet the standards and specifications in the current edition of Rainwater and Land Development. The engineer shall design and implement control practices which comply with these minimum requirements.

(2) Sediment control structures shall be used to control erosion and trap sediment on a site remaining disturbed for more than 14 days. Such structures may include, but are not limited to, silt fences, storm drain inlet protection, sediment basins and diversions or channels which direct runoff to a sediment basin. All sediment control practices must be capable of ponding runoff in order to be considered functional.

(3) Sediment control structures shall be set up within seven days from the start of grubbing and shall be made functional before other earth-disturbing activities take place. Earthen structures such as dams, dikes and diversions shall be seeded and mulched as soon as the installation is complete. Sediment control structures shall be functional throughout the course of earth-disturbing activity and until the site is stabilized with permanent vegetation.

(4) Sheet flow runoff from disturbed areas of the site shall be intercepted by silt fence or diversions. Silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Schedule 1295.05(i)(1).

Schedule 1295.05(i)(1) Maximum Drainage Area for Silt Fence

Maximum drainage area (in acres) to 100 linear feet of silt fence

Range of slope for a particular drainage area (in percent)

0.5

<2%

0.25

> 2% but < 20%

0.125

> 20% but < 50%

(5) Concentrated storm water runoff from denuded areas flowing at rates that exceed the design capacity of sediment barriers shall pass through a sediment-settling facility. The facility shall be designed according to Rainwater and Land Development, current edition.

(6) Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to ten acres.

(7) A centralized sedimentation basin shall be utilized for common drainage areas equal to or greater than ten acres.

(8) The Municipal Engineer may require sediment basins or traps for smaller disturbed areas where deemed necessary.

(9) If the Municipal Engineer determines that site conditions do not warrant its construction, based upon hydrological and hydraulic data, the storm water detention requirement may be modified.

(j) Stabilization of Waterways and Outlets. All on-site storm water conveyance channels shall be designed and constructed to withstand the expected velocity of flow. Methods adequate to minimize erosion shall also be provided at the outlets of all pipes and paved channels.

(k) Storm Sewer Inlet Protection.

(1) Unless otherwise provided for on the approved Stormwater Management Plan, storm sewer inlets shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment, unless otherwise approved by the Municipal Engineer.

(2) There shall be no sediment-laden discharges to drainage channels resulting from dewatering activities. If any sediment-laden ground water is encountered during trenching activities, then the sediment-laden ground water must pass through an effective sediment control device prior to being discharged from the construction site.

(3) Areas designated for the storage or disposal of solid, sanitary, and toxic wastes, dumpsters, concrete truck washout pits, and fuel tanks shall be shown on the storm water management (SWM) plan.

(l) Working in or Crossing Watercourses.

(1) Construction activities shall be kept out of watercourses to the maximum extent possible. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) shall be restored and all disturbed area stabilized immediately after in-channel work is completed.

(2) Where a watercourse will be crossed regularly during construction, a non-erodible temporary stream crossing shall be provided.

(m) Construction Access Routes.

(1) Measures shall be taken to prevent soil transport onto surfaces where runoff is not checked by sediment controls, such as public roads. Stone construction entrance(s) shall be implemented as soon as possible. The entrances shall be planned and installed according to the requirements in the most recent edition of the Ohio Rainwater and Land Development manual or as directed by the Municipal Engineer.

(2) Where soil is transported onto public road surfaces, the roads shall be cleaned thoroughly by either sweeping or scraping at the end of each work day or more frequently, in order to ensure public safety. Street washing shall be allowed only after shoveling or sweeping has removed most of the sediment.

(3) Erodible material ramps in streets to enable equipment to cross curbs shall be properly removed immediately after use.

(n) Maintenance and Removal of Temporary Measures.

(1) All temporary erosion and sediment control practices shall be maintained and repaired to assure continued performance.

(2) All temporary erosion and sediment control measures shall be removed within 30 days after final site stabilization is achieved or after the temporary measures are no longer needed. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall have the final grade re-established and be permanently stabilized to prevent further erosion and sedimentation.

(o) Control of Construction Site Debris and Wastes. All owners, applicants, contractors and developers shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste or debris from the site to the extent practical. Site management practices shall be implemented to prevent toxic materials, hazardous materials, or other debris from entering drainage channels. These practices shall include, but are not limited to, the following:

(1) If applicable, a dumpster shall be made available for the proper disposal of construction site waste materials, garbage, plaster, drywall, grout, gypsum, etc. If applicable, a second covered dumpster will be provided for the proper disposal of toxic and/or hazardous wastes.

(2) The washing of any concrete material into a street, catch basin, or other public facility or natural resource shall not occur. A designated area for concrete washouts shall be made available and used for all concrete washouts.

(3) All fuel tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110 percent of the volume of the largest container in the storage area. All additional requirements of the local fire authority must be followed. If the fuel tanks have a self-contained dike, the plug will be kept in the dike tank at all times.

(4) Any toxic or hazardous wastes and/or contaminated soils must be disposed of according to all applicable environmental laws and statutes. Local health districts and Ohio EPA can provide guidance on these issues.

(5) Paint, paint washing liquids, excess paints and other paint wastes are considered solid wastes and shall be disposed of in accordance with applicable state regulations. Appropriate handling of these wastes shall occur at the site so as to prevent the discharge of these wastes into surface or ground waters.

A. Water-based paint washing liquids and small quantities of excess water-based paints may be disposed of by flushing down a connected sanitary sewer but may not be disposed of in an on-lot disposal system.

B. All other paints, paint thinners, and paint cleaning materials will be disposed of in the site's hazardous waste disposal dumpster or container.

(p) Use, Safety and Maintenance of Storm Water Practices.

(1) Storm water management practices shall be designed for the ultimate use of the site and function safely and with minimal maintenance. Areas developed for a subdivision shall provide a storm water management system for the ultimate development of all the subdivided lots.

(2) If an inspection by a representative of the Municipality reveals that a control practice is in need of repair or maintenance, upon proper notice, the permittee shall repair same according to the Timeline Correction Table as identified in Section 1295.08(g).

(q) Inspection of Storm Water Controls. See Section 1295.08(h) for specific requirements. All on-site and off-site (if applicable) control practices shall be periodically inspected by both the permittee and/or permittee's representative and a representative of the Municipality to ensure proper function and to identify failures.

(Ord. 13-030. Passed 10-15-13.)

#### 1295.06 SITE DEVELOPMENT PLAN.

(a) Any person seeking approval of residential, industrial, commercial, office or institutional uses, including land development proposals for non-agricultural uses and public infrastructure uses, shall develop and submit to the Municipality for review and approval a site development plan prepared by a Professional Engineer licensed by the State of Ohio as detailed below.



(b) Site Development Plan Requirements.

(1) Site plan map that shows the location of existing features and proposed improvements on the site including:

- A. Total area of the site and the area of the site that is expected to be disturbed (i.e. grubbing, clearing, excavation, filling or grading, including off-site borrow areas).
- B. Area of land not to be disturbed shall be shown.
- C. Surface water locations, including known springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of stream channels and first subsequent named receiving water(s).
- D. The general directions of surface water flow and 100-year floodway and floodplain when applicable.
- E. All existing and proposed improvements, including but not limited to buildings, retaining walls, sidewalks, streets, parking lots, driveways, utilities and storm water basins, drainage impoundments, channels and outlets, etc.

(2) A description of the nature and type of the earth-disturbing/ construction activity (e.g. residential, commercial, highway, etc.).

(3) A photocopy of the appropriate soil survey sheet found in the USDA Soil Survey of Lorain County with location of site identified.

(4) An estimate of the percent imperviousness created by the earth-disturbing activity.

(c) Site Development Plan Submission, Review and Action.

(1) Submission of a site development plan by an applicant as prepared by a professional engineer seeking approval initiates the review process.

(2) The Municipal Engineer shall review the site development plan.

(3) Review of the site development plan shall be completed within fifteen working days of submittal.

(4) Following the plan review the Municipality shall either:

- A. Approve the site development plan;
- B. Conditionally approve the site development plan pending additional information and/or the incorporation of required changes; or
- C. Reject the plan and request a revised plan be submitted addressing noted item.

(Ord. 13-030. Passed 10-15-13.)

1295.07 STORM WATER MANAGEMENT (SWM) PLAN REQUIREMENTS.

(a) Storm water management (SWM) plans are intended to provide critical information on all soil erosion and runoff control activities and Best Management Practices (BMPs) to be used and incorporated on the site both during and after site development. This information includes, but is not limited to, site grading, storm water management facilities and practices, erosion and runoff control information, maintenance plans, and other measures that focus on managing the effects of earth-disturbing activities that occur as a result of site development. Said plan shall be prepared, signed, and sealed by a licensed professional engineer authorized in the State of Ohio.

(b) Each SWM plan shall provide site design that meets the performance standards presented in Section 1295.05 and provide practical treatment for both water quality and quantity of storm water from the site as appropriate.

(c) In general, SWM plans need to address:

(1) Erosion and sediment control provide measures to ensure that earth-disturbing activities at the site during and after development will be managed in a manner that will minimize increased erosion and sedimentation from the site resulting in impacts to water quality and that meet the performance standards specified in Section 1295.05.

(2) Runoff control. Providing measures to ensure that the rate of surface water runoff from the development site during and after construction will approximate the predevelopment conditions and that meet the performance standards specified in Section 1295.05.

(d) A SWM plan shall specifically include all the following:

(1) The minimum elements required in the site development plan described in Section 1295.06(b).

(2) The contents of the storm water pollution prevention plan (SWP3) required by the Ohio EPA's NPDES Construction Activity Permit #OHC000003 and incorporated here by reference. The contents of the storm water management (SWM) plan include, but are not limited to:

A. A determination of runoff coefficients for both the pre-construction and post construction site conditions.

B. For all disturbances of five or more acres of land (or less than five acres, but part of a larger common plan of development or sale which will in total disturb five or more acres of land), a description of post construction BMP(s) chosen and designed to detain and treat a water quality volume (WQv) equivalent to the volume of runoff from a 0.75-inch rainfall (see Ohio EPA Construction Activity Permit for Methodology).

C. For all disturbances of more than one acre but less than five acres of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land, a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.

D. An implementation schedule which describes the sequence of major construction operations (i.e., clearing, grubbing, excavating, filling, grading, utilities and infrastructure installation, etc.) and the implementation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence.

E. A detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.

F. A detailed description of the storm water controls to be incorporated and how these meet or exceed the appropriate performance standards presented in Section 1295.05.

G. A detailed maintenance plan that describes procedures (e.g. inspections) needed to ensure the continued performance of control practices and the responsible party (i.e., homeowner association). Such plans must ensure that pollutants collected within structural post-construction practices be disposed of in accordance with local, State, and Federal regulations.

H. A site map including:

1. Limits of earth-disturbing activity of the site including associated offsite borrow or spoil areas.
2. Soil types on the site, including locations of unstable or highly erodible soils.
3. Existing and proposed contours. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres.
4. Existing and planned locations of buildings, roads, parking facilities and utilities.
5. The location of all erosion and sediment control practices, including areas likely to require temporary stabilization during site development.
6. Sediment and storm water management basins noting their sediment settling volume and contributing drainage area.
7. Permanent storm water management practices to be used to control pollutants in storm water after construction operations have been completed (as applicable).

BMPs: Best Management Practices used in the post-construction water quality plan may include but are not limited to:

- (a) Permanent storm water detention ponds that provide extended detention of the water volume.
- (b) Flow attenuation by use of open vegetated swales and natural depressions.
- (c) Onsite infiltration of runoff.
- (d) Sequential systems that combine several practices.
- (e) Permanent conservation easements, preferably with the easement being held by a third party with no vested interest in ever seeing the property developed.
- (f) Natural channel design for drainageways.
- (g) Bioengineering in drainageways.
- (h) Recreating floodplains.
- (i) Chemical and biological filters in storm sewer inlets.
- (j) Sand filters.
- (k) Allowing roof water from buildings to run across lawn areas to remove pollutants.
- (l) Onsite sewage disposals system replacement or conversion to sanitary sewers.
- (m) Low impact development design.
- (n) Aquatic benches in retention basins and ponds.

Technical Basis: The plan will contain a statement of the rationale utilized to select the BMPs used to control pollution and to maintain and protect water quality.

8. Areas designated for the storage or disposal of solid, sanitary, hazardous and/or toxic wastes, including dumpster areas, cement truck washout areas, and vehicle fueling and maintenance.

9. The location of designated construction entrances where vehicles will access the site.
10. The location of any in-stream activities, including stream crossings.

11. A copy of the Ohio EPA NPDES permit shall be included and referenced on the SWM plan.

(e) Determination of Post Development Runoff.

(1) Each SWM plan shall include an evaluation of pre-development conditions together with impacts during construction (disturbed) and post-development impacts that quantify the volume and rate of runoff from the site by subdrainage areas. This evaluation shall be prepared according to methods prescribed in the latest edition of Rainwater and Land Development or other appropriate sources. The evaluation shall:

A. Show delineation and sequence of subdrainage units which comprise the area proposed for development.

B. Indicate the hydraulic length of slope per individual subdrainage unit and the length of the natural or manmade watercourse which accommodates the surface runoff from each subdrainage unit.

C. Indicate within the legend the average percent slope, erosion factor (K) and runoff curve number (CN) per individual subdrainage unit for a 24-hour storm of a one-year frequency.

D. Include a hydrograph for a 24-hour storm of the critical frequency to be controlled and all calculations made pertinent to evaluation the effects of the proposed development on the pre-development runoff conditions of the site.

(2) Calculations for the design of storm water management facilities shall demonstrate the following for each subdrainage unit:

A. The peak rate of runoff from the critical storm and all more frequent storms occurring on the site does not exceed the peak rate of runoff from a one-year frequency, 24-hour storm occurring on the same site under pre-development conditions.

B. Storms of less frequent occurrence than the critical storm, up to the 100-year storm shall have its peak runoff rates no greater than 0.25 CFS per contributing drainage acre unless otherwise approved by the Municipal Engineer.

(3) Detention volume shall be no less than 0.167 acre-feet per contributing drainage acre unless otherwise approved by the Municipal Engineer.

(4) Calculation of a critical storm for each subdrainage unit of the site shall be determined as follows:

A. Calculate by appropriate hydrologic methods, such as the NRCS Technical Release 55, (TR55), the total volume of runoff from a one-year frequency, 24-hour storm occurring on the development area before, during and after development.

B. From the volumes determined in A. above, determine the percentage increase in volume of runoff due to the proposed development, and using this percentage, select the 24-hour critical storm from the following table:

**24-Hour Critical Storm Runoff Rate**

If the percentage of increase in runoff volume is:

Equal to or greater than

And Less Than

The Critical Storm Runoff Rate will Be Limited To:

## 24-Hour Critical Storm Runoff Rate

If the percentage of increase in runoff volume is:

Equal to or greater than

And Less Than

The Critical Storm Runoff Rate will Be Limited To:

0

10

1 year

10

20

2 years

20

50

5 years

50

100

10 years

100

250

25 years

250

500

50 years

500

—

100 years

C. The Municipal Engineer shall approve or reject any calculation method based on its technical validity for the given situation. Downstream capacity may further reduce maximum discharge requirements.

(5) Off-site storm water control facilities. Exceptions to requiring permanent on-site runoff control on the site may be considered by the Municipal Engineer provided the applicant can prove that:

A. The intent and standards of this chapter for runoff control can be best achieved by the utilization of off-site storm water control facilities.

B. Runoff from the site can be conveyed to off-site storm water facilities in a manner and by means which satisfy or surpass the standards of this chapter.

C. The applicant has ownership of or the right to use the off-site facility in question.

(f) Storm water management (SWM) plan submission review and action.

(1) The applicant is encouraged to have a pre-submission meeting with the Municipality.

(2) The applicant's submission of two sets of the SWM plan, and other supporting data required by this regulation, to the Municipality initiates the review process.

(3) The SWM plan shall be reviewed by the Municipal Engineer to:

A. Verify background information furnished by the applicant and evaluate the proposed development in relation to existing site conditions.

B. Assess the SWM plan in relation to the performance standards and requirements of this chapter.

(4) Upon submission of the SWM plan the Municipality shall complete a review and shall either:

A. Approve the SWM plan as submitted by the applicant;

B. Conditionally approve the SWM plan and require the submission of additional and/or revised information by the applicant, in order to fully meet the intent and standards of this chapter; or

C. Disapprove the SWM plan based upon a written review noting the reasons.

(5) Action by the Municipal approval authority and the authorized agent(s) approving or disapproving the SWM plan is a final order for purposes of judicial review.

(Ord. 13-030. Passed 10-15-13.)

#### 1295.08 COMPLIANCE RESPONSIBILITY.

(a) Performance Liability. No provision of this chapter shall limit, increase or otherwise affect the liabilities of the applicant nor impose any liability upon the Municipality not otherwise imposed by law.

(b) No Release from Other Requirements. No condition of this permit shall release the applicant from any responsibility or requirements under other Federal, State, or local environmental regulations. If requirements vary, the most restrictive requirements shall prevail.

(c) Proceeding with Activity. Soil disturbing activities regulated under this chapter shall not begin until all necessary State and Federal permits and appropriate approvals of site development plans or storm water management plans have been granted to the site owner/applicant.

(d) Performance Responsibility. The applicant is responsible for carrying out all provisions of the approved site development plan or SWM plan and for meeting all the standards and requirements of this regulation.

(e) Enforcement.

(1) All development sites are subject to inspections by the Municipality's authorized agent(s) under the direction of a licensed professional engineer to ensure compliance with the approved site development plan or SWM plan.

(2) The status report prepared by the Municipality shall be distributed to the permittee, the contractor if applicable, and the professional engineer of record.

(3) If it is found that the operations are being conducted in violation of the approved site development plan and SWM plan, a stop-work order may be issued by the Municipality until the identified violations cease.

(4) After the issuance of a stop work order provided for in paragraph (e)(3) above, but before the imposition of any fines, the applicant shall have the opportunity to request a meeting with the Law Director and the Municipality to show cause why work should not be stopped.

(5) Following the issuance of a stop-work order, the Municipality shall determine if and when the development may proceed. Any determination by the Municipality pursuant to this section is a final order for purpose of judicial review.

(f) Violations.

(1) The Municipality shall notify the storm water permittee of any violations observed in writing. Said notice shall indicate the exact nature of the violations and other specific corrections which are required.

(2) The permittee shall comply with the timeline for correction in the table listed below. Timeline extension for adverse weather conditions may be granted upon approval of the Municipality.

(3) Violations.

Timeline for Corrective Action

Nature of Violation

Number of Days from Inspection to Correct Functioning of Control Practice

Timeline for Corrective Action

Nature of Violation

Number of Days from Inspection to Correct Functioning of Control Practice

Silt fence

Within 3 days

Outlet control structure

Within 3 days

Temporary or permanent stabilization within 50' of drainage channels.

Within 3 days

Temporary or permanent stabilization for all other disturbed areas

Within 3 days

Stabilized construction entrance

Within 3 days

Pumping sediment-laden discharge into drainage channel

Immediately upon notice

Sediment settling pond

Within 10 days

Any other control practice not addressed in this table

Within 3 days

(g) Penalties Subsequent to Issuance of Stop-Work Order. Subsequent to the issuance of a stop-work order, one or more of the following penalties may be imposed.

(1) If the earth-disturbing activity involves a subdivision, the applicable penalties (including fines) provided for in the subdivision regulations of the Municipality shall apply. Applicable penalties as described in subsection (o) hereof.

(2) The authorized agent(s) on behalf of the Municipality may enter the site and make any modifications necessary to correct the situation(s) involving excessive erosion or sedimentation, and place the cost of such corrective actions on the tax duplicate of the developer/owner.

(3) The authorized agent(s) may request the legal representative of the Municipality to seek an injunction or other appropriate relief to abate excessive erosion or sedimentation and secure compliance with this chapter. In granting such relief the court may order the construction of sediment control improvements and/or the implementation of other control measures and/or fines as identified in paragraph (o)(3) hereof or any other relief the court determines.

(h) Internal Inspections.

(1) All controls on the site shall be inspected at least once every seven calendar days and within 24 hours after any rainfall greater than one-half inch of rain per 24-hour period. The site owner and/or applicant shall assign a qualified professional engineer experienced in the installation and maintenance of erosion and runoff controls to conduct these inspections to ensure that all storm water control practices are functional, that all provisions of the SWM plan and this regulation are being met, and whether additional control measures are required.

(2) The site owner shall maintain the records for three years following the final stabilization of the site. The records shall include:

A. Name of site.

B. Names(s) and qualifications of personnel making the inspections.

C. The date(s) of inspections.

D. Weather conditions.

E. Major observations relating to the implementation of the SWM plan and a certification as to whether the site is in compliance with the SWM plan, SWP3, and NPDES permit, if applicable.

F. This record shall also identify any incidents of noncompliance, actions taken to correct any problems and the date(s) corrective action(s) was taken.

(3) A copy of all of the inspection log sheets must be submitted to the Municipality within five working days of the date that the inspection was conducted.

(i) Ownership and Maintenance of Storm Water Facilities.

(1) In the case of proposed subdivisions, inspection and maintenance agreements shall be approved before the Municipality accepts the final plat of the proposed subdivision. Said agreement shall be incorporated into the developer's agreement when applicable. This agreement shall bind all current and subsequent owners of land served by the storm water facilities.

(2) All inspection and maintenance agreements shall do the following:

A. Designate the party(ies) responsible for the maintenance of all storm water management facilities and practices including mowing, landscaping, debris pick-up, and to



ensure all inlet and outlet structures are free of obstructions and in good repair. For subdivisions, unless otherwise approved by the Municipality, this responsible party(ies) shall be an entity of common ownership (e.g., land/homeowner's association) within the proposed subdivision.

B. Prohibit unauthorized alterations of all storm water management facilities. All revisions shall be approved by the Municipality.

C. Provide adequate access to all storm water management facilities for inspection by the Municipality's authorized agent(s) and corrective actions by the owner.

(3) As applicable, all storm water management facility easements shall be shown on the record plat, prior to approval by the Municipality, and a reference shall be made to the entity or individual(s) responsible for their maintenance.

(4) The Municipal Planning Commission may require the owner and/or the applicant to follow the maintenance procedure outlined in Ohio R.C. 6131.63. The Municipality's authorized agent(s) may require of the owner and/or applicant any one or more of the following items of the maintenance agreement.

A. Benefit two or more property owners.

B. Are designed for cost-effective maintenance.

C. Are determined by the Municipal Planning Commission or authorized agent(s) to be appropriate additions to this jurisdiction's existing storm drainage system.

D. Are not better suited for private maintenance by an individual or group of property owner(s), with ultimate responsibility for maintenance in the event of default on the part of the owner(s) remaining with jurisdiction.

(5) The following conditions shall apply to all drainage easements:

A. Easements shall be approved by the Municipality prior to approval of the final plat and shall be recorded with said plat.

B. Unless otherwise required by the Municipality, drainage easements shall be no less than 20 feet wide.

C. Unless otherwise required and approved by the Municipality, storm water management facilities, including basin, ponds or other retention/detention practices, shall be on separate lots held and maintained by an entity of common ownership (i.e., land/homeowners association).

D. Those lots that contain and/or are crossed by a drainage easement shall have the following restriction: Any lot area reserved for drainage purposes shall at all times be kept free of any obstructions to the flow of water. No improvements or modifications within the identified drainage easement area will be allowed without the approval of the Municipality.

(j) Schedule of Fees. The Municipality shall establish a schedule of fees, charges, expenses, and collection procedure for same and other matters pertaining to this chapter. The schedule of fees shall be posted at the applicable Municipal offices. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

#### REVIEW AND INSPECTION FEE SCHEDULE

Fees for Full Erosion & Sediment Control Plans

Fees for Full Erosion & Sediment Control Plans

Subdivisions, Commercial, Industrial, Residential Subdivisions \*

10 acres or less

\$390.00

More than 10 to and including 20 acres

\$650.00

More than 20 to and including 50 acres

\$910.00

More than 50 acres

\$1,300.00

Non-Residential Individual Development Site

Individual development one acre to and including 5 acres

\$325.00

More than 5 acres

\$600.00

Multi-Family Development Site (Apartments, Condos, Townhouses)

10 acres or less

\$390.00

More than 10 to and including 20 acres

\$650.00

More than 20 to and including 50 acres

\$910.00

More than 50 acres

\$1,300.00

A Non-Residential lot within a Common Plan of Development

Any lot one acre or greater within a Common Plan of Development

\$190.00

Multi-Family Development within a Common Plan of Development

Any lot one acre or greater within a Common Plan of Development

\$190.00

General Non-Residential/ Grading for Recreational

Any project one acre or greater

\$190.00

\*Fees will be assessed with each phase of development.

Fees for Abbreviated Erosion & Sediment Control Plans

Single Lot ESC Evaluation

Lots 10 acres or less

\$20.00

All New, Single-Family Residential Projects

Any project one acre or greater or part of a Common Plan of Development

\$50.00

Any Residential Clearing

Any project one acre or greater

\$50.00

Variance Fee

\$100.00

Post Construction Fee Schedule

Post Construction Fee Schedule

Single Lot Residential

Single Project

\$50.00

Residential Development Property Under Construction

For first 5 acres

\$50.00

For additional 20 acres or any part thereof

\$175.00

For the next 25 acres

\$150.00

For all acreage over 50 acres

\$100.00

Non-Residential Property Under Construction

For first 5 acres

\$250.00

For all acreage over 5 acres (per acre)

\$50.00

SITE INSPECTIONS

Site Inspections for Both Residential and Non-Residential

Sites 1 - 5 acres

\$250.00

Sites 6 - 10 acres

\$400.00

Sites 11 - 20 acres

\$700.00

Sites 21 - 50 acres

\$900.00

Site larger than 50 acres

\$1,200.00

Non-Compliant Sites

Additional inspection fee per

hour for each inspection

required until the site meets

compliance

\$50.00

(k) Complaints. The Municipality's authorized agent(s) shall investigate any complaint related to earth-disturbing activities covered by this chapter.

(l) Variances.

(1) The Municipality may grant a variance to these regulations where the owner or his or her appointed representative can show that a hardship exists under which compliance with these regulations is not appropriate, based upon the following:

A. That exceptional topographic or other physical conditions exist that are peculiar to the particular parcel of land.

B. That the literal interpretation of these regulations would deprive the owner of rights enjoyed by other property owners.

(2) Adverse economic conditions or hardship shall not be considered as a valid reason for a variance request to be granted. No variances will be granted where activities occur that will defeat the purposes of these regulations.

(3) The request for variance shall be submitted to the Zoning Enforcement Officer and shall state the specific variances sought and include sufficient information to justify the granting of a variance.

(m) Appeals. Any person aggrieved by any order, requirement, determination, or any other action or inaction by the Municipality or its representatives in relation to this regulation may appeal to the Court of Common Pleas. Such appeal shall be made within 30 days of the date of an order or decision and shall specify the grounds for appeal. Such appeal shall be made in conformance with Ohio R.C. 713.11. Written notice of appeal shall be served on the Municipality.

(n) Violations. No person shall violate or cause or knowingly permit to be violated any of the provisions of this chapter, or fail to comply with any of its provisions or with any lawful requirements of any public authority made pursuant to it, or knowingly use or cause or permit the use of any lands in violation of this chapter or in violation of any approval permit granted under this chapter. Violations of these regulations which will result in enforcement actions, include but are not limited to:

(1) Failure to install control practices specified in the State and Federal permits.

(2) Improper installation of control practices according to Rainwater and Land Development, current edition, and/or as recommended by the manufacturer.

(3) Inadequate design and/or unacceptable performance of the control practices as judged by the Municipality.

(4) Failure to properly maintain control practices put in place as determined by the Municipality.

(5) Failure to remove control practices after the site has reached final stabilization.

(o) Penalties.

(1) Violation of any provision of this or any amendment or supplement thereto, or failure to comply with any of the requirements herein shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. Any person or persons violating any of the provisions herein shall upon conviction be fined up to one hundred dollars (\$100.00) per day the violation exists and, in addition, shall pay all costs and expenses involved in the case.

(2) Upon notice from the Municipality and/or its authorized agent(s), that work is being done contrary to this chapter, such work shall immediately stop. Such notice shall be in writing and shall be given to the applicant and shall state the conditions under which such work may resume; provided, however, in instances where immediate action is deemed necessary for the public safety or the public interest, the Municipality's authorized agent may require that work be stopped upon verbal order pending issuance of the written order.

(3) The imposition of any other penalties provided herein shall not preclude the Municipality, by or through its Law Director and/or any of its assistants, from instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the authorized agent(s).

(Ord. 13-030. Passed 10-15-13.)

## **CHAPTER 1296**

### **Wind Energy Facilities**

- 1296.01 Purpose.
- 1296.02 Definitions.
- 1296.03 Applicability.
- 1296.04 Use regulations.
- 1296.05 Conditional use permit.
- 1296.06 Design and installation.
- 1296.07 Setbacks.
- 1296.08 Height restrictions.
- 1296.09 Noise.
- 1296.10 Liability insurance.
- 1296.11 Decommissioning.
- 1296.12 Public inquiries and complaint remedies.
- 1296.13 Remedies.

#### **1296.01 PURPOSE.**

This Chapter is adopted in order to provide for and to promote the development of alternative energy sources; specifically, the construction and operation of wind energy facilities in the Village of Grafton subject to reasonable conditions that will protect the public health, safety and welfare.

(Ord. 11-014. Passed 6-7-11.)

#### **1296.02 DEFINITIONS.**

- (a) "Applicant" means the person or entity filing an application under this Chapter.
- (b) "Economically Significant Wind Farm" means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five or more megawatts but less than fifty (50) megawatts, excluding any such wind farm in operation on June 28, 2008 (ORC 4906.13). Such facilities must be reviewed and approved by the Ohio Power Siting Board (OPSB),
- (c) "Facility owner" means the entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.
- (d) "Hub height" means the distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.
- (e) "Large Wind Farm" means an electric generating plant that consists of wind turbines and associated facilities with a single interconnection to the electrical grid that is designed for, or capable of, operation at an aggregate capacity of 50 MW or more to be reviewed by the Ohio Power Siting Board (OPSB) (ORC 4906.13).
- (f) "Operator" means the entity responsible for the day-to-day operation and maintenance of the wind energy facility.

(g) "Occupied building" means a school, hospital, church, public library or other building used for public gathering.

(h) "Roof top wind energy systems" means small systems that are attached to a roof or structure provided that the measurement from the average grade to the tip of the blade or device of the system does not exceed the maximum height of buildings permitted in the applicable zoning district.

(i) "Single-service customers" means wind farms that primarily service a single customer at a single location designed for, or capable of, an aggregate capacity of up to 20 MW as measured at the customer's point of interconnection with the grid.

(j) "Small Wind Farm" means wind turbines and other associated facilities that are not subject to the jurisdiction of the State Power Siting Board and have a generating capacity less than 20 megawatts (MW)..

(k) "Turbine height" means the distance measured from the surface of the lower foundation to the highest point of the turbine rotor plane.

(l) "Wind turbine" means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator.

(m) "Wind energy facility" means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

(Ord. 11-014. Passed 6-7-11.)

#### 1296.03 APPLICABILITY.

(a) No person shall construct, erect, maintain, extend or remove a wind energy facility in the Village of Grafton without compliance with the provisions of this Chapter.

(b) Wind energy facilities constructed prior to the effective date of this Code shall not be required to meet the requirements of this Code; provided that any physical modification to an existing wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a conditional use from the Planning Commission, with the consent of Council, or Council without the consent of Planning Commission.

(Ord. 11-014. Passed 6-7-11.)

#### 1296.04 USE REGULATIONS.

(a) Conditional Permitted Use. A wind energy facility may only be permitted as a conditional use. The Planning Commission with the consent of Village Council, or Village Council, without the consent of Planning Commission may approve such use provided the applicant demonstrates compliance with the requirements of this Chapter and Grafton Codified Ordinance Chapter 1250 and to be located in the LI- Light Industrial District and the GI-General Industrial District.

(b) Nothing contained herein shall limit the authority of the Planning Commission with the consent of Village Council, or Village Council without the consent of Planning Commission to deny an application for a wind energy conditional use permit should either or both determine

that the proposed project would be inconsistent with the objectives of the zoning district in which the wind turbine is located.

(Ord. 11-014. Passed 6-7-11.)

#### 1296.05 CONDITIONAL USE PERMIT.

(a) No wind energy facility, or addition of a wind turbine to an existing wind energy facility, shall be constructed or located within the Village unless a conditional use permit has been issued by the Village, to the facility owner or operator approving construction of the facility for compliance with the applicable sections of this Chapter and the Ohio Building Code.

(b) Fees. The applicant shall pay a nonrefundable fee of one hundred twenty five dollars (\$125.00) to apply to the Planning Commission for wind energy conditional use permit.

(c) Any physical modification to an existing conditionally permitted wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require conditional use approval by the Planning Commission, with the consent of Village Council, or Village Council, without the consent of Planning Commission. Like-kind replacements as determined by the Building Official shall not require review by the Planning Commission.

(d) Submission Requirements. An application for a conditional use permit shall be as described in Grafton Codified Ordinances Chapter 1250 shall contain the following additional information:

(1) The name, address, telephone number, and email address of the project applicant/owner.

(2) The address, legal description and zoning district of the subject property.

(3) A narrative description of the existing use.

(4) Structural drawings and engineering analysis, stamped by a certified engineer, or the WECS demonstrating adequate weight and lateral stress capacity, foundation and anchor design demonstrating adequate vertical and lateral support capacity for the soil standards at the site, manufacturer's decibel rating for the proposed unit, a list and or depiction of all safety measures that will be on the unit including anticlimbing devices, data specifying the kilowatt/megawatt size, rated power output and generating capacity of the proposed unit.

(5) A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

(6) An affidavit or similar evidence or agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility.

(7) Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to where the wind energy facility will be located.

(8) A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, ponds, lakes, creeks, rivers and other water courses,



existing wind turbines, towers and other similar structures, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback, a lighting plan, and other information the Planning Commission or Council may require.

(9) Documents related to decommissioning.

(10) Other relevant studies, reports, certifications and approval as may be reasonably requested by the Village to ensure compliance with this Chapter and Code.

(11) Any documents reasonably deemed necessary by the Village Administrator.

(12) Emergency and normal shut down procedures.

(13) An electrical one-line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes.

(14) If a connection to the municipal electric system is proposed, Grafton's Electric Department must approve the connection in writing. A copy of the contract between the applicant and the utility verifying that the proposed connection is acceptable and/or other evidence demonstrating that the utility is aware of the proposed connection and does not object to said connection.

(15) The fee as established.

(Ord. 11-014. Passed 6-7-11.)

#### 1296.06 DESIGN AND INSTALLATION.

(a) Design Safety Certification. The design of the wind energy facility shall conform to applicable industry standards.

(b) Controls and Brakes. All wind energy facilities shall be equipped with a redundant braking system. In addition, a manual and or automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

(c) Electrical Components. All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

(d) Visual Appearance.

(1) Wind turbines shall be a non-obtrusive and a non-contrasting color such as white, off-white or gray unless otherwise required by the F.A.A. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Village of Grafton.

(2) Wind energy facilities located in a residential district shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other authority that regulates air safety.

(3) Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.

(e) Power Lines. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

(f) Warnings.

(1) Clearly visible warning signs concerning voltage must be placed at the base of all transformers and substations.

(2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

(g) Climb Prevention/Locks.

(1) Wind turbines shall not be climbable up to fifteen feet above ground surface.

(2) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate to prevent entry by non-authorized persons.

(h) Maintenance.

(1) The owner of a wind turbine shall properly maintain the turbine in accordance with the adopted edition of the International Property Maintenance Code.

(2) The Village of Grafton and/or their designate shall conduct an annual inspection of any wind turbine/facility to ensure compliance with all safety and maintenance requirements.

(i) Vehicular Access. Vehicular access to the wind turbines or equipment shall be via concrete or asphalt roadways.

(j) Electric. The installation shall conform to the Village of Grafton's Electric Rules and Regulations.

(Ord. 11-014. Passed 6-7-11.)

#### 1296.07 SETBACKS.

(a) Occupied Buildings.

(1) Wind turbines shall be set back from the nearest occupied building, the greater of a distance equal to the collapse zone of the wind turbine plus ten feet or 1.1 times its total height. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

(2) Wind turbines shall be set back from the nearest occupied building located on a non-participating landowner's property, the greater of a distance of not less than thirty feet as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

(b) Property Lines. All wind turbines shall be set back from the nearest property line, the greater of a distance equal to the collapse zone of the wind turbine plus ten feet or 1.1 times its total height. The setback distance shall be measured to the center of the wind turbine base.

(c) Public roads. All wind turbines shall be set back from the nearest public right-of-way a distance equal to the collapse zone of the wind turbine plus ten feet or 1.1 times its total height. The setback distance shall be measured to the center of the wind turbine base.

(Ord. 11-014. Passed 6-7-11.)

#### 1296.08 HEIGHT RESTRICTIONS.

(a) A wind energy system or facility may exceed the height limitation of the zoning district in which the wind energy facility is located with the consent of the planning commission, the Board or Zoning and Building Appeals, Village Council, or Village Council, without the consent of Planning Commission, in conjunction with the conditional use permit required herein.

(b) In the case of a wind energy system , erected on the top of an existing building, the turbine shall not exceed the permitted height of the building allowed within that zoning district unless approved by the Board of Zoning and Building Appeals, with the consent of Village Council, or Village Council, without the consent of Planning Commission, in conjunction with the conditional use permit required herein. Roof mounted systems shall be located so not to be visible from the public right-of-way fronting the property except as otherwise approved by the Planning Commission, with the consent of Village Council, or Village Council, without the consent of Planning Commission.

(Ord. 11-014. Passed 6-7-11.)

#### 1296.09 NOISE.

Audible sound from a wind energy facility shall not exceed limits set forth by Section 1289.04 of the Grafton Village Codified Ordinances.

(Ord. 11-014. Passed 6-7-11.)

#### 1296.10 LIABILITY INSURANCE.

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least Three Hundred Thousand Dollars (\$300,000.00) per occurrence and Five Hundred Thousand Dollars (\$500,000.00) in the aggregate. Certificates shall be made available to the Village upon request. The Planning Commission and Council may require additional policy limits depending upon the size of the proposed project.

(Ord. 11-014. Passed 6-7-11.)

#### 1296.11 DECOMMISSIONING.

The facility owner and operator shall, at its expense, submit a decommissioning plan listing the responsible party/parties along with cost estimates prepared by a qualified engineer to the Village 30 days prior to construction of the facility. Such decommissioning plan shall be updated every five years and submitted to the Village. The facility owner and operator shall post a performance bond (updated every five years) equal to the full cost of decommissioning the facility and naming the Village of Grafton as the bond obligee.

(a) The facility owner and operator shall, at its expense, complete decommissioning to the wind energy facility, or individual wind turbines, within twelve months after the end of the useful life of the facility or individual wind turbine.

(b) The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve months.

(c) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six inches, and any other associated facilities.

(d) Distributed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

#### 1296.12 PUBLIC INQUIRIES AND COMPLAINT REMEDIES.

The facility owner and operator shall maintain a telephone number, email address and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

(Ord. 11-014. Passed 6-7-11.)

#### 1296.13 REMEDIES.

(a) It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this Chapter, or any permit issued under this Chapter, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of this Chapter, or any permit issued under this Chapter.

(b) If the Village determines that a violation of this Chapter or the permit has occurred, the Village shall provide written notice to any person, firm, or corporation alleged to be in violation of this Chapter or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Village and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty days of the notice of violation.

(c) If after thirty days from the date of the notice of violation the Village determines, in its discretion, that the parties have not resolved the alleged violation, the Village may institute civil enforcement proceedings or any other remedy at law to ensure compliance with this Chapter or permit.

(Ord. 11-014. Passed 6-7-11.)

## **CHAPTER 1297**

### **Solar Power Plants**

1297.01 Purpose.

1297.02 Applicability.

1297.03 Maintenance and Non-use.

1297.04. General Application Requirements.

1297.05 Solar Power Plant Development Standards.

1297.06 Penalty.

#### **1297. 01 PURPOSE.**

This Chapter establishes the regulations and requirements for Solar Power Plants within the Light Industrial (LI) and General Industrial (GI) Zoning Districts as conditional uses. These regulations are necessary to balance the need for clean, renewable energy resources and the need to protect the public health, safety and welfare of the community, and to ensure that alternative energy systems are appropriately designed and safely sited and installed. In the event of a conflict between the development standards in this Chapter and the development standards in the applicable zoning districts, the standards of this Chapter are to be used.

#### **1297.02. APPLICABILITY.**

This Chapter applies to all Solar Plants/Facilities that will generate no more than 50 megawatts of power, as defined in Chapter 1298, to be constructed or installed within the Village of Grafton after the effective date of this Ordinance. Existing alternative energy systems, constructed or installed before the effective date of this Ordinance, may continue in operation provided such system is not expanded, enlarged, or otherwise modified except in conformance with this Ordinance.

#### **1297.03 MAINTENANCE AND NON-USE.**

All Solar Power Plants and related components and equipment shall be properly maintained and kept in good operating condition. The grounds of the Solar Power Plant including the land underneath the solar panels shall be free of debris and mowed on a periodic basis. Any Solar Power Plant that remains non-functional or inoperative for a continuous period of twelve months shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall be notified of the violation of Grafton Codified Ordinances Chapter 1488, Property Maintenance Code.

#### **1297.04 GENERAL APPLICATION REQUIREMENTS.**

No Solar Power Plant shall be erected or installed in the Village until approval has been granted by the Village per all applicable Ordinances, a grid interconnection agreement or power contract has been signed by the Village Administrator, and all requirements of the Building Department have been satisfied. Written application to construct a Solar Power Plant shall be made available to the Village, in accordance with requirements contained in Chapters 1246- Zoning

Permits, 1248- Site Plan Review and 1250- Conditional Uses as applicable. The following supplementary information shall also be included in an application to construct a Solar Power Plant.

1. The application will also include the name, address, telephone number and email address of the Solar Power Plant Owners, operators and licensed and registered electrical contractor(s) that will make all installations.
2. A description of the proposed Solar Power Plant System, including information regarding its construction method of assembly and installation. This description shall include drawings showing proposed inverter, metering, and utility grid connections. Elevations of a typical solar panel unit and enclosed buildings shall be provided.
3. Description of related solar easements to be acquired to protect solar access for the Power Plant. This information is in addition to any on-site easements shown on a site plan submitted pursuant to Chapter 1248 Site Plan Review Procedures.
4. A description of the probable useful life of the Solar Power Plant shall be provided, along with a decommissioning plan for the system prepared and paid for by the Solar Power Plant owner and operator. The decommissioning plan shall list the responsible party or parties for the decommissioning, cost estimates for removal and prepared by a state of Ohio registered professional engineer and submitted to the Village 60 days prior to construction of the Solar Power Plant. Such decommissioning plan shall be updated every five years and submitted to the Village. The Solar Power Plant owner and operator shall post a performance bond (updated every five years) equal to the full cost of decommissioning the Solar Power Plant Facility and naming the Village of Grafton as the bond obligee. Removal of a Solar Power Plant shall require at least a 90-day notification to the Village (the Village Administrator and the Village Electric Superintendent). Decommissioning of the Solar Power Plant shall take place within twelve months after the end of the useful life of the facility or when energy is no longer generated from the facility. Decommissioning shall include removal of all solar panels, structural supports, buildings, fencing, wiring (above and below ground), electrical components, roads, foundations to a depth of three feet, and other associated facilities and equipment. Distributed earth shall be graded and reseeded unless the landowner requests in writing that the access road(s) or other land surface areas not be restored.

#### **1297.05 SOLAR POWER PLANT DEVELOPMENT STANDARDS.**

Solar Power Plants are a conditional use in specific zoning districts and shall meet the requirements of the underlying zoning districts, Chapter 1250- Conditional Uses and the additional performance and design standards requirements of this Section. Specific performance and design standards for Solar Power Plants are as follows:

1. **Maximum Height:** The maximum height for all structures associated with a Solar Power Plant is equal to the maximum permitted height of principal structures in the district it is located in.

2. Setbacks: All structures associated with a commercial Solar Power Plant shall be set back from all property lines and public road rights-of-way in compliance with the applicable zoning district. For Solar Developments, Council may determine that solar pedestal and panels do not qualify as structures for Zoning District setback purposes; however, a setback of at least thirty feet (30') or one and one-half times the height of the structure, whichever is greater, shall be maintained from all property lines unless adjacent to residential uses, where Zoning District specified setbacks shall be maintained. This requirement is applicable to both residentially zoned lots and to existing residential uses both inside and outside the Village. Additional setbacks may also be required to mitigate noise and glare impacts.
3. Security: A security fence may be required around the perimeter of the Solar Power Plant. This determination shall be made as part of the conditional use and/or site plan review approval process and will include a determination regarding height and material to be used. The decision to require a fence shall be based on specific site conditions and the nature and character of surrounding land uses.
4. Noise: No Solar Power Plant shall produce noise from transformers or other electrical equipment that exceeds 55 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring habitable building. An independent noise study may be required to document compliance with this requirement as part of the approval process.
5. Appearance: Buildings and accessory structures shall, to the extent reasonably practicable, use materials, colors, and textures that will blend with the existing environment. Appropriate landscaping and/or screening materials may be required to help screen the Solar Power Plant from neighboring residences.
6. Electrical Connections: All electrical interconnections with the project boundary shall be underground.
7. No Solar Power Plant shall be connected to the Village Municipal Power System without a properly executed grid interconnection agreement or power contract. Under no circumstances shall Solar Power Plants provide power to off-site building(s), structures, uses or other power energy distribution systems (power grids) other than the Village Municipal Power System. All installations will be performed by a licensed electrical contractor.
8. All electrical control panels, as well as control equipment, shall be labeled and secured to prevent unauthorized access. All installations will include an external disconnect to allow for the isolation of the alternative energy system from the Village Municipal Power System.
9. All Solar Power Plants shall be designed to conform to all the applicable requirements of the Ohio Building Code, the Ohio Residential Code, the National Electrical Code (NEC), and all other applicable regulations. All Solar Power Plants to be connected to the Village's Municipal Power System shall be metered and shall have grid failure disconnect systems and shall adhere to ORC § 4929.67 and UL 1741, Standard for Utility-Interactive Applications.

10. Solar panels shall be designed to absorb (not reflect) sunlight. Solar panel placement should be arranged to minimize or negate any solar glare onto nearby properties or roadways, without duly impacting the functionality or efficiency of the solar system.
11. A private access road must be provided from a State of Village roadway to enclosed buildings to provide for maintenance and emergency vehicle access.
12. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on any fence surrounding the Solar Power Plant informing individuals of potential voltage hazards.
13. The Solar Power Plant shall not be artificially illuminated except to the extent required for safety or applicable federal, state, or local regulations, and to the minimum extent necessary for security purposes.

#### **1297.06 PENALTY.**

(A) Penalties for violation. Violations of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this chapter, shall constitute a misdemeanor of the fourth degree. Any person who violates this chapter, or fails to comply with any of its requirements, shall upon conviction thereof be fined not more than \$250 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violations.

(B) Civil action. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of law of this chapter, or any amendment thereto, the Village Council, the Village Law Director, the Zoning Administrator or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other appropriate action, enter proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

(C) Remedies cumulative. The exercise of the rights and remedies granted in this section shall in no way preclude or limit the Village or any person from exercising any other right or remedy now or hereafter granted to them under the state law.



## **CHAPTER 1298**

### **Interpretations and Definitions**

1298.01 Interpretation of terms or words.

1298.02 Definitions.

Appx. Illustrations.

#### **CROSS REFERENCES**

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.

Restrictions on percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

Zoning Inspector - see P. & Z. Ch. 1242.02

Application to oil and gas wells - see B.R. & T. 830.02

Definitions pertaining to sexually oriented businesses - see P. & Z. 1294.03

#### **1298.01 INTERPRETATION OF TERMS OR WORDS.**

For the purposes of this Zoning Ordinance, certain terms or words used herein shall be interpreted as follows:

- (a) "Lot" includes "plot" or "parcel."
  - (b) "Person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
  - (c) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
  - (d) "Shall" is a mandatory requirement, "may" is a permissive requirement, and "should" is a preferred requirement.
  - (e) "Used" or "occupied" includes "intended, designed, or arranged to be used or occupied."
- (Ord. 01-014. Passed 7-17-01.)

#### **1298.02 DEFINITIONS.**

For the purposes of this Zoning Ordinance, the following terms shall have the meanings set forth below:

- (1) "Abandoned sign." See Sign, Abandoned.
- (2) "Abutting." Having a common border with, or being separated from, such common border by a public right-of-way, alley, or easement.
- (3) "Accessory structure/building." Means a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. If a temporary building is placed on a property to provide extra space for expansion of a use, the temporary building shall also be an accessory structure.

(4) "Accessory use." Means a use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

(5) "Administrator." The Zoning Inspector or his designated representative.

(6) "Adult Bookstore." An establishment that has as a substantial portion of its stock-in-trade and offers for sale or rent, for any form of consideration, any one of the following items: books, magazines, periodicals, or other printed matter; photographs, films, motion pictures, video cassettes, slides, compact disks, or other visual representations; audio tapes, cassettes, records, compact disks, or other audio representations or any other similar material that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

(7) "Adult cabaret." A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

(8) "Adult day care facility." See Day-Care Center (Child or Adult).

(9) "Adult Family Home". Means a residence or facility, as defined and regulating in Chapter 3722 of the Ohio Revised Code, which provides accommodations for 3 to 5 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.

(10) "Adult group homes." A residence or facility, as defined and regulating in Chapter 3722 of the Ohio Revised Code, which provides accommodations for 6-16 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.

(11) "Adult motion picture theater." An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

(12) "Agriculture." The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agricultural only if agriculture is the principal use of the land.

(13) "Alley." See "Thoroughfare, street or road" as defined in this section.

(14) "Alterations." Any change, addition, or modification in the construction or occupancy of any building or structure.

(15) "Alterations, structural." Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

- (16) "Animated sign" Any sign which uses movement, change, or lighting to depict action or to create a special effect or scene (compare "Flashing sign" as defined in this section).
- (17) "Apartment house" See "Dwelling, multiple-family" as defined in this section.
- (18) "Appeal." A request for a review of the Responsible Authority, interpretation of any provision of this chapter or a request for a variance.
- (19) "Area." See "Sign, area of." as defined in this section.
- (20) "Area, building." The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps. All dimensions shall be measured between the exterior faces of walls.
- (21) "Area of special flood hazard." The land in the floodplain within the community subject to a 1% or greater chance of flooding in any given year.
- (22) "Awning." A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework (compare "Marquee" as defined in this section).
- (23) "Bar, tavern, or cocktail lounge." Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and minors are not prohibited from dining.
- (24) "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.
- (25) "Basement." A story partly underground but having at least one-half of its height below the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet, or if used for business or dwelling purposes.
- (26) "Bed and breakfast." An owner-occupied, single-family dwelling that contains guest rooms where short-term lodging, with or without meals, is provided for compensation.
- (27) "Billboard." See "Off-premises sign" as defined in this section.
- (28) "Board" The Board of Zoning and Building Appeals.
- (29) "Boarding house, rooming house." A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons, where no cooking or dining facilities are provided in individual rooms.
- (30) "Building." Any structure that is used for occupancy or storage of any human activity, including the care of livestock and unattended storage of goods and has at least three walls and is at least six feet in height.
- (31) "Building, detached." A building surrounded by open space on the same lot with a principal building.
- (32) "Building height." The vertical distance measured from the average elevation of proposed finished grade at the front of the building to the highest point of the roof.
- (33) "Building line." See "Setback line" as defined in this section.
- (34) "Building(s), principal." A building or group of buildings in which is conducted the main or principal use of the lot on which such building(s) is situated.

- (35) "Cellar." See "Basement" as defined in this section.
- (36) "Child care, home operated." A private residence where care, supervision, and protection are provided on a regular basis to one to six infants, toddlers, pre-school children, and school children outside of school hours by a person who is not the parent but is a resident of the home. For the purposes of this definition, the resident children who are under 16 shall be included with the nonresident children when counting the number of children. A dwelling with a family with more than six children who are all living in the dwelling unit and are related shall not be considered a home-operated child care.
- (37) "Clearance (of a sign)." The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
- (38) "Club." Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.
- (39) "Cluster development." A development technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.
- (40) "Commission." The Village Planning Commission.
- (41) "Condominium." An estate in real property consisting of an undivided interest in common with other purchases in a portion of a parcel of real property, together with a separate interest in space in a residential building such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.
- (42) "Construction" Any site preparation, assembly, erection, substantial repair, alteration, or similar action for or on public or private rights-of-way, structures, utilities, or similar property.
- (43) "Copy." The wording on a sign surface in either permanent or removable letter form.
- (44) "Corner lot." See "Lot, corner" as defined in this section.
- (45) "Court." An unoccupied open space, other than a yard, on the same lot with a building which is bounded on two or more sides by the walls of such building.
- (46) "Court, inner." A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.
- (47) "Court, outer." A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard.
- (48) "Covenant." A written promise or pledge.
- (49) "Coverage." See "Lot coverage" as defined in this section.
- (50) "Craft or Artisanal Production of Beer, Liquor, or Wine". The brewing of beer on premises of up to 50,000 gallons per calendar year or the distilling of liquor on premises of up to 50,000 gallons per calendar year or making wine on premises of up to 50,000 gallons per calendar year. It shall also include the sale of said products for on-premises or off-premises consumption.

- (51) "Culvert." A transverse drain that channels under a bridge, street, or driveway.
- (52) "Day-Care Center (Child or Adult)". Means a facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include but is not limited to nursery schools, after school programs, office day care centers and principal structures used for only day care/nursery school programs but specifically excludes any Type A or Type B family day care home or group homes as defined in this chapter. This term may also include adult day care centers where persons other than children, family members, or guardians care for adults for a portion of a 24-hour day in a building other than the adult's home.
- (53) "Demolition." Any dismantling or intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- (54) "Density." A unit of measurement; the number of dwelling units per acre of land.
- A. "Gross density." The number of dwelling units per acre of the total land to be developed.
- B. "Net density." The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
- (55) "Density, medium residential." Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed eight dwelling units per gross acre.
- (56) "Developer." Any individual, subdivider, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for the individual/entity or for another.
- (57) "Development." Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- (58) "Directional/informational sign." An on-premises sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.
- (59) "Dish." That part of a satellite signal receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolical, or similar in shape.
- (60) "Double-faced sign." A sign with two faces.
- (61) "Drive-up or drive-through." An establishment that, by design of physical facilities or by services or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be transported in a motor vehicle.
- (62) "Drawing." The map, drawing, or chart on which the developers' plan of subdivision is presented to the Planning Commission for conceptual and/or preliminary approval. After such approval or in concurrence with this submittal, the final plat may be prepared for submission.
- (63) "Dwelling." A building designed or used as the living quarters for one or more families. "Dwelling," "single-family dwelling," "two-family dwelling," or "multiple-family dwelling" shall not be deemed to include motel, hotel, or rooming house. A dwelling may

include an industrialized unit (as defined herein) and a permanently sited manufactured home (as defined herein) provided it meets all of the following requirements:

A. The manufactured home is affixed to a permanent foundation and connected to appropriate utilities.

B. The manufactured home, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point. The total living area of the manufactured home, excluding garages, porches, or attachments, must be at least 900 square feet or equal to or greater than any minimum dwelling size applicable within an applicable zoning district.

C. The manufactured home has a minimum 3:12 residential roof pitch, conventional residential siding, and a 6-inch minimum eave overhang, including appropriate guttering.

D. The manufactured home was manufactured after January 1, 1995.

E. The manufactured home is not located in a manufactured home park as defined herein.

(64) "Dwelling, single-family." A building designed for or occupied exclusively by one family and separated from other dwelling units by open space.

(65) "Dwelling, two-family." A building consisting of two dwelling units which may be either attached side by side or one above the other.

(66) "Dwelling, multiple-family." A building consisting of three or more dwelling units.

(67) "Dwelling unit." Space within a building comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

(68) "Easement." Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of this property.

(69) "Electrical sign." A sign or sign structure in which electrical wiring, connections, or fixtures are used.

(70) "Electric Vehicle Charging Station". A public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

(71) "Electronic message center." See "Changeable copy sign, automatic" as defined in this section.

(72) "Emergency." Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss which demands immediate action.

(73) "Emergency work." Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

(74) "Engineer." Any person registered to practice professional engineering, in the State of Ohio, by the State Board of Registration as specified in Ohio R.C. Ch. 4733.

(75) "Facade." The entire building front, including the parapet.

(76) "Face of sign." The area of a sign on which the copy is placed.

(77) "Family." One or more persons occupying a single dwelling unit, and living as a single housekeeping unit, whether or not related to each other by birth or marriage; provided, however, that unless all members are related by blood, adoption, marriage, or guardianship, no such family shall contain over five persons.

(78) "Farm." Any parcel of land containing at least five acres which is used for the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures, and the storage of equipment used, subject, however, to applicable regulations. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels.

(79) "Federal Emergency Management Agency (FEMA)." The agency with the overall responsibility for administering the National Flood Insurance Program.

(80) "Festoon." A string of ribbons, tinsel, small flags, or pinwheels.

(81) "Filling station." See "Gasoline station" as defined in this section.

(82) "Flashing sign." A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare "Changeable copy sign" as defined in this section).

(83) "Flood" or "flooding." A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters.

B. The unusual and rapid accumulation or runoff of surface waters from any source.

(84) "Flood Insurance Rate Map (FIRM)." An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.

(85) "Flood Insurance Study." The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

(86) "Floodplain." The areas adjoining a water course which are expected to be flooded as a result of a severe combination of hydrological conditions.

(87) "Floodway." The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(88) "Floor area." The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior walls. In particular, the floor area of a building or buildings shall include: basement, penthouse, enclosed porches, atriums, mezzanines, or attic story that are used for human occupancy.

(89) "Foot-candle". A common unit of measure used by lighting professionals to calculate light levels in businesses and outdoor spaces. A foot candle is defined as the illuminance on a one square foot surface from a uniform source of light.

(90) "Freestanding sign." A sign supported upon the ground by poles or braces and not attached to any buildings.

(91) "Frontage." The length of the property line of any one premise along a public right-of-way on which it borders.

(92) "Frontage, building." The length of an outside building wall on a public right-of-way.

(93) "Garage, repair." Any establishment which is used for repair, painting, servicing, adjusting, or equipping of automobiles, boats, or any other vehicle with an engine or motor of any kind.

(94) “Gasoline station.” Any area of land, including structures thereon, that is used primarily for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but not including the painting thereof by any means.

(95) “Government sign.” Any temporary or permanent sign erected and maintained by the Village, County, State, or Federal Government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

(96) “Grade, finished.” The completed surfaces of lawns, walks, and roads brought to grades as shown on Village-approved plans or designs relating thereto.

(97) “Gross floor area” The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

(98) “Gross vehicle weight rating.” The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the maximum loaded weight of the combination vehicle, shall be used.

(99) “Height (of a sign).” The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare “Clearance (of a sign)” as defined in this section).

(100) “Home occupation.” An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood in which the dwelling is located, and conforms to the following additional conditions:

A. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.

B. Not more than one person outside the family shall be employed in the home occupation.

C. There shall be no exterior display, no exterior sign (except as may be permitted under Section 1287.11), no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.

D. No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced.

(101) “Hospital.” An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons and licensed by State law to provide facilities and provides overnight accommodations for such patients.

(102) “Hospital, animal.” An establishment for the medical and/or surgical care of sick or injured animals.



(103) “Hotel.” A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities for their guests.

(104) “Improvements.” Street pavement or resurfacing, curbs, gutters, sidewalks, waterlines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

(105) “Incidental sign.” A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

(106) “Industrialized unit.” A building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as part of a greater structure and that requires transportation to the site or intended use. “Industrialized unit” includes 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. An “industrialized unit” does not include a manufactured home or mobile home as defined herein.

(107) “Institution.” A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

(108) “Junk.” Any worn-out, castoff, or discarded article or material which is or may be salvaged for reuse, resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled, or assorted for the aforementioned purposes. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.

(109) “Junk buildings, junk shops, junk yards.” Any land, property, structure, building, or combination of the same, on which junk is stored or processed. See also Ohio R.C. 4737.05(B).

(110) “Kennel.” A structure used for the harboring, grooming, breeding, boarding, training, or selling of more than three domestic animals.

(111) “Line, street.” The dividing line between the street and the lot, also referred to as the “right-of-way line.”

(112) “Living area.” The total square footage of usable living floor space within the defined areas created by the walls of a dwelling. Such area does not include open patios, open terraces or courts, open breezeways, outside steps, garages, and/or carports.

(113) “Loading space.” A loading space shall have minimum dimensions of not less than 12 feet in width, 50 feet in length, exclusive of driveways, drive aisles, and other circulation areas, and a height clearance of not less than 15 feet.

(114) “Lot.” A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record of survey map.

(115) “Lot, corner.” A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curbed street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

(116) “Lot coverage.” The ratio of enclosed ground floor area of all buildings and structures on a lot to the horizontally projected area of the lot, expressed as a percentage.

(117) “Lot frontage.” The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under “Yards” in this section.

(118) “Lot of record.” A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(119) “Lot, through.” A lot having frontage on two parallel or approximately parallel streets.

(120) “Lot lines.” Any line dividing one lot from another (see Appendix, Illustration A).

(121) “Lowest floor.” The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

(122) “Maintenance fee.” The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign for the purposes of the chapter.

(123) “Major thoroughfare plan.” The comprehensive plan recommended by the Planning Commission and adopted by the Village Council indicating the general location recommended by arterial, collector, and local thoroughfares within the corporate limits.

(124) “Mansard.” A sloped roof or roof-like facade architecturally comparable to a building wall.

(125) “Manufactured home.” A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance 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 permanent label or tag affixed to it certifying compliance with all applicable Federal Construction and Safety Standards.

(126) “Manufactured home (permanently sited).” A manufactured home that meets all of the following criteria:

A. The structure is affixed to a permanent foundation and is connected to appropriate facilities;

B. The structure, excluding an addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments of at least 900 square feet;

C. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a 6-inch minimum eave overhang, including appropriate guttering;

D. The structure was manufactured after January 1, 1995;

E. The structure is not located in a manufactured home park as defined by Ohio R.C. 3733.01.

(127) “Manufactured home park.” Any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for

revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three or more manufactured homes are parked thereon if the roadways are publically dedicated. Manufactured home parks also do not include a tract of land used solely for display or sale of manufactured or mobile homes, or a tract of land with frontage on a public street that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation. A manufactured home park also does not include a recreational vehicle park.

(128) "Marquee." A permanent roof-like structure or a canopy of rigid materials supported by and extending from the facade of the building (compare "Awning" as defined in this section).

(129) "Marquee sign." Any sign attached to or supported by a marquee structure.

(130) "Monuments." Permitted concrete markers shall be used to establish definitely all subdivision boundaries, line corners, points of change in centerline of street right-of-way alignment, and points of intersection of centerline of street right-of-way alignments. The monuments shall be of two types:

A. Type A: A cylindrical concrete marker 6 inches in diameter and 30 inches in length with a 1/4-inch iron rod cast at the central axis of the cylinder. Said marker shall be placed in a vertical position with its top being level with the surface of the surrounding ground. To be used at all points not in the pavement area.

B. Type B: A cylindrical concrete maker as described under Type A except that a machine-type iron bolt (without nut) of 1 inch diameter by 12 inches in length shall be placed in a vertical position with the head of the bolt upward and level with the surface of the pavement. A point shall be marked on the head of the bolt to indicate the exact point referred to on the Final Plat.

(131) "Monument sign." A permanent freestanding sign mounted on a base or other supports and where the bottom of the sign is located within three feet of the ground.

(132) "Motel." A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit, or a motor lodge, shall be deemed a motel.

(133) "Motorcycle." Every vehicle defined as a motorcycle in the Traffic Code.

(134) "Motor vehicle." Every vehicle defined as a motor vehicle in the Traffic Code.

(135) "Motorized bicycle or moped." Every vehicle defined as such in the Traffic Code.

(136) "Motor vehicle repair shop." See "Garage, repair" as defined in this section.

(137) "Nameplate." A non-electric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

(138) "New construction." Structures for which the start of construction has commenced on or after the effective date of this section.

(139) "Noise." Any sound which annoys or disturbs humans, or which causes or tends to cause an adverse psychological or physiological effect on humans or which unreasonably interferes with the peace and serenity of residents.

(140) "Noise disturbance." Any sound which:

- A. Endangers or injures the safety or health of humans or animals;
- B. Disturbs a reasonable person of normal sensitivity; or
- C. Endangers or injures personal or real property.

(141) "Nonconforming sign:"

A. A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations, and

B. A sign which does not conform to the sign code regulations, but for which a special permit has been issued.

(142) "Nonconforming use." A building, structure, or use of land existing at the time of enactment of this Zoning Code and which does not conform to the regulations of the district or zone in which it is situated.

(143) "Nursery school." See "Day Care Facility" as defined in this section.

(144) "Nursing home." A home or facility for the care and treatment of three or more persons who are living on the premises that are infirm and not normally capable of leaving the premises without assistance from care givers who are in attendance at the nursing home at all times.

(145) "Occupancy." The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

(146) "Off-premises sign." A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising."

(147) "On-premises sign." A sign which pertains to the use of the premises on which it is located.

(148) "Open space." An area open to the sky which may be on the same lot with a building. The area may include, along with natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.

(149) "Owner." A person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company.

(150) "Painted wall sign." Any sign which is applied with paint or similar substance on the face of a wall.

(151) "Parapet." The extension of a false front or wall above a roof line.

(152) "Parcel." Any area or tract of land as defined in a recorded deed description and shown on a tax duplicate.

(153) "Parking space, off-street." For the purpose of these regulations, an off- street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

(154) "Person." Any individual, association, partnership, or corporation and includes any officer, employee, department, agency, or instrumentality of a state or any political subdivision of a state.

(155) "Place of public entertainment." Any commercial facility open to the general public for purposes of entertainment.

(156) "Planned unit development." An area of land in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

(157) "Plat." The map, drawing, or chart on which the developer's final plan of subdivision is presented to the Planning Commission and the Village Council for approval, and after such approval, to the County Recorder for recording.

(158) "Pocket park." A small park located within the Central Business District (CB) which shall be accessible to the general public, unless it is created as part of the public space requirement of a larger building project or complex.

(159) "Point of purchase display." Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

(160) "Pole cover." A cover enclosing or decorating poles or other structural support of a sign.

(161) "Powered model vehicle." Any self-propelled, airborne, water-borne, or land-borne plane, vessel, or vehicle which is not designed to carry persons, including but not limited to, any model airplane, boat, car, or rocket.

(162) "Premises." A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unity of real estate.

(163) "Principal use." The main use of land or structures as distinguished from a secondary or accessory use.

(164) "Projecting sign." A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designated to support the sign.

(165) "Public way." An alley, avenue, bikeway, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

(166) "Recreational facilities." Commercial or noncommercial facilities that offer non-passive recreational services to a group of people or the general public. Included in this definition are outdoor recreational facilities and indoor recreational facilities. This definition includes a combination of indoor and outdoor recreational services.

(167) "Recreational vehicle." A portable structure that is self-propelled or towable by another vehicle and of such size and weight as not to require special highway movement permits. Such vehicle shall be primarily designed, constructed or modified to provide temporary

living quarters or for recreational, camping or travel use, and not for commercial purposes or for profit, and shall include, but not be limited to the following:

A. "Travel trailer." A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses.

B. "Pick-up camper." A structure designed primarily to be mounted on a pick-up or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

C. "Motorized home." A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

D. "Folding tent-trailer." A folding structure, mounted on wheels and designed for travel and vacation uses.

E. "Boat" or "boat trailer." A boat, float or raft and any equipment to transport it on a highway.

F. "Watercraft." A boat, float, raft, canoe, or any such vehicle and any equipment to transport it on a highway.

(168) "Regulations." The Subdivision Regulations for the Village.

(169) "Responsible Authority." The individual or governing body responsible for reviewing and/or approving or disapproving a request.

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

(171) "Roofline." The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

(172) "Rotating sign." A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

(173) "Satellite dish." A signal-receiving device whose purpose is to receive or send communications or signals from earth-orbiting satellites or other sources.

(174) "Service station." See "Gasoline station" as defined in this section.

(175) "Setback." The minimum distance from the street line to the building line measured along a line perpendicular to the street line or front property line, or in the case of an arc street, measured along the radius of such arc. For a lot abutting on a thoroughfare as shown on the Major Thoroughfare Plan for Lorain County, the setback shall be measured from the proposed right-of-way line specified for that thoroughfare on the Major Thoroughfare Plan for Lorain County.

(176) "Setback line." A line established by the Subdivision Regulations and/or Zoning Code, generally parallel with and measured from the lot line, defining the limits of a yard in which no building other than accessory building or structure may be located above ground, except as may be provided in said codes (See "Yard" as defined in this section).

(177) "Sidewalk." That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic (See "Walkway" as defined in this section).

(178) "Sign." Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishments, product, goods, or services.

(179) "Sign, abandoned. Means a sign which no longer identifies or advertises a bona fide business, lessor service, owner, product or activity, and/or for which no legal owner can be found.

(180) "Sign, Air-activated Graphic. Means a sign, all or any part which is designed to be moved by action or forced air so as to make the sign appear to be animated or otherwise have motion.

(181) "Sign, area of:"

A. "Measurement of sign area." The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

B. "Sign face area." Where a sign has two or more faces, the area of all the faces shall be included in determining the area of the sign.

(182) "Sign, Awning. Means a sign painted on, printed on, or attached flat against the surface of an awning.

(183) "Sign, Balloon. Means a temporary sign composed of cloth, canvas, plastic fabric, or similar lightweight non-rigid material that can be mounted to a structure with cord, rope, cable or a similar method or that may be supported by stakes in the ground.

(184) "Sign, Billboard. Means an off-premises permanent sign that is either illuminated or non-illuminated that directs attention to goods, merchandise, entertainment or services offered at a location other than the premises on which the sign is located.

(185) "Sign, Blade (A.K.A. Feather, Teardrop and Flag)". Means a temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight non-rigid material and this supported by a single vertical pole mounted into the ground or on a portable structure.

(186) "Sign, Business". Means a sign which directs attention to a business or profession conducted on the premises.

(187) "Sign, Changeable Copy". Means a sign designed so that the characters, letters, or illustrations can be changed or rearranged manually, electronically or digitally. May also be known as reader boards, or electronic message centers.

(188) "Sign, Commercial Message". Means any sign wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

(189) "Sign, Electronic Message Center." Means a sign designed so that the characters, letters or illustrations can be changed or rearranged automatically on a lamp bank or through mechanical means (e.g. electronic or digital signs using LED lighting).

(190) "Sign, Flashing". Means an illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

(191) "Sign, Freestanding". Means a sign which is not attached to a principal or an accessory structure, including center pole signs, posts and panels, or monument signs, but excluding off-premises signs.

(192) "Signs, Human (A.K.A. Mascot, Spinner and Person)". Means a person attired or decorated with commercial insignia, images, costumes, masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such person may or may not be holding a sign.

(193) "Sign, Illuminated". Means a sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.

(194) "Sign, Monument". Means a permanent freestanding sign other than a pole sign, not attached to a building that is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal type structure.

(195) "Sign, Mural". Means a large scale temporary or permanent sign/work of art/graphic illustration or advertising display that covers all or a major portion of a blank or unfinished wall, building or structure.

(196) "Sign, Nameplate". Means a sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

(197) "Sign, Non-Commercial". Means any sign, wording, logo or other representation that is not defined as a commercial message. Such signs may include, but not be limited, to those directing the location of restrooms, those imposing restrictions on smoking, or those expressing political and/or religious philosophies.

(198) "Sign, Off-Premise". Means a sign which directs attention to the name of a business or establishment, or goods or commodities sold or manufactured and/or services rendered on premises other than where the sign is located. Also, may include signs expressing opinions, displaying political information or public service messages.

(199) "Sign, permanent." A sign that is permanently affixed to a building, other unmovable structure, or the ground.

(200) "Sign, portable." Any sign which is capable of moving or being moved.

(201) "Sign, Projecting". Means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure, and is not parallel to the structure to which it is attached. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

(202) "Sign, Projecting Image". Means a sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface from a distant electronic device, such that the image does not originate from the plane of the wall, structure, sidewalk, or other surface.

(203) "Sign, Roof". Means a sign mounted on a roof of a building or structure, lying either flat against the roof or upright at an angle to the roof pitch. This also includes any advertising on pitched roof formed by using different color shingles or other roof coverings and/or signs painted on the roofing shingles or other roofing material.

(204) "Sign, Snipe". Means a temporary sign, usually made of paper or cardboard, illegally tacked, nailed, stapled, posted, pasted, glued, tied, or otherwise attached to trees, poles, stakes, fencing, mailboxes, or other objects.



(205) “Sign, temporary.” Means any sign not intended or designed for permanent display or permanent attachment to the ground or a structure and intended for a limited period of display. For the purposes of this Zoning Ordinance, temporary signs are defined as those signs related to a temporary event, or condition, and may include, but not be limited to construction signs, garage/estate sales, auctions, political signs, holiday and special events, and real estate signs (including the leasing or sale of rental units, commercial/industrial space or buildings and residential dwellings).

(206) “Sign, Vehicle”. Means any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary identification or advertisement sign.

(207) “Sign, Wall”. Means a sign which faces an adjacent parking area and/or public street and is attached directly to a building wall, or rigid or non-rigid fabric marquee or awning-type structure attached to a building, and generally parallel to the building wall, including signs painted on any building wall, or extending from the wall in the case of a canopy, awning or marquee-type structure.

(208) “Sign, Window”. Means a sign located on the inside or outside of a window which is intended to be viewed from the outside.

(209) “Solar Panel”. Means any device used for collecting solar energy and converting it to electrical power. Solar panels may be attached to roofs and/or attached to the ground.

(210) “Solar Power Plant or Facility”. Means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies but generates no more than 50 megawatts of power. This excludes “Large Solar Facilities” described as systems with a single interconnection to the electric grid that are Major Utility Facilities”. A Major Utility Facility is an electric generating plant designed for, or capable of operating at a capacity of 50 Megawatts (MW) of power or more and includes certain electric transmission lines and gas pipelines (ORC 303.57). Large Solar Facilities are reviewed and approved by the Ohio Power Siting Board (OPSB).

(211) “Specified anatomical areas.” As used herein, means and includes any of the following: less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(212) “Specified sexual activities.” As used herein, means and includes any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or excretory functions as part of or in connection with any of the activities set forth in this definition.

(213) “Start of construction.” The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of slab or footings, the installation of piles, construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets

and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(214) "Story." That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it.

(215) "Street." A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

(216) "Structure." Any building, shed, parking areas, driveways, or any other object constructed on any parcel or lot, regardless if it is temporary or permanent construction. "Structure" shall not include live plant materials established on a lot.

(217) "Subdivision":

A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange does not create additional building sites, shall be exempted.

B. The improvement of one or more parcels of land for residential, commercial, industrial, structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easement for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

(218) "Subdivision identification sign." A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

(219) "Substantial completion." The point at which the building can be used for the purpose in which it was intended.

(220) "Substantial improvement":

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the replacement or reproduction cost and/or area, whichever is greater, of the structure either:

1. Before the improvement or repair is started.
2. If the structure has been damaged and is being restored, before the damage occurred.

B. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or 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 either:

1. Any project for the 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.

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

(221) "Surface area (of a sign)." The entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. All sides of multi-faced signs shall be included in the calculation of surface area.

(222) "Swimming pool." A pool, pond, lake, or open tank having a span of at least six feet and intended for human recreational use and maintained by the owner or manager. Farm ponds and pools and ponds or lakes developed as landscape design features or as storm water detention/ retention facilities where swimming is not intended and does not occur shall be excluded.

A. "Private pool." A pool exclusively used without paying an additional charge for admission by the residents and guests of a single household; an accessory use.

B. "Community or club pool." A pool operated with or without a charge for admission and open to the general public for recreational use, or multiple-family development, or a community, or the members and guests of a club, or the patrons of a motel or hotel.

(223) "Temporary sign." A sign not constructed or intended for long-term use.

(224) "Thoroughfare, street, or road." All property dedicated or intended for public and private road, street, alley, highway, and freeway or roadway purposes or to public easements thereof.

A. "Alley." A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

B. "Arterial street." A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

C. "Collector street." A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

D. "Cul-de-sac, terminating." A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

E. "Cul-de-sac, intermediate." Typically a local through street with a vehicular turnaround placed between street intersections or at the end of a temporary dead-end street intended to be extended in the future.

F. "Dead-end street." A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

G. "Local street." A street primarily for providing access to residential, commercial, or other abutting property.

H. "Loop street." A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180-degree system of turns are not more than 1000 feet from said arterial or collector street, normally more than 600 feet from each other.

I. "Marginal access street." A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called frontage street).

(225) "Through lot." See "Lot, through" as defined in this section.

(226) "Townhouse." One of two or more residential buildings having a common or party wall separating dwelling units.

(227) "Traffic control signs." Any traffic control sign as defined in the Manual of Uniform Traffic Control Devices as published by the Ohio Department of Transportation under authority of Ohio R.C. 4511.09.

(228) "Under-canopy sign." A sign suspended beneath a canopy, ceiling, roof, or marquee.

(229) "Use." The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

(230) "Use, conditional." A use of land that is of such a nature that its unlimited operation could be detrimental to the health, safety, morals, and general welfare of residents in the surrounding area or to property or property values, and on which the public has reserved the right to permit and/or regulate the use, subject to certain general and/or specific conditions stated in this Zoning Code or determined by the Board of Zoning and Building Appeals, Planning Commission, and Council which are deemed necessary to protect the permitted uses of other affected properties.

(231) "Use, institutional." A use of land or a building by a nonprofit corporation or a nonprofit establishment for public use.

(232) "Variance." A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

(233) "Village." The Village of Grafton, unless the context clearly discloses a contrary intent.

(234) "Walkway." A dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

(235) "Way." A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

(236) "Wetlands." Areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support, under normal circumstances, a prevalence of vegetation adapted for life in saturated soil conditions. These areas may be as defined by the Corps of Engineers, Soil Conservation Service, Ohio Department of Natural Resources, or the Ohio Environmental Protection Agency, and are specifically delineated by a wetlands specialist.

(237) "Wind Energy Systems and Facilities. Means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other necessary structures and buildings, including substations, meteorological towers, electric infrastructure, transmission lines and other appurtenant structures and facilities.

A. "Economically Significant Wind Farm" means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five or more megawatts but less than fifty (50)

megawatts subject to review and approval by the Ohio Power Siting Board (ORC 4906.13).

- B. "Large Wind Farm" means an electric generating plant that consists of wind turbines and associated facilities with a single interconnection to the electrical grid that is designed for, or capable of operation at an aggregate capacity of 50 megawatts or more to be reviewed and approved by the Ohio Power Siting Board (ORC 4906.13).
- C. "Roof Top Wind Energy System" means a small system attached to a roof or structure providing energy to that structure/building or facility and provided that the measurement of the average grade to the top of the wind energy system does not exceed the maximum height of buildings permitted within that zoning district.
- D. "Single-service customers" means wind farms that primarily service a single customer at a single location designed for, or capable of, an aggregate capacity of up to 20 megawatts as measured at the customer's point of interconnection with the grid.
- E. "Small Wind Farm" means facilities that have one or more wind turbines and associated facilities that are primarily dedicated to providing electricity to a single customer at a single location and that are designed for, or capable of, operation at an aggregate capacity of less than 20 megawatts, as measured at the customer's point of interconnection to the electrical grid (ORC 4906.13).

(238) "Wireless telecommunications equipment shelter." A structure in which electronic receiving and relay equipment for a wireless telecommunications facility is housed.

(239) "Wireless telecommunications facility." A facility consisting of the equipment and structures involved in receiving or relaying telecommunications or radio signals from a radio communication source and transmitting those signals to a central switching computer which connects the unit with land-based telephone lines.

(240) "Wireless telecommunications tower." A structure intended to support equipment used to transmit, relay, and/or receive telecommunications signals, including but not limited to monopoles, guyed, and lattice construction steel structures.

(241) "Yard." An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this Zoning Code is unoccupied and unobstructed from the ground upward except as many be specifically provided in this Zoning Code.

A. "Yard, front." A yard extending along the full width of the front lot line between side lot lines and from the front lot line to the building line in depth.

B. "Yard, rear." A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building (see Appendix, Illustration A).

C. "Yard, side." A yard extending from the principal building between the lines establishing the front and rear yards (see Appendix Illustration A).

(242) "Zero lot line." The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line (see Appendix, Illustration B).

(243) "Zoning Ordinance" or "This Ordinance." As used herein means Ordinance 01-014, passed July 17, 2001, which is codified as Title Six of this Part Twelve - Planning and Zoning Code.



## ZERO LOT LINES

Zero lot line for duplex.  
Shared party wall is on lot line.

