

# **CODIFIED ORDINANCES OF AMANDA**

**Ord. # 06-211**

**Revised Ord. # 03-2013 Date 03/04/2013**

## **PART TWELVE – PLANNING AND ZONING CODE**

### **TITLE FOUR - ZONING CODE**

Chap 1230.	General Provisions
Chap 1232.	Definitions
Chap 1234.	Nonconformities
Chap 1236.	Variances
Chap 1238.	Conditional Uses
Chap 1240.	Amendments
Chap 1242.	Establishing Districts and Zoning Map
Chap 1244.	District Regulations
Chap 1246.	Supplementary District Regulations
Chap 1248.	(A) Agriculture District
Chap 1250.	(R-1 – R1B) Suburban Residential District
Chap 1252.	(R-2) Old Village Residential District
Chap 1254.	(R-3) Urban Residential District
Chap 1256.	(MS) MAIN STREET District
Chap 1258.	(GB) General Business District
Chap 1260.	(OV) Old Village District
Chap 1262.	(I) Industrial District
Chap 1264.	(SU) Special Use District
Chap 1276.	Special Regulations
Chap 1278.	Wireless Telecommunications Facilities
Chap 1280.	Off-Street Parking and Loading Facilities
Chap 1282.	Signs
Chap 1284.	Administration
Chap 1286.	Enforcement
Chap 1288.	Planned Districts
Chap 1290.	Planned Residential District
Chap 1292.	Planned Commercial District
Chap 1294.	Planned Industrial District
Chap 1296.	Planned Mixed Use District.
Chap 1298.	Site Development Plans.
Chap 1299.	Landscaping and Screening
Appendix A	Zoning Forms.
Appendix B	Public Hearings.
Appendix C	Site Development Checklists for Residential Projects
Appendix D	Site Development Checklist for Non-Residential Projects
Appendix E	Site Development Checklist for Planned Development Projects

**CHAPTER 1230**  
**General Provisions**

- 1230.01 Title.
  - 1230.02 Purpose.
  - 1230.03 Interpretation.
  - 1230.04 Separability.
  - 1230.05 Repeal of conflicting ordinances.
  - 1230.06 Effective date.
  - 1230.07 Relationship to comprehensive planning.
  - 1230.08 Traffic impact study required.
  - 1230.09 Park fee.
  - 1230.10 Minimum land dedication requirements for school sites.
  - 1230.11 Vehicular traffic prohibited.
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**1230.01 TITLE.**

This Ordinance shall be known and may be cited to as the "Zoning Ordinance of the Village of Amanda," except as referred to herein, where it shall be known as "this Zoning Code" Ordinance # 06-2011

**1230.02 PURPOSE.**

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

**1230.03 INTERPRETATION.**

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

**1230.04 SEPARABILITY.**

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

**1230.05 REPEAL OF CONFLICTING ORDINANCES.**

All ordinances or resolutions in conflict with this Zoning Code or inconsistent with the provisions of this Zoning Code are hereby repealed to the extent necessary to give this Zoning

Code full force and effect.

**1230.06 EFFECTIVE DATE.**

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

**1230.07 RELATIONSHIP TO COMPREHENSIVE PLANNING.**

It is the intention of Council that this code shall implement the planning policies adopted by Council for Amanda, as reflected in a comprehensive plan, land-use plan, and all other planning documents formally adopted by the Council. While the Council reaffirms its commitment that this Code and any amendment to it be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

**1230.08 TRAFFIC IMPACT STUDY REQUIRED.**

For all residential developments over ten (10) acres or with twenty-five (25) or more dwelling units, and/or commercial developments over 10,000 square feet, and/or industrial or warehousing developments over 50,000 square feet, and/or for any development that requires direct access to a major thoroughfare, a traffic impact study completed by a licensed professional engineer will be required to determine the impact on existing traffic flow. The traffic impact study must be submitted to Planning and Zoning Commission for their review concurrently with an application for a rezoning or prior to site plan approval if a rezoning is not needed.

**1230.09 PARK FEE**

A park fee of \$250 per dwelling unit shall be paid to the Municipality by the developer or builder of any residential structure prior to issuance of a Certificate of Zoning Compliance. Such fee shall be deposited in a special fund and expended by the Municipality for the improvement and purchase of recreational facilities and equipment excluding maintenance and maintenance equipment.

**1230.10 MINIMUM LAND DEDICATION REQUIREMENTS FOR SCHOOL SITES.**

In all new residential subdivisions, land shall be set-aside or otherwise made available to the school district for needed school sites. Such land dedicated to the school district shall be suitable for development and the intended use to meet the need generated by the proposed development in compliance with the school district's adopted School Facility's Plan. All of the dedicated school land shall be suitable for construction of school facilities and associated outdoor areas. The dedicated school land shall be a single parcel, centrally located within the service radius, with public access to adjacent street frontage, and free from hazards that would threaten the safety of those using the land. This requirement is in addition to the requirement of subsection 1214.15(b) and any open space required as a part of a planned district.

(a) Land dedication formula. The formula for land dedication for schools is 0.08 acres per single family dwelling unit proposed. The formula for multi-family dwelling units is as follows: 0.01 acres for every one bedroom dwelling unit constructed; 0.05 acres for every two bedroom dwelling unit; and 0.08 acres for every dwelling unit of three bedrooms or more. The Village Council reserves the right to adjust the acreage requirements as deemed necessary to meet specific needs of the School District.

(b) Payment-in-lieu of Land Dedication. Payment-in-lieu of land dedication shall be permitted when deemed, by the Village Council and requested by the school district, to be more

appropriate in satisfying the needs of the proposed development and the school district. Such cases include, but are not limited to, small developments and developments which are served by adjacent facilities that could be expanded to satisfy the need created by the proposed development. Payment in full shall be made upon approval of the final plat or final development plan.

- (1) Determining the Value of Land Per Acre.
  - A. The value of land per acre shall be determined using the method outlined below.  
Total land dedication required in acres = A  
Market value of land per acre = B  
Value of land donation = AxB.
  - B. If the property has been sold within the past two (2) years, and if the Village does not exercise its ability to independently appraise the property, this value shall be determined by dividing the most recent sales price by the total number of acres of the property;
  - C. If the property has not been sold within the past two (2) years, and if the Village does not exercise its ability to independently appraise the property this value shall be determined by a fair market valuation provided by the sub-divider and performed by a qualified land appraiser acceptable to the Village;
  - D. If the Village so elects, and notwithstanding the foregoing provisions of this section, this value shall be determined by a fair market valuation performed by a qualified land appraiser employed by the Village. If such an appraisal is elected, it shall be final and dispositive of the valuation issue.

**1230.11 VEHICULAR TRAFFIC PROHIBITED.**

Vehicular traffic is prohibited on easements and all unimproved thoroughfares.

**CHAPTER 1232**  
**Definitions**

1232.01 Rules of construction; words and terms defined.

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**1232.01 RULES OF CONSTRUCTION; WORDS AND TERMS DEFINED.**

(a) General. For the purpose of this Zoning Code certain terms or words used herein shall be interpreted as follows:

- (1) The word "a person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;
- (3) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement;
- (4) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- (5) The word "lot" includes the words "plot" or "parcel."

(b) Specific Words and Terms.

- (1) An accessory use or structure shall be defined as a use of land or of a structure or building or portion thereof, customary, incidental and subordinate to the principal use of land or structure, and located on the same lot with such principal use or structure. See Section 1246.21
- (2) "Acre" means a measure of land equating to 43,560 square feet.
- (3) "Administrative Variance" means a modification of one (1) development standard for properties located in the R-4 Single-Family Residential District 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.
- (4) "Agent" means the representative of the applicant. The authority of the representative shall be established to the satisfaction of the Zoning Administrator.
- (5) "Agriculture" means farming; ranching; aquaculture; apiculture and related apicultural activities, production of honey, beeswax, honeycomb, and other related products; horticulture; viticulture, winemaking, and related activities; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco,

fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; and any additions or modifications to the foregoing made by the director of agriculture by rule adopted in accordance with Chapter 119 of the Ohio Revised Code. "Agriculture" does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

- (6) "Airport" means any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings, and open spaces.
- (7) "Alley" See "Thoroughfare."
- (8) "Alterations, Structural" means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
- (9) "Adult Family Home" means a residence or facility that provides accommodations to three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults. An adult family home may be operated as a permitted use in any residential district or zone. Such adult family home is required to comply with all requirements imposed upon all single-family residences within the district or zone. (ORC 3722)
- (10) "Adult Group Home" means a residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three of the unrelated adults. Adult group homes are excluded from all planned districts.
- (11) "Adult Care Facility" means an adult family home or an adult group home as defined by the ORC 3722.01. For the purposes of this ordinance, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services, is an adult care facility regardless of how the facility holds itself out to the public.
- (12) "Automobile wash" and "automatic car wash" means any building or premises or portions thereof where mechanical devices are used for washing motor vehicles.
- (13) "Automotive Repair Services and Garages" means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.
- (14) "Automotive, Mobile Home, Travel Trailer, and Farm Implement Sales" means the sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.
- (15) "Automotive wrecking" means the dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.
- (16) "Basement" means a story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. (See "Story")

- (17) "Bed and Breakfast" means a transient lodging establishment, generally in a single family home and/or detached guest house, primarily engaged in providing overnight or otherwise temporary lodging for the general public in ten or fewer rooms for compensation and also providing breakfast at no additional charge.
- (18) "Board" means the Board of Zoning Appeals established in Section 1284.08.
- (19) "Building" means any structure having a roof supported by columns or walls designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property.
- (20) "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 the mean height between eaves and ridge for gable, hip and gambrel roofs.
- (21) "Building Line" (See Setback Line).
- (22) "Building, Principal" means a building in which is conducted the main or principal use of the lot on which said building is situated.
- (23) "Business, Wholesale" means business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.
- (24) "Caliper" means a horticultural method of measuring the diameter of nursery stock. For trees less than four inches in diameter, the measurement should be taken at six inches above ground level. For trees greater than four inches in diameter up to and including twelve inches, the caliper measurement must be taken at twelve inches above the ground level. For trees greater than twelve inches in diameter, the trunk is measured at breast height (diameter at breast height of DBH), which is 4.5 feet above the ground.
- (25) "Cemetery" means land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.
- (26) "Channel" means a natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
- (27) "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not kept overnight on the premises.
- (28) "Club" means a building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.
- (29) "Commission" means the Planning and Zoning Commission of Amanda, Ohio
- (30) "Conditional Use" means a use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.
- (31) "Conditional Use Permit" means a permit issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a

- principally permitted use to be established within the district.
- (32) "Condominium" means a building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners. Condominiums may be attached or detached.
  - (33) "Conservation area" means an area designated by the Planning and Zoning Commission, Comprehensive Plan, or other officially adopted planning document, as an area where development should not occur due to the area's environmental, aesthetic, social, or cultural significance to the Village.
  - (34) "Corner Lot" (See "Lot Types")
  - (35) "Council" means the Council of Amanda, Ohio.
  - (36) "County" means Fairfield County, Ohio.
  - (37) "Cul-de-Sac" (See "Thoroughfare")
  - (38) "Day Care Center, Adult" means a facility providing care for the elderly and/or functionally impaired adults in a protective setting for any portion of a 24 hour period.
  - (39) "Day Care Center, Child" means any facility duly licensed operated for the purpose of providing, care, protection, and guidance to seven or more children under 17 years of age who are not related to such person and whose parents or guardians are not residents in the same house are received by and under the care of the person, society, agency, corporation, or institution. All child care centers shall be duly licensed by the State of Ohio and meet all requirements therein. Other common terms often used to describe a "child care center" include day care center, nursery school, or pre-school. Public and private educational facilities or any facility offering care to individuals for a full 24 hour period are not included in the above definition.
  - (40) "Dead-end Street" (See "Thoroughfare")
  - (41) "Density" means the number of dwelling units per acre of land.
    - A. "Gross Density" means the numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within the development. This would include all non residential land uses and private streets of the development, as well as rights-of-way of dedicated streets; the result being the number of dwelling units per gross acre of land.
    - B. "Net Density" means the numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including permanent storm water retention areas, common open space and associated recreational facilities within the area; the result being the number of dwelling units per net residential acre of land. Net density calculations exclude rights-of-way of publicly dedicated streets, as well as the land in private streets and temporary storm water management areas. Open bodies of water such as streams, creeks, and ditches are also excluded from net density calculations.
  - (42) "Density Bonus" means an increase in the number of allowable dwelling units per acre granted in exchange for additional amenities either on or off-site or for other public purposes as determined by the Planning and Zoning Commission.



- (43) "District" means a part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.
- (44) "Dwelling" means any building or structure (except a house trailer or mobile home as defined by Ohio R.C. 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.
- (45) "Dwelling, Industrialized Unit" means 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 of 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. "Industrialized Unit" does not include a manufactured or mobile home as defined herein.
- (46) "Dwelling, manufactured home" means a non self-propelled 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 establishing by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or forty feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the numbers of square feet in a structure's exterior dimensions are measured at the largest horizontal projection when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows."(ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.
- (47) "Dwelling, mobile home" means a non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit as defined herein.
- (48) "Dwelling, modular home" means factory built housing certified as meeting the local or state building codes as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes. Modular homes are required to be placed upon a solid masonry foundation.
- (49) "Dwelling, Multi-Family" means a dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, and

- condominiums.
- (50) "Dwelling, permanently-sited manufactured housing" means a manufactured home that meets the following criteria:
- A. Must be attached to a permanent, frost-free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl space foundation or full foundation), and connected to appropriate utilities;
  - B. Excluding any additions, have a width of at least 22 feet and a length of at least 22 feet as manufactured;
  - C. Have conventional residential siding, (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6-inch minimum eave overhang, and a minimum "A" roof pitch of 4:12;
  - D. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;
  - E. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);
  - F. And, is not located in a manufactured home park as defined by ORC 3733.01.
- (51) "Dwelling, Rooming House (Boarding House, Lodging House, Dormitory)" means a dwelling 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 the individual rooms.
- (52) "Dwelling, Single Family" means a dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.
- (53) "Dwelling, Two-Family" means a dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.
- (54) "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Dwelling units may either be attached or detached.
- (55) "Easements" means the right to use the real property of another for a specific purpose. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.
- (56) "Easement, conservation" means a non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting agricultural, natural, scenic, or open space values of real property; protecting natural resources; or maintaining air or water quality.
- (57) "Essential Services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the

furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

- (58) "Family" means a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than five persons unrelated to each other by blood, marriage or legal adoption-
- (59) "Family Home" provides the same services as a foster family home except for six to eight persons of any age.
- (60) "Feedlot" means a relatively small, confined land area for fattening or temporarily holding livestock for shipment.
- (61) "Fence" means an artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas, excluding agricultural fences.
- (62) "Flood Plain" means the area adjoining a water course which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions, as identified by ordinance 93-88 or its successor.
- (63) "Flood, Regional" means large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year recurrence interval flood.
- (64) "Floodway" means the channel of the watercourse of those portions of the adjoining floodplain which are reasonably required to carry and discharge the 100 year flood, as identified by ordinance 93-88 or its successor.
- (65) "Floodway Fringe" means that portion of the floodplain outside of the floodway, as identified by Ordinance 93-88 or its successor.
- (66) "Floor Area of a Residential Building" means the sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas and the areas of porches, attics, garages, and terraces. All dimensions shall be measured between interior faces of walls.
- (67) "Floor Area of a Nonresidential Building" (To be Used in Calculating Parking Requirements) means the floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.
- (68) "Floor Area, Gross" means the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings. Gross floor area shall not include underground parking space, basements, attics, porches, and terraces.
- (69) "Food Processing" means the preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.
- (70) "Foster Family Home" means a residential facility licensed under ORC 5123.19 that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than five mentally retarded or

developmentally disabled persons of any age. Family foster homes are permitted in all residential zoning districts.

- (71) "Garages, Private" means a detached accessory building or portion of a principal building for the parking or temporary storage of motor vehicles, travel trailers and/or boats of the occupants of the premises, but not commercial vehicles.
- (72) "Garage, Public" means a principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, travel trailers and/or boats, and other motor vehicles and in which no service shall be provided for remuneration.
- (73) "Gas Station, Full Service" means a facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, prepackaged food items, drinks, and minor automobile accessories. In addition such facilities may provide minor vehicle servicing, minor repairs, and maintenance but not including reconditioning of motor vehicles, collision services such as body, frame, or fender repair, or painting of automobiles.
- (74) "Gas Station, Limited Service" means a facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, prepackaged food items, drinks, and minor automobile accessories. No vehicle servicing, repairs, or maintenance are permitted.
- (75) "Gas Station Convenience Market" means a place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience food market or supermarket.
- (76) "Group Home" means a residential facility licensed under ORC 5123.19 that provides room and board, personal care, habilitation services, and supervision in a family setting for nine to sixteen mentally retarded or developmentally disabled persons of any age.
- (77) "Historic Area" means a district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form, and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.
- (78) "Home Occupation" means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood.
- (79) "Hotel or Motel and Apartment Hotel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming

- house, lodging house, or dormitory which is herein separately defined.
- (80) "Institution" means building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.
- (81) "Junk Yard" means an establishment or place of business, which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand feet of the nearest edge of right-of-way of a highway or street, and any site, location, or premises on which are kept two or more junk motor vehicles as defined in Section 311.301 of the Ohio Revised Code, whether or not for a commercial purpose.
- (82) "Kennel" means any lot or premise on which dogs, cats or other household pets are boarded, bred or exchanged for monetary compensation.
- (83) "Landscaping" means the improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may also include pedestrian walks, flowerbeds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- (84) "Livestock" includes but is not limited to cows, horses, swine, or any other domesticated animal or fowl ordinarily found on farms, or raised or kept for purpose of pleasure or recreation whether business or pleasure, but excludes dogs, cats, birds commonly kept as pets, and other animals commonly kept or sold as pets.
- (85) "Loading Space, Off-Street" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.
- (86) "Location Map" (See "Vicinity Map")
- (87) "Lot" means, for the purposes of this Zoning Code, a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
- A. A single lot of record;
  - B. A portion of a lot of record;
  - C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- (88) "Lot Coverage" means the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- (89) "Lot Frontage" means 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.
- (90) “Lot measurement” means a lot shall be measured as follows:
- A. The depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in the front to the rearmost points of the side lot lines in the rear. However, the straight line connecting the rearmost points of the side lot lines shall not be less than one-half of the length of the straight line connecting the foremost points of the side lot lines.
  - B. The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.
- (91) “Lot, Minimum Area of” means the area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.
- (92) “Lot of Record” means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot of parcel described by metes and bounds, the description of which has been so recorded.
- (93) “Lot Types”. Terminology used in this Zoning Code with reference to corner lots, interior lots and through lots is as follows:
- A. “Corner Lot” means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
  - B. “Interior Lot” means a lot with only one frontage on a street.
  - C. “Reversed Frontage Lot” means a double frontage lot located along a collector or arterial that derives access from an interior local street.
  - D. “Through Lot” means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- (94) “Maintenance and Storage Facilities” means land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.
- (95) “Major Thoroughfare Plan” means the portion of a comprehensive plan adopted by the Village Planning and Zoning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.
- (96) “Manufactured Home Park” means any lot upon which two or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.
- (97) “Manufacturing, Heavy” means manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

- (98) "Manufacturing, Light" means manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.
- (99) "Manufacturing, Extractive" means any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.
- (100) "Mobile Home" means any non-selfpropelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30 feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.
- (101) "Mobile Home Park" means any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as apart of the facilities of such park.
- (102) "Nonconformities" means lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Zoning Code or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.
- (103) "Nursery, Plant Materials" means land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.
- (104) "Nursing Home" means a home licensed by the State of Ohio for the aged or chronically or incurably ill persons in which five or more such persons not of immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
- (105) "Office" means an administrative, executive, professional, research, or similar organizations and laboratories having only limited contact with the public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.
- (106) "Open Spaces" means land or water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.
- (107) "Overlay District" means a district described by the zoning map within which, through superimposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying districts to which such

designation is added.

- (108) "Parking Space, Off-Street" for the purpose of this Zoning Code, 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.
- (109) "Performance and indemnity bond or surety bond" means an agreement by and between a sub-divider and a bonding company in favor of the Village of Amanda for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by sub-divider's agreement.
- (110) "Personal Services" means any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.
- (111) "Planned Zoning District" means the zoning designation of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract. 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.
- (112) "Professional Activities" means the use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.
- (113) "Public Service Facility" means the erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.
- (114) "Public Uses" means public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.
- (115) "Public Way" means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not. Vehicular traffic on unimproved thoroughfares is prohibited.
- (116) "Quasi-public Use" means churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.
  
- (117) "Recreation Camp" means an area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or



fixture of equipment that is used or intended to be used in connection with providing such accommodations.

- (118) "Research and Development Activities" means research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of the building.
- (119) "Retail sales establishment" means a commercial enterprise that provides goods directly to the consumer where such goods are available for purchase and removal from the premises.
- (120) "Retail services establishment" means an establishment providing services or entertainment, as opposed to products, to the general public or to other commercial or industrial enterprises. Such services may include, but not limited to, eating and drinking places, finance, real estate and insurance, personal service, amusement and recreation services, health, educational and social services, museums, theatres including motion picture, copy shops, printing services, package and postal services, photo processing, and similar operations.
- (121) "Right-of-way" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
- (122) "Roadside Stand" means a temporary structure designed or used for the display or sale of agricultural and related products.
- (123) "Satellite Signal Receiver" means "Dish-type Satellite Signal-Receiving Antennas", "Earth Stations" or "Ground Stations", whether functioning as part of a basic service system, direct broadcast satellite system, or multipoint distribution service system, shall mean one, or a combination of two or more of the following:
- A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
  - B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
  - C. A coaxial cable whose purpose is to convey or transmit signals to a receiver.
- (124) "Seat" for purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.
- (125) "Self-Service Storage Facility" means a building or group of buildings used for the storage of personal property where individuals rent or own individual storage spaces.
- (126) "Setback Line" means a line established by the zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, or structure may be located above ground, except as may be

- provided in said code. (See "Yard")
- (127) "Sewers, Central or Group" means an approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.
- (128) "Sewers, On-Site" means a septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval, of health, and sanitation officials having jurisdiction.
- (129) "Sidewalk" means that portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.
- (130) "Sign" means any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.
- A. "Sign, Illuminated" means any sign illuminated by electricity, gas, or other artificial light including reflecting, or phosphorescent light.
- B. "Sign, Lighting Device" means any light; string of lights, or group of lights located or arranged so as to cast illumination on a sign.
- C. "Sign, Off-Premises" means any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is offered.
- D. "Sign, On-Premises" means any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- E. "Sign, Projecting" means any sign which projects from the exterior of a building.
- (131) "Special District" means a zoning district created to meet the needs of an area experiencing unusual problems, or one that is designed to meet special needs.
- (132) "Story" means that part of a building between the surface of a floor and the ceiling immediately above. (See "Basement")
- (133) "Stream" means a course of running water usually flowing in a particular direction in a definite channel and discharging into some other stream or body of water.
- (134) "Street". See Thoroughfare.
- (135) "Structure" means anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.
- (136) "Subdivision" means the division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease.
- (137) "Supply Yards" means a commercial establishment storing and offering for sale

- building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.
- (138) "Swimming Pool" means a pool, pond, lake, or open tank containing at least two feet of water at any point and maintained by the owner or manager.
- A. "Private" means exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
- B. "Community means operated with a charge for admission; a primary use.
- (139) "Temporary Storage Unit" means any portable container used for the temporary-storage of equipment, furnishings, material, or other household, personal or business belongings. This definition includes units marketed as "portable on demand storage" units. Temporary construction trailers and waste containers are not included in this definition.
- (140) "Thoroughfare, Street, or Road" means the full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:
- A. "Alley" means a public or private right-of-way 20 feet or less in width which affords only a secondary means of access to property abutting thereon. An alley may not be used as the sole means of access to a property under any conditions including garages.
- B. "Arterial Street" means a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. Traffic volumes are generally greater than 10,000 ADT.
- C. "Collector Street" means 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" means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- E. "Dead-end Street" means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- F. "Local Street" means a street primarily for providing access to residential or other abutting property.
- G. "Loop Street" means a type of local street, each end of which terminates at an intersection with the same arterial or collector street, whose principal radius points of the 180 degree system of turns are not more than 1000 feet from the arterial or collector street, nor normally more than 600 feet from each other.
- H. "Marginal Access Street" means 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.)
- (141) "Through Lot" (See "Lot Types")
- (142) "Transportation, Director of" means The Director of the Ohio Department of Transportation.

- (143) "Use" means the specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.
- (144) "Variance" means 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.
- (145) "Veterinary Animal Hospital or Clinic" means a place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.
- (146) "Vicinity Map" means a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.
- (147) "Walkway" means a public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.
- (148) "Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
- A. "Yard, Front" means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.
- B. "Yard, Rear" means that portion of a lot extending across the rear of a lot between the side lot lines and being the horizontal distance between the rear lot line and the rear of the building or structure.
- C. "Yard, Side" means that portion of a lot which is located between a side lot line and the nearest building or structure.
- (149) "Zero Lot Line Development" means an arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five feet unless it abuts the lot line and is provided with an access easement of five feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.
- (150) "Zoning Administrator" means the person designated by the Village Council to administer and enforce zoning regulations and related ordinances. This person may also be known as the Zoning Inspector.
- (151) "Zoning Permit" means a document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

**CHAPTER 1234**  
**Nonconformities**

- 1234.01 Purpose.
- 1234.02 Existing use deemed conditional use; permit required for change.
- 1234.03 Incompatibility of nonconformities.
- 1234.04 Avoidance of undue hardship.
- 1234.05 Certificates for nonconforming uses.
- 1234.06 Substitution of nonconforming uses.
- 1234.07 Single nonconforming lots of record.
- 1234.08 Nonconforming lots of record in combination.
- 1234.09 Nonconforming uses of land.
- 1234.10 Nonconforming structures.
- 1234.11 Nonconforming uses of structures or of structures and land in combination.
- 1234.12 Termination of nonconforming uses.
- 1234.13 Repairs and maintenance.

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**1234.01 PURPOSE.**

Within the districts established by this Zoning Code or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Zoning Code was passed or amended, but which now do not conform to one or more of the regulations of this Zoning Code. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Zoning Code shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Zoning Code or any amendment thereto regardless of if the property is sold. Nevertheless, while it is the intent of this Zoning Code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Zoning Code.

**1234.02 EXISTING USE DEEMED CONDITIONAL USE; PERMIT REQUIRED FOR CHANGE.**

Any lawfully existing use that, at the time of its establishment, was not classified as a conditional use, but which now, because of the passage of this Zoning Ordinance or amendment thereto, is listed as a conditional use in the district in which it is located, shall be deemed without further action to be a conforming conditional use. Any change, modification, enlargement or alteration of such use or site development conditions shall only be permitted upon review and approval by the Board of Zoning Appeals according to the procedures for conditional uses set

forth in this Zoning Code.

**1234.03 INCOMPATIBILITY OF NONCONFORMITIES.**

Nonconformities are declared by this Zoning Code to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Zoning Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

**1234.04 AVOIDANCE OF UNDUE HARDSHIP.**

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

**1234.05 CERTIFICATES FOR NONCONFORMING USES.**

The Zoning Administrator may upon his or her own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Administrator, who shall maintain as a public record a file of all such certificates.

**1234.06 SUBSTITUTION OF NONCONFORMING USES.**

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Zoning Code. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

**1234.07 SINGLE NONCONFORMING LOTS OF RECORD.**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code, notwithstanding limitations imposed by other provisions of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Chapter 1246 of this Zoning Code other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Chapter 1236.

**1234.08 NONCONFORMING LOTS OF RECORD IN COMBINATION.**

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Code, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Code, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Code, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Code.

**1234.09 NONCONFORMING USES OF LAND.**

Where, at the time of adoption of this Zoning Code, lawful uses of land exist which would not be permitted by the regulations imposed by this Zoning Code, the uses may be continued so long as they remain otherwise lawful regardless of if the property is sold, provided:

- (a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code;
- (b) No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Zoning Code;
- (c) If any such nonconforming uses of land are discontinued or abandoned for more than six months consecutively (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located;
- (d) No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with such nonconforming use of land.

**1234.10 NONCONFORMING STRUCTURES.**

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

subject to the following provisions:

- (a) No such nonconforming structure may be enlarged or altered in away which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- (b) Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code;
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### **1234.11 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Code that would not be allowed in the district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful regardless of if the property is sold, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building;
- (c) If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Zoning Code;
- (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
- (e) When a nonconforming use of a structure, or structure and land in a combination, is discontinued or abandoned for six consecutive months (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- (f) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent more than fifty percent (50%) of the replacement cost at time of destruction.



**1234.12 TERMINATION OF NONCONFORMING USES.**

(a) Termination of Use Through Discontinuance. When any nonconforming use is discontinued or abandoned for more than six consecutive months, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

(b) Termination of Use by Damage or Destruction. In the event that any nonconforming building or structure is destroyed by any means to the extent of more than 50% of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Zoning Code. When such a nonconforming structure is damaged or destroyed to the extent of 50% or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Zoning Code and the following conditions:

- (1) A zoning certificate pertaining to such restoration shall be applied for and issued within one year of such destruction, and rebuilding shall be diligently pursued to completion.
- (2) Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

**1234.13 REPAIRS AND MAINTENANCE.**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

## CHAPTER 1236 Variances

- 1236.01 Purpose.
  - 1236.02 Application for variance.
  - 1236.03 Criteria for approval.
  - 1236.04 Procedure.
  - 1236.05 Administrative Variance
- 

### **1236.01 PURPOSE.**

Under some unusual circumstances due to the peculiar size, shape or topography of land, full and strict compliance with all development standards of this Zoning Ordinance could result in substantial hardship or injustice to the owner of the land and could even result in undesirable development of the land. The Board of Zoning Appeals may grant a variance to permit limited deviation from the development standards of this Zoning Ordinance under the criteria of Section 1236.03 where the development resulting from granting the variance will be consistent with the general purpose and intent of this Zoning Ordinance. In certain circumstances, the Zoning Administrator may grant an administrative variance in lieu of the Board of Zoning Appeals, in order to permit limited deviation from the development standards of this Zoning Ordinance in accordance with the criteria set forth in Section 1236.05.

Variances shall not be granted to allow a use not permitted by this Zoning Ordinance in a particular zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Zoning Code would result in unnecessary hardship.

### **1236.02 APPLICATION FOR VARIANCE.**

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

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

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

- (1) The name, address and telephone number of the owner(s), agent(s) and/or lessee(s) of the property;
- (2) A current and accurate legal description of the property;
- (3) The exact nature of the variance requested, including reference to the

- development standard from which applicant seeks deviation;
- (4) A statement explaining the relation of the requested variance(s) to the criteria for approval as listed in Section 1236.03.
  - (5) A list of all owners of property including their mailing addresses, within, contiguous to, or directly across the street or streets from the property.
  - (6) Eight (8) copies of a plot plan showing: Boundaries and dimensions of the property and the size and location of all proposed or existing structures.
  - (7) The nature of the special conditions or circumstances.
  - (8) The proposed use of all parts of the lot and structures.
  - (9) The use of land and location of structures on adjacent property.
  - (10) Such additional information as may be required by this Zoning Code and/or requested by the Board and/or the Zoning Administrator to review the application.

### **1236.03 CRITERIA FOR APPROVAL.**

All relevant factors including but not limited to the following considerations shall be examined in the review, public hearing, and approval of an application for a variance:

- (a) That special circumstances or conditions exist which are peculiar to the land or structures involved and which are not applicable to other lands or structures in the same zoning districts.
- (b) That a literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Zoning Ordinance.
- (c) That the special conditions and circumstances do not result from the actions of the applicant.
- (d) That the granting of the variance will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands or structures in the same zoning district.
- (e) That the granting of the variance will in no other manner adversely affect the health, safety and general welfare of the community.
- (f) That the granting of the variance is not solely based upon the showing that the property could be put to better economic use than presently permitted by zoning regulations.
- (g) That the granting of the variance will not permit a use that is otherwise not permitted within the respective zoning district.

### **1236.04 PROCEDURE.**

(a) Setting Hearing and Reviewing Application. The Zoning Administrator shall set a public hearing before the Board of Zoning Appeals to review the application for a variance. The public hearing will be scheduled for the next meeting of the Board of Zoning Appeals provided a complete application for a variance if filed with the Zoning Administrator at least thirty (30) calendar days prior to the next scheduled meeting. Prior to accepting any application, the Zoning

Administrator shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Zoning Administrator, shall result in a refusal of acceptance. Nothing in this section shall prevent the Board from granting a continuance of the public hearing.

(b) Notice of Hearing. At least one notice shall be given at least ten (10) days prior to a scheduled public hearing in one or more newspapers of general circulation in the Municipality. Such notice shall include the date, time and place of the public hearing, the location of the property at issue, and the nature of the proposed variance(s).

(c) Notice to Property Owners. A notice containing the information required in subsection (b) hereof shall be sent by first class mail to all property owners listed, pursuant to Section 1236.02(c)(5) not less than seven days prior to the date fixed for the hearing. Failure of any property owners to receive mail notice does not invalidate the granting or denial of a variance.

(d) Public Hearing and Decision of the Board of Zoning Appeals. Within thirty (30) days following the public hearing the Board of Zoning Appeals shall grant or deny the variance after consideration of the requirements listed in Section 1236.03. Its decision shall be accompanied by written findings of fact specifying the reasons for the decision reached. The Board of Zoning Appeals may prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Zoning Code.

(e) Term of Variance. No order of the Board of Zoning Appeals granting a variance shall be valid for a period longer than 18 months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period. Once initiated, construction must proceed in a typical, conscientious and continuous manner toward completion.

(f) Right of Appeal. Whoever is aggrieved or affected by the decision of the Board involving an application for a variance(s) shall have the right to file an appeal with Council. The appeal shall be filed with the Clerk no later than ten (10) days after the decision of the Board. Council shall have a maximum of ninety (90) days for consideration, public hearing, and a decision on the appeal. In reaching a determination on a requested variance appeal to Council, the applicable portions of Section 1236.03 shall apply.

(g) Issuance of Zoning Permit. Upon approval of the variance by the Board or upon appeal and approval by Council, the Zoning Administrator shall issue to the applicant a zoning permit which states all terms of the variance as granted including any conditions imposed by the Board of Zoning Appeals and any modifications ordered by Council on appeal.

### **1236.05 ADMINISTRATIVE VARIANCE**

Administrative variances will only be considered for properties located in the R-4 Single-Family Residential District, when the deviation is limited to one (1) development standard of the district.

(a) Filing. Written application for an administrative variance shall be made by the property owner, and filed with the Zoning Administrator. The application shall be signed by the owner(s) of the property affected and shall state that the information provided is accurate and truthful.

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

- (1) Name, address, and telephone number of the applicant(s);
- (2) A current legal description of the property in question;
- (3) The exact nature of the administrative variance required, including reference to the development standard from which the applicant seeks deviation;
- (4) A statement explaining the relation of the requested variance to the criteria for approval as listed in Section 1236.03;
- (5) A list of all owners of property including their mailing addresses, within, contiguous to, or directly across the street from the property;
- (6) One (1) copy of a plot plan showing: boundaries and dimensions of the property and the size and location of all proposed or existing structures;
- (7) The nature of the special conditions or circumstances;
- (8) Such additional information as may be required by this Zoning Code and/or requested by the Zoning Administrator to review the application.

(c) Criteria for Approval. All relevant factors, including, but not limited to, the following considerations shall be examined in the review and approval of an application for an administrative variance:

- (1) That special circumstances or conditions exist which are peculiar to the land or structures involved and which are not applicable to other lands or structures in the same zoning districts.
- (2) That a literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Zoning Ordinance.
- (3) That the special condition does not result from the actions of the applicant.
- (4) That the granting of the administrative variance will not confer the applicant any special privilege that is denied by this Zoning Ordinance to other lands in the same zoning district.
- (5) That the granting of the administrative variance will in no other manner adversely affect the health, safety and general welfare of the community.
- (6) That the granting of the administrative variance is not solely based upon the showing that the property could not be put to better economic use than presently permitted by zoning regulations.
- (7) That the granting of the administrative variance will not permit a use that is otherwise not permitted within the respective zoning district.

(d) Procedure. Upon receipt of the completed application, the Zoning Administrator will review the submittal and determine whether such application is complete and meets all submittal requirements. Upon determination that the application is complete and accurate, the Zoning Administrator has a maximum of ten (10) business days to approve the application, deny the application, or refer the application to the Board of Zoning Appeals.

A notice containing the information required in subsection (b) hereof shall be sent by first class mail to all property owners listed, pursuant to Section 1236.02(c)(5) not less than seven (7) days prior to the date the administrative variance is acted upon. Failure of any property owners to receive mail notice does not invalidate the granting or denial of a variance.

(e) Decision of the Zoning Administrator. The decision of the Zoning Administrator shall be accompanied by written findings of fact specifying the reasons for the decision reached. The Zoning Administrator may prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations and provisions to which the administrative variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the administrative variance has been granted, shall be deemed a punishable violation under this Zoning Ordinance.

(f) Term of Administrative Variance. No order of the Zoning Administrator granting an administrative variance shall be valid for a period longer than eighteen (18) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period. Once initiated, construction must proceed in a typical, conscientious and continuous manner toward completion.

(g) Referral to Board of Zoning Appeals. The Zoning Administrator has the right to refer any administrative variance application to the Board of Zoning Appeals for action. Should this action occur, the applicant shall pay the remainder of the fee for the normal variance process and follow all procedures as indicated in Section 1236.01 through Section 1236.04 of this section of the Zoning Code.

(h) Right of Appeal. Whoever is aggrieved or affected by the decision of the Zoning Administrator involving an application for an administrative variance shall have the right to file an appeal with Council. The appeal shall be filed with the Clerk no later than ten (10) days after the decision of the Zoning Administrator. Council shall have a maximum of ninety (90) days for consideration, public hearing, and a decision on the appeal. In reaching a determination on a requested variance appeal to Council, the applicable portions of Section 1236.03 shall apply.

(i) Issuance of Zoning Permit. Upon approval of the administrative variance by the Zoning Administrator or upon appeal and approval by Council, the Zoning Administrator shall issue to the applicant a zoning permit which states all terms of the variance as granted including any conditions imposed by the Zoning Administrator and any modifications order by Council upon appeal.

## **CHAPTER 1238 Conditional Uses**

- 1238.01 Purpose
  - 1238.02 Contents of conditional use permit application.
  - 1238.03 Criteria for approval.
  - 1238.04 Procedure.
  - 1238.05 Violation of findings of fact; permit revocation
  - 1238.06 Special Criteria for Select Conditional Uses
- 

### **1238.01 PURPOSE.**

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Zoning Code should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Each conditional use application that comes before the review of the Board shall be considered individually.

### **1238.02 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION.**

Any owner, lessee, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Administrator, who shall transmit it to the Board of Zoning Appeals. The application shall be signed by the owner(s) or lessee(s) of the property affected and shall state that the information provided is accurate and truthful. Such application at a minimum shall contain the following information:

- (a) Name, address and phone number of the applicant;
- (b) A current and accurate legal description of the property(s) in question and a current survey prepared by a licensed surveyor;
- (c) Current zoning district;
- (d) Description of existing use;
- (e) Description of proposed conditional use;
- (f) Eight (8) copies of a plot plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, lighting and illumination, and such other information as the Board may require;
- (g) A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
- (h) A list of all property owners, including their mailing addresses, which are within, contiguous to or directly across the street(s) from the property;

- (i) A fee as established by Ordinance;
- (j) A narrative addressing each of the applicable criteria contained in Section 1238.03.

### **1238.03 CRITERIA FOR APPROVAL.**

The Board 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) Is in fact a conditional use as established under the provisions of Chapter 1242 and appears on the Schedule of District Regulations adopted for the zoning district involved;
- (b) Will be in accordance with the general objectives, or with any specific objective, of the Municipality's comprehensive plan and/or the zoning ordinance;
- (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 sewer, 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 excessive 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 so designed as not to create an interference with traffic on surrounding public thoroughfares;
- (i) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

### **1238.04 PROCEDURE.**

(a) Setting Hearing and Reviewing Application. The Zoning Administrator shall set a public hearing before the Board of Zoning Appeals to review the application for a conditional use permit. The public hearing will be scheduled for the next meeting of the Board of Zoning Appeals provided a complete application for the conditional use permit is filed with the Zoning Administrator at least thirty (30) calendar days prior to the next scheduled meeting. Prior to accepting any application, the Zoning Administrator shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Zoning Administrator, shall result in a refusal of acceptance. Nothing in this section shall prevent the Board from granting a continuance of the public hearing.

(b) Notice of Hearing. At least one notice shall be given at least ten (10) days prior to a scheduled public hearing in one or more newspapers of general circulation in the Municipality. Such notice shall include the date, time, and place of the public hearing, the location of the property in question, and a summary explanation of the conditional use proposed.



(c) Notice to Property Owners. A notice containing the information required in subsection (b) hereof shall be sent by first class mail to all property owners listed, pursuant to Section 1238.02(h) not less than seven days prior to the date fixed for the hearing. Failure of any property owners to receive mail notice does not invalidate the granting or denial of a variance.

(d) Action by Board of Zoning Appeals. Within forty-five (45) days of the public hearing, the Board of Zoning Appeals shall render one of the following decisions:

- (1) Approval of conditional use as requested.
- (2) Approval of conditional use with modifications.
- (3) Disapproval of conditional use.

The Board shall apply criteria in Section 1238.03 in reaching its determination. In approving a conditional use, the Board may prescribe additional 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 approved, shall be deemed a violation of this Zoning Code and punishable as prescribed in Chapter 1286 and shall result in revocation of the conditional use approval and respective zoning permit. The Board's determination in taking action on a requested conditional use shall be accompanied by findings of fact and a statement of the reasons for the decision reached.

(e) Right of Appeal. If the Board disapproves an application or revokes the permit consistent with 1138.05, the applicant may seek relief through the Court of Common Pleas. Such appeal shall be filed within 30 calendar days after the decision of the Board.

(f) Issuance of Conditional Use Permit. Upon approval of the Board of Zoning Appeals, the Zoning Administrator shall issue to the applicant a conditional use permit which includes any conditions imposed by the Board of Zoning Appeals. Such permit shall become effective upon approval by the Board of Zoning Appeals.

(g) Expiration of Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use, and the permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one year of the date on which the permit was issued, or if for any reason such use shall cease for more than six months. A Conditional Use Permit shall be personal to the applicant and shall not run with the land, and shall expire upon a transfer of ownership.

#### **1238.05 VIOLATION OF FINDINGS OF FACT; PERMIT REVOCATION**

(a) Whenever a previously approved conditional use is in violation of any of the findings of fact or other imposed conditions, pursuant to Section 1138.04(d), the Zoning Administrator shall give notice in the same manner as service of summons in civil cases, or by certified mail addressed to the owner of record of the premises at the last known address, or to the address to which tax bills are sent. Such notice shall include reasons by which the Zoning Administrator finds the conditional use to be in violation, and a statement that the owner shall have thirty (30) days to comply with the granted conditional use permit.

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

(c) The Board of Zoning Appeals shall continue or revoke the conditional use permit at its first regular meeting after the notice is received.

#### **1238.06 SPECIFIC CRITERIA FOR SELECT CONDITIONAL USES.**

The following are specific conditional use criteria and requirements for some of the conditionally permitted uses in this Zoning Code as provided for in Chapter 1244. Nothing in this section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with this chapter.

(a) Public Service Facility.

- (1) All permanent buildings shall be constructed and designed so as to conform with the setback and building design of existing uses in the district.
- (2) Screening and plantings to buffer any structures other than buildings from adjacent residential uses are required.

(b) Church.

- (1) The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
- (2) The church building shall be setback from any adjacent residential property line a minimum of 50 feet.
- (3) Parking shall not be permitted within 50 feet of any side or rear property line.
- (4) A cemetery shall not be a permitted use in conjunction with the church.

(c) Cemetery.

- (1) The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to, serve the size of the facility proposed.
- (2) Any new cemetery shall be located on a site containing not less than 25 acres.
- (3) All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within 100 feet of any property line.
- (4) All graves or burial lots shall be set back not less than 50 feet from any property line.

(d) Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service, and Bookkeeping Service Offices.

- (1) Parking spaces shall be provided as required in this Zoning Code provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the office and on the basis of generally known parking conditions in the neighborhood.
- (2) The design, location, and surface of the parking area shall be subject to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and to reduce the impact on the residential character of the neighborhood.
- (3) One sign, not exceeding four square feet in area and mounted flush against the building, shall be permitted.

(e) Veterinary Clinic and Kennel.

- (1) Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to

- the Board of Zoning Appeals for approval.
- (2) Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
  - (3) The applicant shall submit a written statement showing the measures and practices he or she will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
  - (4) No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
- (f) Child Day Care Center/Type A Family Day-Care Home.
- (1) Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design of which shall be approved by the Board of Zoning Appeals.
  - (2) The applicant shall submit a parking and traffic circulation plan to the Board of Zoning 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 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.
  - (3) One sign, not exceeding four square feet in area and mounted flush against the building, shall be permitted.
- (g) Funeral Home.
- (1) The buildings shall be designed so as to conform with the architectural character of the residential neighborhood.
  - (2) The applicant shall submit a parking and traffic circulation plan to the Board of Zoning 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 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 visitors that will not impede other traffic.
- (h) Boarding Home, Rooming House.
- (1) No more than one person shall occupy each sleeping room.
  - (2) Fire escapes shall be provided as approved by the Board of Zoning Appeals.
  - (3) Fire exit instructions shall be posted in each sleeping room.
  - (4) All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
- (i) Tourist Home, Bed/Breakfast Home.
- (1) No more than two adults shall occupy each sleeping room. Children under 12 years of age are permitted in the same occupancy provided that no more than five persons occupy one room.
  - (2) Fire escapes shall be provided as approved by the Board of Zoning Appeals.
  - (3) Fire exit instructions shall be posted in each sleeping room.

- (4) All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
- (5) The facility shall be operated so that guests reside at the home for not longer than one continuous week.
- (6) The facility shall contain not more than four sleeping rooms for guests.

## **CHAPTER 1240 Amendments**

- 1240.01 Amendment of zoning ordinance and zoning district map.
- 1240.02 Initiation of zoning amendments.
- 1240.03 Form of application for amendment.
- 1240.04 Transmittal to Planning and Zoning Commission.
- 1240.05 Submission to Ohio Director of Transportation.
- 1240.06 Public notice for hearing.
- 1240.07 Notice to property owners.
- 1240.08 Recommendation by Planning and Zoning Commission.
- 1240.09 Public hearing by Village Council.
- 1240.10 Notice of public hearing in newspaper.
- 1240.11 Notice to property owners by Village Council.
- 1240.12 Action by Village Council.
- 1240.13 Effective date and referendum.

### **1240.01 AMENDMENT OF ZONING ORDINANCE AND ZONING DISTRICT MAP.**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by ordinance, after receipt of recommendation thereon from the Planning and Zoning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property utilizing the procedures specified in this chapter.

### **1240.02 INITIATION OF ZONING AMENDMENTS.**

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

- (a) By the adoption of a motion by the Planning and Zoning Commission;
- (b) By the adoption of a resolution by Village Council;
- (c) By the filing of an application by one or more owners of property requesting that the Zoning District Map for the area in which the applicants own property be amended.

### **1240.03 FORM OF APPLICATION FOR AMENDMENT.**

(a) An application by property owners pursuant to Section 1240.02(c) for a change of district boundaries shall be filed in writing with the Zoning Administrator. The application shall be filed at least 30 days before the next Planning and Zoning Commission meeting. Prior to accepting such application, the Planning and Zoning Administrator shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Planning and Zoning Administrator, shall result in a refusal of acceptance. The applicant shall pay a fee in accordance with the schedule adopted and approved by Council to defray the cost of advertising, staff review and other costs incidental to the application. The application shall contain the following information:

- (1) Names, addresses and phone numbers of the applicants and owners;
- (2) A current and accurate legal description of the area for which the amendment is

- sought.
- (3) The existing use and zoning district and the proposed use and zoning district for the property within the area;
  - (4) A list of all property owners within, contiguous to and directly across the street(s) from the area sought to be zoned, together with their mailing addresses, except that addresses need not be included where more than ten parcels are to be rezoned;
  - (5) A copy of any deed restrictions, easements, covenants and encumbrances to be imposed to control the use, development, and maintenance of the area to be zoned, when applicable;
  - (6) In appropriate cases, at the request of the Chair of the Planning and Zoning Commission, an estimate of the water and sewer requirements of the area, should the amendment be adopted.
  - (7) A vicinity map drawn to reasonable scale, showing property lines, ownership, street addresses when known, streets, existing and proposed zoning within the area sought to be zoned. The vicinity map shall also depict all land within 300 feet of the boundaries of the area to be zoned, showing property lines, ownership, streets and street addresses when known, and shall be subject to later amendments at the request of the Planning and Zoning Commission to supply such additional information as they may require.
  - (8) A statement on the ways in which the proposed amendment relates to the comprehensive plan;
  - (9) For all developments over twenty-five (25) acres, and/or for commercial developments over 25,000 square feet and/or industrial developments over 50,000 square feet and/or for any development that requires direct access to a major thoroughfare and/or for any development that is not contiguous with existing water and sewer, a fiscal/economic impact study will be required to determine if the development will require immediate or short-term expenditures on the part of the municipality in terms of infrastructure and/or support services.

(b) When an amendment is initiated by the Planning and Zoning Commission or Council pursuant to Section 1240.02 (a) or (b), a copy of the proposed ordinance shall be filed with the Zoning Administrator.

#### **1240.04 TRANSMITTAL TO PLANNING AND ZONING COMMISSION.**

Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one owner or lessee of property, the resolution or application shall be transmitted to the Planning and Zoning Commission and a public hearing shall be set. Nothing in this section shall prevent the Commission from granting a continuance of the public hearing.

#### **1240.05 SUBMISSION TO OHIO DIRECTOR OF TRANSPORTATION.**

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 Ohio Director of Transportation, or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Planning and Zoning Commission shall give notice, by registered or certified mail, to the

Director of Transportation. The Planning and Zoning Commission may proceed as required by law; however, the Village Council shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation. If 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, the Village Council shall proceed as required by law.

**1240.06 PUBLIC NOTICE FOR HEARING.**

At least one (1) notice shall be given at least ten (10) days prior to a scheduled public hearing in one (1) or more newspapers of general circulation in the Municipality. Such notice shall include time and place of the public hearing, 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. Failure of a newspaper to accurately or timely publish a properly submitted notice does not invalidate adoption of the proposed amendment as an amending ordinance.

**1240.07 NOTICE TO PROPERTY OWNERS.**

Written notice of the hearing shall be mailed by the Municipality, first class mail, at least ten (10) days prior to the date of a scheduled public hearing to all property owners within, contiguous to, or directly across the street from such area proposed to be rezoned or redistricted as listed under Section 1240.03(a)(4) if rezoning ten or fewer parcels. The notice shall contain the information required in Section 1240.06 herein. Failure of any such property owners to receive mail notice does not invalidate adoption of the proposed amendment as an amending ordinance.

**1240.08 PUBLIC HEARING AND RECOMMENDATION BY PLANNING AND ZONING COMMISSION.**

(a) Time of transmittal and recommendation. Within thirty-five (35) days of the public hearing, the Planning and Zoning Commission shall transmit its recommendation to the Village Council. The Planning and Zoning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning and Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based.

(b) Factors for consideration. In reviewing the proposed amendment and arriving at its recommendation, the Planning Commission shall consider the following factors:

- (1) Compatibility of the amendment sought with the use of adjacent land, adjacent zoning and with land use plans for the general area.
- (2) Impact of the adoption of an amendment sought on motor vehicle access and traffic flow in the general area.
- (3) Impact of the adoption of the proposed amendment upon the public health, safety and general welfare of the residents of the Village.
- (4) Impact of the adoption of the proposed amendment on available public facilities, general expansion plans of the Village, and the Village's schedule for

improvement of capital facilities.

**1240.09 PUBLIC HEARING BY VILLAGE COUNCIL.**

Upon receipt of the recommendation from the Planning and Zoning Commission, Village Council shall schedule a public hearing. The hearing shall be not more than 60 days from the receipt of the recommendation from the Planning and Zoning Commission.

**1240.10 NOTICE OF PUBLIC HEARING IN NEWSPAPER.**

Notice of the public hearing required in Section 1240.09 shall be given by Village Council by at least one publication in one or more newspapers of general circulation in the Village affected. The notice shall be published at least 30 days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing, a summary of the proposed amendment and the recommendation of the Planning and Zoning Commission.

**1240.11 NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL.**

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-Treasurer, by first class mail, at least 20 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 addresses 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 Village Council. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1240.10.

**1240.12 ACTION BY VILLAGE COUNCIL.**

Within 60 days after the public hearing required by Section 1240.08, the Municipal Council shall either adopt or deny the recommendation of the Planning and Zoning Commission or adopt some modification thereof. In the event the Municipal Council modifies the recommendation of the Planning and Zoning Commission, it must do so by a concurrence of not less than three-fourths of the full membership of Municipal Council. No ordinance which is in accordance with the recommendation of the Planning and Zoning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the full membership of Municipal Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinance may become emergency legislation if three-fourths of the members of Municipal Council vote to dispense with this rule.

**1240.13 EFFECTIVE DATE AND REFERENDUM.**

Such amendment adopted by Municipal 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 Municipal Clerk-Treasurer a petition, signed by a number of qualified voters residing in the municipality 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 the Municipal Council to submit the zoning amendment to the electors of the municipality for approval or rejection at the next general election. 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.

**CHAPTER 1242**  
**Establishing Districts and Zoning Map**

- 1242.01 Purpose.
- 1242.02 Establishment of districts.
- 1242.03 Adoption of Official Zoning Map.
- 1242.04 Official Zoning Map legend.
- 1242.05 Identification of Official Zoning Map.

- 1242.06 Interpretation of district boundaries.
  - 1242.07 Zoning upon annexation.
  - 1242.08 Zoning map amendments.
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**1242.01 PURPOSE.**

The purpose of this article is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Zoning Code, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

**1242.02 ESTABLISHMENT OF DISTRICTS.**

- (a) The following zoning districts are hereby established for the Municipality of Amanda, Ohio:
  - A - Agricultural District
  - R-1A, R1B - Residential Estate District
  - R-2 – Old Village Residential District
  - R-3 - Urban Residential District
  - MS - Residential District
  - GB – General Business District
  - OVI – Old Village Industrial District
  - I - Industrial district
  - SU – Special Use District

(b) Nothing in this chapter shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Zoning Code to provide the flexibility in its administration to allow future expansion and emendation.

**1242.03 ADOPTION OF OFFICIAL ZONING MAP.**

The Official Zoning Map, containing the districts established in Section 1242.02, together with all data, references, explanatory material and notations thereon, is hereby officially adopted as part of this Zoning Code, and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

**1242.04 OFFICIAL 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 Section 1242.08.

**1242.05 IDENTIFICATION OF OFFICIAL ZONING MAP.**

The Official Zoning Map shall be properly identified by the signature of the Mayor as

attested by the Clerk-Treasurer, and bearing the official seal. The Map shall be maintained by the Zoning Administrator, and shall remain on file in the office of the Clerk-Treasurer. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description(s) as found in the text of this Zoning Code or any other ordinance. The Official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by ordinance. Not later than January 30 of each year, the map shall be recertified by the Mayor and the Clerk-Treasurer.

#### **1242.06 INTERPRETATION OF DISTRICT BOUNDARIES.**

- (a) The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:
- (1) Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
  - (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
  - (3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
  - (4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
  - (5) Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Municipality unless otherwise indicated;
  - (6) Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;
  - (7) Whenever any street, alley, or other public way is vacated by official Council action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.
- (b) All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

#### **1242.07 ZONING UPON ANNEXATION.**

The following regulations shall apply to any areas annexed to the Municipality:

- (a) All vacant land annexed to the Municipality shall be classified as R-1. Such classification shall be recommended to Council by the Planning and Zoning

Commission and shall be approved by Council resolution.

- (b) Developed lots or tracts shall be classified as being in whichever district established by this Zoning Code most closely resembles the zoning district that existed in the annexation. Such classification shall be recommended to Council by the Planning and Zoning Commission and shall be approved by Council resolution.

**1242.08 ZONING MAP AMENDMENTS.**

Within 60 days of the effective date of any change of a zoning district classification or boundary, the Zoning Administrator 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 ordinance authorizing such change. The Official Zoning Map shall then be signed by the Mayor and attested to by the Clerk-Treasurer.

**CHAPTER 1244  
District Regulations**

- 1244.01 Compliance with regulations.
- 1244.02 Official schedule of district regulations adopted.

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**1244.01 COMPLIANCE WITH REGULATIONS.**

The regulations for each district set forth by this Zoning Code shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (a) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
- (b) No building or other structure shall be erected or altered:
  - (a) To provide for greater height or bulk;
  - (b) To accommodate or house a greater number of families;
  - (c) To occupy a greater percentage of lot area;
  - (d) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner be contrary to the provisions of this Zoning Code.
- (c) No yard or lot existing at the time of passage of this Zoning Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements set forth herein.

**1244.02 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED.**

District regulations shall be as set forth in Chapters 1246 through 1274 of this Zoning Code.

**CHAPTER 1246**  
**Supplementary District Regulations**

- 1246.01 General.
  - 1246.02 Conversions of dwellings to more than one unit.
  - 1246.03 Principal building per lot.
  - 1246.04 Reduction of area or space.
  - 1246.05 Construction in easements.
  - 1246.06 Parking and storage of vehicles and trailers.
  - 1246.07 Junk.
  - 1246.08 Supplemental yard and height regulations.
  - 1246.9 Setback requirements for buildings on corner lots.
  - 1246.10 Fence and wall restrictions in front yards.
  - 1246.11 Yard requirements for multi-family dwellings.
  - 1246.12 Side and rear yard requirements for nonresidential uses abutting residential districts.
  - 1246.13 Exceptions to height regulations.
  - 1246.14 Architectural projections.
  - 1246.15 Visibility at intersections.
  - 1246.16 Objectionable, noxious, or dangerous uses, practices, or conditions.
  - 1246.17 Open storage of tires.
  - 1246.18 Assurance requirements and plans.
  - 1246.19 Enforcement provisions.
  - 1246.20 Temporary uses.
  - 1246.21 Accessory uses.
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**1246.01 GENERAL.**

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

**1246.02 CONVERSIONS OF DWELLINGS TO MORE THAN ONE UNIT.**

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

- (a) The conversion is in compliance with all other local codes and ordinances (resolutions), and any applicable state or federal regulations;
- (b) The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
- (c) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
- (d) The lot area per family equals the lot area requirements for new structures in that district;
- (e) The floor area per dwelling unit is not reduced to less than that which is required for

- new construction in that district;
- (f) The conversion is in compliance with all other relevant codes and ordinances (resolutions).

**1246.03 PRINCIPAL BUILDING PER LOT.**

No more than one principal building or structure may be constructed upon any one lot for the purposes of this Zoning Code. Rear dwellings shall be prohibited and shall be considered nonconforming uses subject to the requirements of Chapter 1234 of this Zoning Code.

**1246.04 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 Appeals in the granting of variances under this Zoning Code

**1246.05 CONSTRUCTION IN EASEMENTS.**

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.

**1246.06 PARKING AND STORAGE OF VEHICLES AND TRAILERS.**

(a) No commercial vehicles, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building. This section does not prohibit the parking of a work related truck or van, not to exceed 4 wheels, from being parked overnight and/or weekends providing the user of the van or truck lives at the property.

(b) The parking of recreational equipment, including but not limited to travel trailers, motor homes, pickup campers, folding tent trailers, boats or boat trailers, and other similar recreational equipment, semi-trailers, travel trailers, or other trailers or motor homes shall not be permitted on any street within Amanda, other than for the purpose of loading or unloading. Recreational equipment, including but not limited to travel trailers, motor homes, pickup campers, folding tent trailers, boats or boat trailers, and other similar recreational equipment, shall not be parked on property within the Municipality for a period of more than seventy-two (72) hours not to exceed a total of twenty (20) days in any one calendar year. Such recreational equipment shall not be stored in any residential district unless located within an enclosed

structure or, if stored outside, unless all of the following requirements are satisfied:

- (1) Such recreational equipment shall be stored behind the building line and shall not be stored within a required side yard or within ten (10) feet of the rear property line.
- (2) Not more than one (1) piece of recreational equipment shall be permitted to be stored outside on a parcel containing a single family or two family dwelling. All recreational vehicles must be registered and licensed (if applicable) to the resident of the property on which the items are parked or stored. For the purposes of this chapter, a boat stored on a boat trailer shall be deemed one (1) piece of recreational equipment. For multi-family uses, an area to accommodate no more than one (1) piece of recreational equipment for each fifteen (15) dwelling units shall be provided and meet the screening requirements herein.
- (3) All recreational equipment stored outside shall be screened from view from all contiguous dwellings and public right ways by either walls, fences, natural vegetation or any combination thereof acceptable to the Zoning Administrator and with an opacity of no less than seventy-five (75) percent. Landscaping provided in lieu of such wall or fence shall consist of dense evergreen bushes. All landscaping material shall be maintained in proper and healthful condition. Property owners shall maintain landscaped areas for a proper, neat, and orderly appearance and free from refuse and debris.
- (4) Recreational equipment shall not be occupied or used for living, sleeping, housekeeping, and storage or business purposes.

**1246.07 JUNK.**

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the Ohio Revised Code 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.

**1246.08 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS.**

In addition to the regulations specified in Chapter 1244 and in other sections of this Zoning Code, Sections 1246.10 through 1246.15 inclusive shall be used for clarification and interpretation.

**1246.09 SETBACK REQUIREMENTS FOR BUILDINGS ON CORNER LOTS.**

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

**1246.10 FENCE AND WALL RESTRICTIONS IN FRONT YARDS.**

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 3 feet, and no hedge or other vegetation shall be permitted at any height greater than 3 feet which materially impedes vision across such yard.



**1246.11 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS.**

Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear, and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

**1246.12 SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.**

Nonresidential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of a residential district, unless otherwise stated. In addition, screening requirements outlined in Chapter 1299 shall be met.

**1246.13 EXCEPTIONS TO HEIGHT REGULATIONS.**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

**1246.14 ARCHITECTURAL PROJECTIONS.**

Open structures such as porches, decks, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

**1246.15 VISIBILITY AT INTERSECTIONS.**

On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of 2 feet and ten feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining points along said street lines 50 feet from the point of intersection. On a corner lot at the intersection of two alleys, or at the intersection of an alley and a street, within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of 2 feet and ten feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and a line joining points along the alley lines, or alley and street lines, 25 feet from the point of intersection.

**1246.16 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS.**

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Zoning Code may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this section, are properly exercised. Specifically, the

occupation or use of any land or building in any district shall be in violation of this Zoning Code if one or more of the following conditions is found to exist at any time:

- (a) The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
- (b) Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
- (c) Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
- (d) Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
- (e) Objectionable noise as determined by the Zoning Administrator due to volume, frequency or beat is present;
- (f) Vibration discernible by the Zoning Administrator without instruments is present on-an adjoining lot or property;
- (g) Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;
- (h) Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
- (i) Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection.

**1246.17 OPEN STORAGE OF TIRES.**

- (a) The following definitions shall apply in the interpretation of this section:
  - (1) "Enclosed building or similar structure" means any garage, barn, storage shed or similar building which is covered and concealed on all sides from the open air by walls, a roof and doors, or a combination thereof.
  - (2) "Motor vehicle" includes but is not limited to cars, trucks, trailers, commercial equipment and farm equipment.
  - (3) "Un-mounted tires" or "tires not mounted on a motor vehicle" means any tires which are not attached to the axle of a motor vehicle, or are not attached to a motor vehicle as a spare.
- (b) No person shall knowingly store in the open or otherwise permit to remain in the open on premises under his or her control, tires which are not mounted on a motor vehicle.
- (c) No person shall be prevented from storing or keeping un-mounted tires on premises under his or her control, except that such tires must be concealed in an enclosed building or similar structure.
- (d) The Chief of Police may send notice, by personal delivery or certified mail with return receipt requested, to the person having the right to the possession of the property on which un-mounted tires are left, that within five days of receipt of the notice, the tires either shall be concealed as defined herein, or shall be removed from the property.

(e) No person shall willfully leave un-mounted tires in the open for more than five days after receipt of a notice as provided in this section. The fact that un-mounted tires are so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of 30 days that un-mounted tires continue to be so left constitutes a separate offense.

(f) Whoever violates this section is guilty of a misdemeanor of the fourth degree for a first offense. For each subsequent offense, such person is guilty of a misdemeanor of the first degree. The penalty shall be as provided by law.

#### **1246.18 ASSURANCE REQUIREMENTS AND PLANS.**

Prior to the issuance of a zoning permit, the Zoning Administrator may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

#### **1246.19 ENFORCEMENT PROVISIONS.**

Any occupancy, use, conditions or circumstances existing in violation of Sections 1246.17 and 1246.19 of this Zoning Code shall constitute a violation of this Zoning Code and be subject to the enforcement procedures contained in Sections 1286.16 through 1286.18 and 1286.99.

#### **1246.20 TEMPORARY USES.**

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven days before the instigation of such use an application for a zoning permit shall be made to the Zoning Administrator, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

- (a) Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one year, except that 2 six-month extensions may be granted if conditions warrant. 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.
- (b) Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one year, except that 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.
- (c) Temporary sales and services may be permitted within parking areas within any commercial district. A zoning permit valid for a period not to exceed four consecutive days shall only be issued three times within any 12-month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Administrator 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.

- (d) Temporary retail sales and services, such as sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A zoning permit valid for a period not to exceed two consecutive days shall only be issued three separate times for any particular lot within any 12-month period, and not more than one 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 or 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 case, the zoning permit shall be prominently displayed at the site.
- (e) Garage sales, which for the purposes of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct two such sales within any 12-month period upon the property at which he or she or they reside for a period not to exceed three consecutive days without obtaining a zoning permit, so long as the provisions of this Zoning Code pertaining to signs [see 1282.05(a)] and parking are observed. Groups of families, neighborhood organizations, and community organizations may also conduct garage sales two times within any 12-month period for a period not to exceed three consecutive days, so long as the provisions of this Zoning Code pertaining to signs and parking are observed. A zoning permit will be required if any of the provisions above will not be met.
- (f) The use of temporary storage units shall be permitted in any residential zoning district only for the purpose of loading or unloading in association with moving in or out of a building. The units shall be parked on property for a period not to exceed sixteen (16) consecutive days and shall not be parked on public right-of-way or private streets. The units may be parked anywhere on the site; however, all setbacks appropriate to the specific residential zoning classification must be adhered to.
- (g) The use of temporary storage units shall be permitted in any non-residential district with the following development standards:
  - (1) Location. The units shall be located completely to the rear of the principal structure, shall be no closer than twenty (20) feet from the rear property line or no closer than thirty (30) feet if the yard is located adjacent to any district where residences are a permitted use, and shall be no closer than fifteen (15) feet from the side yard property line or no closer than twenty-five (25) feet if the yard is located adjacent to any district where residences are a permitted use.
  - (2) Number. There shall be no more than two (2) units on the site at any given time.
  - (3) Time Limit. The units shall be permitted on the site no more than twice in any year, and for no more than a total of six (6) months in the one year period.
  - (4) Maintenance. The units shall be maintained in good condition and kept secure from the deteriorating affects of natural elements.
  - (5) Height. The units shall not exceed a height of twenty (20) feet as measured from the grade at the lowest entrance to the top of the roof.

- (h) The use of temporary canvas storage structures, used as carports, garages, or other storage areas, shall be permitted in any residential district with the following development standards:
- (1) Location. The structure shall be located completely to the rear of the principal structure, shall require the same side yard and rear yard setbacks as an accessory structure in any given zoning classification.
  - (2) Number. There shall be no more than one (1) structure on the site at any given time.
  - (3) Time Limit. The structure shall be permitted on the site no more than one hundred twenty (120) consecutive days in any consecutive twelve (12) month time period. Further, upon the expiration of the one hundred twenty (120) days within a consecutive twelve (12) month time period, the structure shall be promptly removed and shall not be permitted again on the site for a minimum time period of six (6) months from the date of the removal.
  - (4) Maintenance. The structure shall be maintained in good condition and kept secure from the deteriorating affects of natural elements.
  - (5) Height. The unit shall not contain more than one (1) story, nor shall it exceed a total height of fifteen (15) feet as measured from the grade at the lowest entrance to the top of the roof.
  - (6) Permit Required. A permit is required for each occurrence prior to a structure being erected on the site. No charge shall be made for the permit.

#### **1246.21 ACCESSORY USES.**

(a) Purpose. The purpose of this section is to regulate and control the size, type, location and operation of accessory structures and uses in residential zoning districts.

(b) Intent. Unless otherwise specified, accessory structures and uses shall be permitted on a lot in a residential zoning district in association with a principal use or structure provided the accessory use or structure meets the requirements of this section and the development standards, in particular, lot coverage of the applicable residential zoning district. In the event of a conflict between the development standards in this section and the development standards in the applicable use district, the standards of this section are to be used.

(c) Definitions.

(1) An accessory use or structure shall be defined as a use of land or of a structure or building or portion thereof, customary, incidental and subordinate to the principal use of land or structure, and located on the same lot with such principal use or structure. For the purposes of this section, a fence and a storage building equal to or less than 100 sq. feet in area not permanently attached to the ground, are not considered structures. Only one such storage building equal to or less than 100 square feet may be placed on the lot without a permit, any additional buildings shall be considered Accessory Structures as defined in Section 1246.21 and shall be subject to the regulations of 1246.21. Storage buildings equal to or under 100 square feet shall be located completely to the rear of the principal structure. And shall not be closer than 10 feet to the rear or side lot line.

(2) All accessory structures, except decks and patios shall be detached from and subordinate to the principal structure. Examples of accessory structures include, but are not

limited to, garages, temporary aluminum carports attached to a cement base, workshops, studios, greenhouses, picnic shelters, gazebos, pool houses, storage buildings, swimming pools (above or below ground), satellite dish antennas, and permanent athletic/recreational facilities (tennis courts, basketball courts, soccer goals, baseball batting cages and skateboard ramps). Temporary canvas storage structures are not considered to be accessory structures. (See Section 1246.20(h) for regulations.)

(3) Accessory uses are subordinate to the principal use of the land or structure and include, but are not limited to, home occupations, bed and breakfast facilities, "in law suites", home child care, yard/garage sales and storage.

(d) Development Standards for Accessory Structures. In addition to the development standards of the districts in which accessory structures are located, the following development standards shall apply to all accessory structures:

- (1) Location. Accessory structures shall be located completely to the rear of the principal structure and, except for decks, pergolas, arbors, swimming pools, and patios, shall be no closer than 10 feet from any part of the principal structure. Decks and patios must be ten (10) feet or more from the rear property line. The width of the deck or patio may not extend beyond the width of the primary structure.
- (2) Number. No more than one accessory structure shall be located on a parcel without approval of the Board of Zoning Appeals.
- (3) Area and Height. Any accessory structure covered by an impervious roof or consisting of an impervious or paved surface shall meet the lot coverage requirement of the applicable zoning district. In addition, the maximum permitted area of an accessory structure placed on a lot in a residential zoning district shall be based on the following lot size categories.
  - A. Lot size of less than 20,000 square feet: An accessory structure shall be no larger than seven hundred and twenty (720) square feet, shall contain no more than one (1) story, nor shall it exceed a total height of fifteen (15) feet as measured from the grade at the lowest entrance to the top of the roof. No door serving the accessory structure shall exceed nine (9) feet in height.
  - B. Lot size of 20,000 square feet and greater: An accessory structure shall be no larger than one thousand two hundred (1,200) square feet and shall not exceed a height of twenty five (25) feet as measured from the grade at the lowest entrance to the top of the roof.
- (4) Compatibility. In order to protect property values and encourage neighborhood stability, an accessory structure shall have an exterior which meets the intent of this subsection and which is compatible in appearance, design, siting, architectural character, color and building materials to the principal building on the parcel or lot. For the purposes of this chapter, compatibility shall be defined as capable of existing or operating together in harmony.
- (5) Maintenance. Accessory structures shall be maintained in good condition and kept secure from the deteriorating affects of natural elements.
- (6) Special requirements.
  - A. Garages: Garage space on a residential lot shall be limited to parking for

four vehicles. Four additional spaces may be permitted as a Conditional Use. The Board of Zoning Appeals, in evaluating the Conditional Use application, shall consider lot size, impact on adjacent properties and future use.

B. Swimming pools: See Chapter 1276.

(e) Development Standards for Accessory Uses. The following development standards shall apply to all the listed accessory uses:

(1) Home Occupation. See Chapter 1276.

(2) In Law Suite. Under the following circumstances, a separate dwelling unit with independent cooking facilities may be included in a single family residence:

A. The occupants of this second dwelling unit are related to the primary residents by blood, adoption or marriage.

B. There is no separate outside entrance to the second unit. The use of a separate outside entrance would require a Conditional Use Permit from the Board of Zoning Appeals.

C. The second unit is part of the principal structure and not located in an accessory structure. The use of an accessory structure would require a Conditional Use Permit from the Board of Zoning Appeals.

**CHAPTER 1248**  
**(A) Agriculture District**

- 1248.01 Purpose.
  - 1248.02 Permitted uses.
  - 1248.03 Conditional uses.
  - 1248.04 Development standards.
- 

**1248.01 PURPOSE.**

This district is established to encourage the existence of agricultural uses, to permit a degree of low-density residential development in areas not expected to have public facilities in the near future, and to physically conserve areas unsuitable for intensive development.

**1248.02 PERMITTED USES.**

(a) Agricultural uses except feed lots and commercial stockyards, usual agricultural buildings and structures, and temporary road side stands offering products grown on the premises.

(b) Public uses as defined in Chapter 1232.

(c) Public service facilities as defined in Chapter 1232.

(d) Cemeteries, including mausoleums, provided those structures are located at least 300 feet from any adjacent property.

(e) Essential services as defined in Chapter 1232.

(f) Single family residential detached dwellings.

(g) Accessory uses as regulated by Section 1246.21.

**1248.03 CONDITIONAL USES.**

(a) Churches, chapels and other places of public worship provided the site is a minimum of three acres and the site has direct access to a major thoroughfare.

(b) Bed and breakfasts.

(c) Animal boarding facilities.

(d) Animal hospitals or clinics.

(e) Radio, television or other transmission towers or masts, and windmills or similar devices for the production of energy used on premises, provided there is a clear yard area, with a radius equal to the height of the tower or mast.

(f) Farm markets.



- (g) Home occupations, subject to the regulations of Section 1276.07.
- (h) Small Wind Energy System, subject to the regulations of Section 1276.10.

**1248.04 DEVELOPMENT STANDARDS.**

In addition to the provisions of Chapter 1246 of this Zoning Code, the following standards for the arrangement and development of land and buildings are required in the A-Agricultural District:

- (a) Lot Area. For each principal permitted use, the lot area shall be not less than ten acres.
- (b) Minimum Lot Frontage. 500 feet frontage on a dedicated, improved street or highway.
- (c) Minimum Depth to Width Ratio: 1:1
- (d) Maximum Depth to Width Ratio: 3:1
- (e) Minimum Front Yard Depth. 60 feet.
- (f) Minimum Side Yard Width Per Side, Principle Structure. 30 feet.
- (g) Minimum Side Yard Width, Accessory Structure. 15 feet.
- (h) Minimum Rear Yard Depth, Principle Structure. 60 feet.
- (i) Minimum Rear Yard Depth, Accessory Structure. 25 feet.
- (j) Maximum Building Height. 40 feet for buildings, silos, windmills, or any other structure listed as a permitted, accessory, or conditional use may exceed this height provided such structures maintain a distance equal to their height to any adjacent property or zoning district.

**CHAPTER 1250**  
**(R-IA, R-IB) SUBURBAN RESIDENTIAL DISTRICTS**

- 1250.01 Purpose.
  - 1250.02 Permitted uses.
  - 1250.03 Accessory uses
  - 1250.04 Conditional uses
  - 1250.05 Development standards.
- 

**1250.01 Purpose**

The Suburban Residential Districts are established to provide for new single-family residential development at densities typical of contemporary suburban environments. The R-IA and/or R-IB Districts are to be utilized in newly developed areas on the periphery of the Village that are generally vacant at the time of development, but are capable of being served by public water and sewer.

**1250.02 Permitted Uses**

A. One-family detached dwellings.

**1250.03 Accessory Uses**

A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance. .

B. Home occupations, subject to the requirements of Section 23.02 of this Ordinance.

**1250.04 Conditional Uses**

A. Public parks and open space.

B. Public playgrounds.

**1250.05 Development Standards**

The development standards for the R-IA and R-IB Districts shall be as shown on the chart on the following page:

**SUBURBAN RESIDENTIAL DISTRICTS  
DEVELOPMENT STANDARDS**

	<b>R-IA</b>	<b>R-IB</b>
<b>MINIMUM LOT AREA</b>	<b>15,000 S.F</b>	<b>10,000 S.F.</b>
<b>MINIMUM LOT WIDTH</b>	<b>90</b>	<b>70</b>
	<b>R-IA</b>	<b>R-IB</b>
<b>MINIMUM FRONT YARD DEPTH</b>	<b>30</b>	<b>25</b>
<b>MINIMUM SIDE YARD WIDTH</b>	<b>10</b>	<b>8</b>
<b>MINIMUM REAR YARD DEPTH</b>	<b>30</b>	<b>25</b>
<b>MAX. % OF LOT COVERAGE</b>	<b>30%</b>	<b>35%</b>
<b>MIN. BLDG AREA (1 STORY)</b>	<b>1,800 S.F</b>	<b>1,500 S.F.</b>
<b>MIN. BLDG AREA (1.5 - 2 STORY)</b>	<b>2,000 S.F</b>	<b>1,900 S.F.</b>

**CHAPTER 1252**  
**(R-2) OLD VILLAGE RESIDENTIAL DISTRICT**

- 1252.01 Purpose.
  - 1252.02 Permitted uses.
  - 1252.03 Conditional uses.
  - 1252.04 Development standards.
- 

**1252.01 PURPOSE.**

The R-2 District is established to provide for the continuance of single family housing within the older portions of the Village of Amanda, and to allow for limited expansion of such uses in appropriate areas, thereby encouraging private reinvestment and revitalization and increasing the diversity of housing choice, while maintaining adequate development standards.

It is recognized that property in the R-2 District is located in the older areas of the Village, and that such areas are likely to be characterized by patterns of mixed land use. Many of these mixed uses are the result of past development practices and might not be allowed under the current provisions of this R-2 District. It is the intent of this Ordinance, and this district in particular, to protect and preserve the basic property rights of such existing nonconforming uses. Specific provisions are made for the continuance, substitution and extension of such use, pursuant to Article VIII of this Ordinance and Section 713.15 of the Ohio Revised Code.

The district can also be used to allow for new development in outlying - areas of the Village by meeting standards intended to promote the historic neighborhood character of such new development.

**Section 1252.02 Permitted Uses**

- A. One-family detached dwellings. \_
- B. Public parks, playgrounds and open space.

**Section 13.03 Accessory Uses**

A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools and tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.

B. Home occupations, subject to the requirements of Section 23.02 of this Ordinance.

**Section 1252.03 Conditional Uses**

A) Churches and similar places of public assembly, provided the seating capacity of the sanctuary or main seating area is not more than 300 persons.

Day-care centers and schools associated with conditionally permitted churches.

B) Day-care centers and schools associated with conditionally

permitted churches.

C) Bed-and-Breakfast establishments, subject to the following standards:

1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
2. The Bed-and-Breakfast establishment shall be owned and operated by the occupant of the premises.
3. Exterior signage shall be limited to a single nameplate not more than twelve (12) square feet in size. No signs shall be internally illuminated
4. Accommodations shall be limited for not more than four (4) rooms.
5. Off-street parking shall not be allowed in the front yard.

### **Section 1252.04 Development Standards**

Minimum Lot Area	5,000 square feet.
Minimum Lot Width	Fifty (50) feet of lot width with frontage on a publicly dedicated, improved street or highway.
Minimum Front Yard Depth	Twenty (20) feet, or the distance of the most proximate existing principal structures on the same side of the street and facing thereon within the same block, whichever is less.
Minimum Side Yard Depth	Five (5) feet.
Minimum Rear Yard Depth	Fifteen percent (15%) of lot depth, but not less than twenty (20) feet.
Minimum Area of Principal Building	1,000 square feet of total living area shall be required for a dwelling having one story; 1,200 square feet shall be required for dwellings with one-and-one-half (1-1/2) or two (2) stories.
Lot Coverage	All structures, including accessory structures, shall cover not more than 45% of the area of the lot. ./
Maximum Building Height	Thirty-five (35) feet.

#### **Additional Requirements for New Lots Developed in the R-2 District**

	Presently undeveloped areas outside the older portion of the Village may be developed in the R-2 District, subject to the following regulations:
A) Adjacent to R-2 District	The property to be zoned for new R-2 development must be located adjacent to area of the Village zoned in the R-2 District.
B) Development Plan	A Development Plan shall be required for all new residential development within the R-2 District, containing more than five (5) dwelling units. Such Development Plan shall show the proposed layout of all streets, lots and buildings, as well as the location of all public spaces.
C.) Garages	All garages shall be located within the rear yard.
D) Street Trees	Street trees shall be required along all new streets developed within R-2 District. Such trees shall be spaced not further than thirty feet (30') apart and shall be a minimum of twelve feet (12') of overall height or a minimum caliper (trunk diameter measured six inches above the ground) of at least two inches (2") at time of planting. Such trees shall not be of a variety or species listed as undesirable on a listing as approved by Village Council under separate ordinance.

- E) Sidewalks Sidewalks of not less than four (4) feet in width shall be required for both sides of all new streets developed within the R-2 District.
- F) Required Open Space Not less than 20% of the total net developable area of the proposed development shall be dedicated to permanent open space parks, and/or public spaces. Such open space shall be granted to a homeowner's association, or - with the approval of the Village Council - may be granted to the Village. For the purposes of this calculation, net developable area shall mean the area of the site proposed for development, minus public and/or private streets and/or alleys.

**CHAPTER 1254**  
**(R-3) URBAN RESIDENTIAL DISTRICT**

- 1254.01 Purpose.
  - 1254.02 Permitted uses.
  - 1254.03 Accessory Uses
  - 1254.04 Conditional uses.
  - 1254.05 Development standards.
- 

**1254.01 PURPOSE.**

The Village of Amanda desires to promote a diverse range of housing opportunities, including but not limited to affordable housing, within the Village. Promoting housing diversity includes providing for particular areas at higher residential density typically associated with more urban areas.

Apartments, condominiums and manufactured home developments are uses typically associated with such areas. These higher density areas of have unique development characteristics that require special treatment in regard to standards, placement and land use compatibility. The Urban Residential (R-3) District is established to provide for such areas of higher residential density while encouraging a desirable residential environment, protected from adverse influences, with adequate access for vehicular traffic and circulation. These residential communities shall be developed and located so as to not promote excessive vehicular traffic on streets in adjoining residential areas, and shall provide overall desirability equivalent to that for other forms of residential development.

**1254.02 Permitted Uses**

- A) One-family detached dwellings, subject to the standards of the R-2 District.
- B) Individual manufactured homes on individual lots, subject to the standards of the R-2 District.
- C) Manufactured home communities, as defined in Article II and subject to approval of Development Plan as cited in Section 10.02.07 of this Ordinance.
- D) Manufactured Home subdivisions, as defined by Article II and subject to approval of a Development Plan as cited in Section 10.02.07 of this Ordinance.
- E) Multiple family structures having two or more dwellings per structure
- F) Senior citizen housing and residential care facilities.
- G) Public or private parks.

**1254.03 Accessory Uses**

A. Uses incidental and accessory to permitted uses for exclusive use of the residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.

B. Temporary buildings for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work

**1254.04 Conditional Uses**

Nursery Schools, Day Care Centers and Class I Type A group residential facilities, subject to the following requirements:

Nursery Schools, Day Care Centers and Class I Type A group residential facilities shall be defined and classified in section 1232.01 of this Ordinance. A Class I Type A group residential facility shall be considered as a conditional use in the R-3 and GB Districts, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a conditional use in the GB District subject to the standards below:

- A. The facility shall obtain all approvals and/or licenses as required by state and local laws.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- C. No exterior alterations of the structure shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.
- F. Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and *level* of occupancy.
- G. Such facilities shall be reasonably *accessible*, by virtue of location or transportation provided by the applicant, to medical, recreational and retail services, and employment opportunities.
- H. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.

### **1254.05 Development Standards**

#### Manufactured Home Communities and/or Manufactured Home Subdivisions

A) Water and Sewer

Any development shall be provided with a water and sanitary sewer distribution system, serving each individual housing unit or lot, which is connected to a public water and sanitary sewage system.

The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency.

B) Minimum Lot Area

The minimum lot area for any single project shall be ten (10) acres; however, the Planning and Zoning Commission may allow a smaller lot area on a case-by-case basis, following the procedures for a variance pursuant to Article VI. Individual lots within a manufactured home community shall be not less than 4,000 square feet in area. The maximum gross density shall not exceed six (6) dwelling units per acre.

C) Minimum Lot Width

The minimum lot width for any single project shall be not less than 300 feet. Such frontage shall be provided on a publicly dedicated and improved street. The minimum lot width for any individual lot within a manufactured home community shall be not less than thirty(30) feet.

D) Minimum Front Yard

The minimum front yard depth for any single project shall be not less than thirty-five (35) feet.

E) Minimum Side Yard / Rear Yard Width

The minimum side and rear yard width for any single project shall be not less than fifty (50) feet from any adjacent property line. The minimum internal spacing of individual units shall be as required by the Ohio Department of Health (ODH)

F) Minimum Rear Yard Depth

The minimum rear yard depth for any project shall be not less than fifty (50) feet. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet.

G) Required Open Space and Recreational Areas

At least fifteen percent (15%) of the gross land area for any manufactured home community or multiple-family project shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall be subject to approval by the Planning and Zoning Commission, and shall



not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and emergency vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.

H) Off-Street Parking

Parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces may be located on the same lot, or in specially provided common areas located not more than 600 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community.

I) Access

All projects shall have direct access to a public street or road. Principal vehicular access points shall be designed to encourage effective and efficient traffic flow. Minor streets shall not be connected with streets outside the-district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No individual lot within the community shall have direct vehicular access to a street bordering the development.

J) Streets and Street Layout

All streets or drives providing access to the individual lots in a manufactured home community shall be dimensioned and improved in accordance with the current standards and requirements of the Village of Amanda. The proposed layout of such streets shall be approved by the Planning and Zoning Commission.

K) Storm Drainage

All areas shall be graded and drained so as to minimize standing water and surface runoff. The proposed methods to address standing water and excessive surface runoff shall be submitted by the applicant and approved by the Planning and Zoning Commission.

L) Underground Utilities

All utility lines, including electricity, telephone, and cable television shall be located underground.

M) Consultation and Assistance

In determining the compliance of any development proposal with the above standards, the Planning and Zoning Commission may procure the assistance of an engineer or other professional. In such case, all costs associated with such approval shall be paid by the applicant  
Other Permitted Uses

(a) Minimum Lot Area 3,500 square feet per dwelling unit for two-family dwellings.

3,000 square feet per dwelling *unit* for all other multiple-family dwellings.

(b) Minimum Lot Width Eighty (80) feet of frontage on a publicly dedicated and improved street or highway.

(c) Minimum Front Yard Depth      Thirty (30) feet.

(d) Minimum Side Yard Width      Twenty-five (25) feet.

(e) Minimum Rear Yard Depth      Forty (40) feet.

(f) Maximum Building Height      Thirty-five (35) feet.

(g) Minimum Distance between Buildings

If there are two or more buildings on a single lot, the minimum distance between buildings shall be fifteen (15) feet.

(h) Storm Drainage

A plan for accommodating storm drainage, showing storm drainage runoff collection points and methods proposed for transport of storm runoff to a suitable outlet must be submitted to and approved by the Planning and Zoning Commission..

(i) Landscaping

If side or rear yards are located adjacent to a R-1 or R-2 District, landscaping and screening of those yards shall be required. Such landscaping and/or screening shall consist of walls, fencing, mounding, natural vegetation or a combination of these elements.

**CHAPTER 1256**  
**(MS) MAIN STREET District**

- 1256.01 Purpose.
  - 1256.02 Permitted uses.
  - 1256.03 Conditional uses.
  - 1256.04 Development standards.
- 

**1256.01 PURPOSE.**

The purpose of the Main Street (MS) District is to promote and foster the economic and physical revitalization of downtown Amanda. The standards and requirements of the MS District are based on the following principles:

- A) The downtown should contain a healthy mix of land uses. The marketplace - not regulations - should be the primary force driving the mix of downtown uses.
- B) The downtown should be particularly receptive to small local-based entrepreneurship and start-up businesses.
- C) The maintenance and improvement of the downtown physical environment is important in promoting an active and vital business environment.
- D) Development standards and regulations should encourage the adaptive use of older structures.

**1256.02 Permitted Uses**

- A) One-family detached dwellings.
- B) Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers including:
  - 1. Insurance agents and brokers and associated services.
  - 2. Professional, legal, engineering and architectural services, not including the outside storage or equipment.
  - 3. Accounting, auditing and other bookkeeping services.
- C) Retail Stores primarily engaged in selling merchandise for personal or household consumption including:
  - 1. Food and food products, consisting of grocery, meat, fish, fruit or vegetable markets or combinations thereof;
  - 2. General merchandise, including limited price variety stores, furniture stores, and other similar stores selling a variety of general merchandise.
  - 3. Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, antique stores, specialty stores, and other retail establishments which conform to the purpose of the Village Center District.
- D) Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
  - 1. Restaurants.
  - 2. Banks, savings and loans, and credit agencies.
  - 3. Barber and beauty shops.
  - 4. Medical and dental offices and clinics
  - 5. Funeral services

6. Self-service laundries and/or dry-cleaning establishments.

7. On-premises duplication facilities.

- E) Business Services engaged in the providing of services to business establishments on a free or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.
- F) Community facilities such as governmental offices, post office, libraries, museums, private schools, public parks and similar uses.
- G) Churches and similar places of public assembly, provided the seating capacity of the sanctuary or main seating area is not more than 300 persons.
- H) Bed-and-Breakfast establishments, subject to the standards of the R-2 District.
- I) Fraternal and/or private clubs, including American Legion, Elks, Moose and other similar organizations.
- J) Similar Uses, which conform to the purpose of the Main Street (MS) District, as determined by the Planning and Zoning Commission in accordance with the provisions of Section 10.02.05 of this Ordinance.

**1256.03 Conditional Uses**

- A) Two or more family residences as a principal or accessory use, subject to the following: ..
  - 1. Each living unit shall have a minimum of 900 square feet in area for one bedroom units, and 1,000 square feet for two bedroom units.
  - 2. No living units shall be on the ground floor of any existing structure.
  - 3. Plans for the conversion of existing structures shall be approved by the Planning and Zoning Commission prior to the approval of any zoning permit.
- B) New two or more family residences, provided the development standards of the R-3 District are met, and a Development Plan, pursuant to Section 10.02.07 of this Ordinance, is approved by the Planning and Zoning Commission.
- C) Garages and automotive repair, provided inoperable vehicles are not stored in the front or side yard setback.
- D) Public parking areas, provided a ten (10) feet front setback from all property lines is maintained.
- E) Processing, assembly and/or packaging of products or materials, provided such operations are carried out totally within the building, such operations do not produce levels of noise or odors perceptible outside the building, and such use promotes the purpose of the MS District as stated in Section 16.01 above.
- F) Automobile and vehicle servicing establishments, provided parking for vehicles is located in the side or rear yard.
- G) Similar small business uses consistent with the purposes of the MS District, subject to the approval of the Planning and Zoning Commission, pursuant to Section 10.02.05 of this Ordinance.

**1256.04 Development Standards**

Lot Area	No minimum lot area is required.
Lot Width	No minimum lot width is required.
Setbacks	The distance between any building or structure and the right-of-way line of any public street shall be not greater than that of the most proximate building on the same side of the street. No minimum side yard setback shall be required, unless the building or structure is located adjacent to a single-family residence or any R District, in which case the setback shall be twenty (20) feet.

Maximum Building Size                      Individual uses within the MS District shall have a usable ground floor area of not more than 4,000 square feet, unless the use is located in an existing building, in which case such restriction shall not apply.

Parking and Loading	All parking and loading areas in the MS District shall be located in the side or rear yards.
Manufactured / Modular Buildings	The use of manufactured and/or modular buildings for business purposes shall be prohibited.
Property Maintenance	No owner of a property or structure in the MS District shall by willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to such property or structure. For the purposes of this Section, maintenance and upkeep shall include keeping exterior surfaces free from debris, garbage, noxious weeds, or free from hazardous objects or conditions such as holes, broken concrete, broken glass, and dead or dying trees or vegetation.
Trash and Garbage Control	All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.
Residential Building Conversion	Existing single-family residences within the MS District may be converted to another permitted use, provided the following requirements are followed: <ul style="list-style-type: none"> <li>A. Structures shall maintain the appearance of a single family residence and be compatible with surrounding residences, in size and scale</li> <li>B. Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as not to shine on adjacent properties.</li> <li>C. Exterior signage shall be limited to a single nameplate not more than two (2) square feet in size. No signs shall be internally illuminated</li> <li>D. Storage of materials and equipment shall be within an enclosed building.</li> </ul>

**CHAPTER 1258**  
**(GB) General Business District**

- 1258.01 Purpose.
  - 1258.02 Permitted uses.
  - 1258.03 Conditional uses.
  - 1258.04 Development standards.
- 

**1258.01 PURPOSE.**

The General Business District is established to provide areas for the growth of a broad range of commercial and business uses. These uses, by their nature, may increase traffic congestion on abutting public roadways and cause impacts on adjacent uses. The intent of the GB District is to encourage the most compatible relationship between permitted uses and overall traffic movement within the Village, while minimizing negative impacts on adjacent land uses.

**1258.01 Permitted uses.**

- A. Any use or structure specified as a permitted or conditional use in the MS District.
- B. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
- C. Lumber and home improvement sales.
- D. Motor vehicle sales and service establishments.
- E. Hotels and motels.
- F. Garden centers.
- G. Carry out food and beverage establishments with drive-through facilities.
- H. Self-service storage facilities

**1258.03 Conditional uses.**

- A. Self-service car washes, provided a Development Plan is approved.
- B. Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months or less, provided a Development Plan, including a plan for all signage, is approved, and all other permits are obtained

**1258.04 Development standards.**

Minimum Lot Area	No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.
Minimum Lot Width	150 feet of frontage on a publicly dedicated and improved street or highway.
Minimum Front Yard Depth	Forty (40) feet.

**Minimum Side Yard**

A. When abutting a non-residential zoning district Twenty (20) feet for structures, ten (10) feet for paved areas.

B. When abutting a residential zoning district: Fifty (50) feet for structures, thirty-five (35) feet for paved areas. **Minimum Rear Yard**

A. When abutting a non-residential zoning district: Thirty (30) feet for structures, ten (10) feet for paved areas.

B. When abutting a residential zoning district: Fifty (50) feet for structures, thirty-five (35) feet for paved areas.

- Parking and Loading      Parking and loading requirements shall be as specified in Article XXIV. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.
- Screening                      If side or rear yards are adjacent to property in which single family residences are a permitted use, the screening of such yards shall be required. Such screening shall consist of fences, walls or landscaping as approved by the Planning and Zoning Commission.
- Lighting                        All exterior lighting shall be designed and arranged so as to not shine light directly on any adjacent property in which single family residences are a permitted use.
- Trash and Garbage Control      All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

**CHAPTER 1260**  
**(OVI) Old Village Industrial District**

- 1260.01 Purpose.
  - 1260.02 Permitted uses.
  - 1260.03 Conditional uses.
  - 1260.04 Development standards.
- 

**1260.01 PURPOSE.**

The OVI District is established to provide for the continuance of existing industrial uses within the older portions of the Village of Amanda, thereby encouraging private reinvestment and revitalization in such areas, while maintaining adequate development standards. It is the intent of this Ordinance, and this District in particular, to protect and preserve the basic property rights of such existing industrial uses, while promoting the compatibility of such uses with adjacent neighborhoods. The provisions of the OVI District are specifically intended to promote the continuance, substitution and extension of existing nonconforming industrial uses, pursuant to Section 713.15 of the Ohio Revised Code.

**1260.02 PERMITTED USES.**

- A) Manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purpose of the OVI District.
- B) Warehousing, wholesale establishments, manufacturing retail outlets, distribution and related uses, including truck and transfer terminals.
- C) Administrative, professional and business offices associated with and incidental to another permitted use.
- D) Similar uses, as determined by the Planning and Zoning Commission, in accordance with the provisions of this Ordinance, and the purposes of the Old Village Industrial District.

**1260.03 CONDITIONAL USES.**

- A. Fire and Explosion Standards  
All activities, including storage, involving flammable or explosive material shall comply with regulations as enforced by the Ohio State Fire Marshal. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency OEPA
- B. Air Pollution  
No emission of air pollutants shall be permitted which violates the Clean Air Act as enforced by the OEPA.

C. Glare, Heat and Exterior Light

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

D. Liquid or Solid Wastes

No discharge at any point into any public sewer, private sewage disposal system, or stream, or onto the ground, of any materials of such nature or temperature as may contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the OEPA shall apply.

E. Vibration and Noise

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

F. Odors

The applicable standards of the OEPA shall be adhered to.

G. Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted uses shall be permitted, provided the area used for open storage shall be effectively screened and fenced from all adjoining properties in any residential district. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon, and shall contain gates, locks and/or other appurtenances so as to prevent illegitimate access.

**1260.04 DEVELOPMENT STANDARDS.**

Minimum Lot Area	No minimum lot size is required; however sufficient area shall be provided to meet the requirements below.
Minimum Lot Width	No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to <i>provide</i> for yard spaces and parking areas.
Side Yards	When abutting a residential zoning district, twenty-five (25) feet.
Front Yard Depth	Front yard depth shall be equal to or more than the average of the five (5) nearest structures on the same side of the street. In those cases where there are no structures on those properties adjacent to the subject property, the front yard depth shall be not less than twenty-five (25) feet from the right-of-way of the street on which the property has frontage.
Minimum Rear Yard Depth	Minimum rear yard depth shall be at least twenty-five (25) feet
Height	No structure shall exceed a height of forty (40) feet.
Trash and Garbage Control	All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.



**CHAPTER 1262**  
**(I) Industrial District**

- 1262.01 Purpose.
  - 1262.02 Permitted uses.
  - 1262.03 Conditional uses.
  - 1262.04 Development standards.
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**1262.01 PURPOSE.**

The purpose of the Industrial District is to provide suitable areas for a the development and expansion of a range of industrial activities, particularly on the periphery of the older Village, while protecting the character of nearby residential and commercial areas. Permitted uses within the Industrial District must operate:

- A) Primarily within enclosed structures.
- B) With minimal adverse environmental or economic impact on adjacent properties.
- C) Free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.
- D) Without imposing unusual burdens upon utility or governmental services.

**1262.02 PERMITTED USES.**

- A) Light manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purpose of the I District.
- B) Warehousing, distribution and related uses, including truck and transfer terminals.

**1262.03 CONDITIONAL USES.**

- A) Motor vehicle storage and salvage yards, provided those uses meet applicable state requirements related to fencing and other standards, and a Development Plan **IS** approved pursuant to Section 10.02.07 of this Ordinance.
- B) Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- C) Quarrying or mining operations, provided that all County, State and federal regulations are met and licenses are obtained and a Development Plan is approved pursuant to Section 10.02.07 of this Ordinance. The Planning and Zoning Commission may impose additional requirements as may be reasonable and appropriate.
- D) Structures *and sites associated with drilling* for oil and/or natural gas.
- E) Sanitary landfills and similar facilities for the processing and/or disposal of waste materials, provided that all required licenses and permits are obtained and a Development Plan is approved pursuant to Section 10.02.07 of this Ordinance. The Planning and Zoning Commission may impose additional requirements as may be reasonable and appropriate.

**1262.04 DEVELOPMENT STANDARDS.**

- Minimum Lot Area No minimum lot size is required; however, all principal and subordinate uses and structures, including parking and paved areas, shall be located not less than 300 feet from any district where residences are a permitted use, and not less than fifty (50) feet from any other zoning district.
- Minimum Lot Width No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas
- Side Yards When abutting a non-residential zoning district, fifty feet for structures, twenty-five (25) feet for paved areas: When abutting a residential zoning district, 150 feet for structures, fifty (50) feet for paved areas..
- Front Yard Depth Any new structure or parking area must be located not less than 100 feet from the centerline of the road or highway on which the use has frontage.
- Height No building shall exceed a height of forty-five (45) feet.
- Fencing and Screening Any area used for open storage related to a permitted or conditional use shall be effectively fenced from all adjoining properties. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon, and shall contain gates, locks and/or other appurtenances so as to prevent illegitimate access. In addition, if side or rear yards are adjacent to property in any R District, the screening of such yards, using fencing or landscaping shall be required. Such landscaping shall consist of walls, fences, mounds, natural vegetation or a combination of these elements, as approved by the Planning and Zoning Commission.
- Trash and Garbage Control All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view

**CHAPTER 1264  
(SU) Special Use District**

- 1264.01 Purpose.
  - 1264.02 Permitted uses.
  - 1264.03 Conditional uses.
  - 1264.04 Development standards.
- 

**1264.01 PURPOSE.**

"Special use", as used throughout this Ordinance, means facilities classified as main and accessory uses listed in Section 20.02. The SU District and regulations are established in order to achieve the following purposes:

- A) To regulate the location and standards for development of such facilities so as to ensure their proper functioning in consideration of traffic, access, and general compatibility
- B) To protect listed facilities and uses from the encroachment of particular incompatible uses and to promote their compatibility with adjoining residential uses

**1264.02 PERMITTED USES.**

Buildings and land within the SU District shall be utilized only for the uses set forth in the following schedule:

**MAIN BUILDINGS / USES**

**Institutional and/or Educational:**

Public buildings, museums, primary and secondary public, private or parochial schools, nursery schools.

**Large Public Assembly Areas:**

Churches, synagogues, arenas/stadiums, commercial and/or similar facilities with a seating capacity of over 300 persons,

**Health Care:**

General and special hospital and clinics, convalescent centers, institutions for care of children or senior citizens.

**Senior Citizen Housing:**

Retirement centers, extended care facilities.

**Commercial Recreational Facilities:**

Private parks, golf courses, swim clubs, recreation fields, playgrounds, and similar facilities, not including such facilities developed for private use by occupants or residents of the premises.

**Cemeteries:**

*Communication:* Telecommunications, commercial radio and television antennae/towers

**ACCESSORY BUILDINGS / USES**

Parking areas, playgrounds, signs

Parking areas, signs

Parking areas, signs

Parking areas, signs

Parking areas, clubhouses, administrative and maintenance structures, signs

Signs, maintenance facilities

**1264.04 DEVELOPMENT STANDARDS.**

The area or parcel of land for a special use shall not be less than that required to adequately provide for the main building, accessory buildings and uses, off-street parking, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The suitability of the area or parcel of land for a permitted special use shall be approved by the Planning and Zoning Commission through review of the Development Plan.

**1264.05 Yard Regulations**

**Front Yards**                   The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

**Side and Rear Yards**       The yards for each building or structure in the SU District shall be not less than the criteria set forth in the following schedule when adjacent to any district where residences are a permitted use.

<u>MAIN BUILDING / USES</u>	<u>MINIMUM SIDE/REAR YARDS (FT)</u>
<u>Institutional and/or Educational:</u>	75
<u>Large Public Assembly Areas:</u>	150
<u>Health Care: Buildings:</u>	50
<u>Senior Citizen Housing:</u>	50
<u>Communication: Antennas or antenna towers</u>	100% of the height
<u>Commercial Recreational Facilities:</u> Buildings	75

If the proposed special use is located adjacent to a non-residential zoning district, then the side and rear yards shall be not less than the largest yard required in that district. If side or rear yards are adjacent to a district where single-family residential uses are a permitted use, the screening or buffering of such yards shall be required.

**1264.06 Approval By Planning and Zoning Commission**

In addition to the material required for the application for a zoning amendment, as specified in Section 5.03 of this Ordinance, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include all the information and material required pursuant to Section 10.02.07 of this Ordinance ..The construction of all buildings and development of the site within the SU District shall be in conformity and compliance with the approved Development Plan. In making its recommendation to Village Council, the Planning and Zoning Commission may *specify additional* conditions to be made part of the approval.

**1264.07 Action by Village Council**

In approving the redistricting of land into the SU District, Village Council may specify appropriate conditions and safeguards applying to the specific proposed facility.

## CHAPTER 1276 Special Regulations

- 1276.01 General.
  - 1276.02 Regulation of satellite dish antennas.
  - 1276.03 Regulation of amusement arcades.
  - 1276.04 Regulation of adult entertainment businesses.
  - 1276.05 Regulation of swimming pools as accessory uses.
  - 1276.06 Regulation of long-term parking facilities as accessory uses.
  - 1276.07 Regulation of home occupations.
  - 1276.08 Mobile homes.
  - 1276.09 Fences and hedges.
  - 1276.10 Small wind energy systems.
- 

### **1276.01 GENERAL.**

It is the purpose of these special regulations to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

### **1276.02 REGULATION OF SATELLITE DISH ANTENNAS.**

This section shall apply to the location and construction of dish-type satellite signal receiving antennas as herein defined. However, this section shall not apply to satellite dish antennas less than three feet in diameter.

(a) Purpose. It is the purpose of this section to regulate the location and construction of dish-type satellite signal-receiving antennas within the Municipality in order to protect the public health, safety, and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with windloads, and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

(b) Definitions. The following definitions shall apply in the interpretation of this section:

- (1) "Dish" shall mean 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.
- (2) "Dish-type satellite signal-receiving antennas," to include earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more, of the following:
  - A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
  - B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.

- C. A coaxial cable, whose purpose is to convey or transmit signals to a receiver.
- (3) "Receiver" shall mean the apparatus whose purpose is to obtain a signal from a cable or like source and transform it to a television signal.
  - (c) Zoning Permit Required. No person, firm or corporation shall undertake the construction, erection or installation of any satellite dish without a zoning permit issued in accordance with the provisions of this Zoning Code. In addition to the requirements of Chapter 1286 of this Zoning Code the application for such permit shall include the following:
    - (1) A description of the type of earth station proposed including details of the method of assembly and construction of the proposed earth station;
    - (2) A plot plan of the lot, premises, or parcel of land showing the location of the proposed earth station and all other structures thereon;
    - (3) Plans depicting the specifications and elevations of the proposed location;
    - (4) The address of the property, and the name, address and telephone number of the owner and occupant of the property. If the applicant is not the owner of the premises, the application shall include a statement by the owner giving the applicant written consent to install the satellite dish antenna on the premises.
    - (5) A fee as required according to Section 1284.13 for the review of plans and specifications and the inspection of construction.
    - (6) A landscaping plan showing the size, quantity and types of landscaping materials to be used for screening.
  - (d) Regulations. No satellite dish antenna permit shall be issued, and no satellite dish antenna shall be installed or maintained, unless the satellite dish antenna complies with the following regulations:
    - (1) Residential uses.
      - A. Satellite dish antennas shall be permanently mounted and located only in rear yards. No rooftop installations or mobile satellite dish antennas mounted on trailers or vehicles are permitted.
      - B. Satellite dish antennas shall be located not closer than twenty feet to the rear lot line and twenty feet to the side lot line.
      - C. The maximum diameter of a satellite dish antenna shall not exceed twelve feet. The maximum height of the satellite dish antenna shall not exceed fifteen feet from grade level.
      - D. The satellite dish antenna, including mounting hardware and guywires, shall be permanently screened by landscaping a minimum of five feet in height which visually screens the dish on all sides during all seasons from adjacent residences.-Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved fence.
      - E. The satellite dish antenna foundation shall be concrete. The satellite dish antenna shall consist of metal supports and/or galvanized construction. The structure, including foundation, shall be designed to withstand wind forces up to 75 mph and shall comply with all requirements of the National Electric Code.
      - F. Any driving motor shall be limited to 110 volt maximum power and shall be encased in a protective guard.

- G. The satellite dish apparatus shall be painted a color which complements its environment, and shall bear no advertisement, lettering, picture, or visual image.
  - H. All wiring between the apparatus and any other structure shall be placed underground in approved conduit.
- (2) Nonresidential uses. Except as to the following, the regulations set forth for residential uses in subsection (d) above shall apply:
- A. Rooftop installations shall be permitted, provided that the satellite dish antenna, including mounting hardware and guywires, are permanently screened so as not to be visible from the street level. The apparatus, its mounting and all supporting devices shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenances thereto attached
  - B. When adjacent to a residential district, a satellite dish antenna shall be located not closer than fifty feet to the rear and/or side lot line.
  - C. The maximum diameter of a satellite dish antenna shall not exceed twelve meters.

### **1276.03 REGULATION OF AMUSEMENT ARCADES.**

The following regulations shall apply to amusement arcades as herein defined.

- (a) Purpose. The purpose of this section is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained. It is further the intent of this section to coordinate the provisions of this Zoning Code with the requirements of Chapter 802 of this code, governing the licensing and regulation of mechanical amusement devices in such a manner that, in the event of any conflict between the respective regulations, the more restrictive requirement or the more severe penalty shall prevail.
- (b) Definition. The following definitions shall apply in the interpretation of this section:
- (1) "Amusement Arcade" means a place of business within a building or any part of a building having more than five mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.
  - (2) "Exhibitor" means any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in his or her own place of business, irrespective of the ownership of such device.
  - (3) "Mechanical or Electronically Operated Amusement Device" means any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as



mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

- (c) Conditional Use Permit Required. No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Chapter 1238 of this Zoning Code. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:
- (1) Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located.
  - (2) Amusement arcades shall have an adult who is 18 years of age or over on the premises and supervising the amusement arcade at all times during its hours of operation.
  - (3) Amusement arcades shall have necessary security personnel as required by the appropriate law enforcement agency to police the interior and exterior of the premises.
  - (4) The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two feet of area on each side plus an area of four feet in front of the device.
  - (5) Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes.
  - (6) If the place of business or premises for which an amusement arcade is proposed is a free standing building, the application for the conditional use permit shall include an approvable exterior lighting plan.
  - (7) In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises.
  - (8) No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within 500 feet of any adult entertainment business.
  - (9) The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices, and a notarized statement that the applicant shall not permit any person 14 years of age or younger to operate any devices on the premises before 4:00 p.m. on days when school is in session.
- (d) Zoning of Amusement Arcades. Amusement arcades shall be conditionally permitted uses but only in the following districts: DB,
- (e) Maintenance of a Nuisance Prohibited. 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, which shall be a minor misdemeanor.

- (f) Restricted Access to Certain Minors. No amusement arcade exhibitor shall permit, on days when school is in session, any person 14 years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 P.M. This provision does not apply to juke boxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden, such as mechanical horses, automobiles, and carrouseles. Violation of this provision shall be a minor misdemeanor.
- (g) Complaints Regarding Amusement Arcades.
  - (1) Any resident of the Municipality may submit a written notice of complaint regarding the operation of any amusement arcade to the Zoning Administrator. The notice of complaint shall include the name and address of the complainant, the address of the location of the amusement arcade, and the specific reasons why the individual is complaining.
  - (2) If the Zoning Administrator determines, after interviewing both the complainant and the amusement arcade exhibitor, that the specific reasons in the complaint appear to be proper grounds for suspension or revocation of the conditional use permit, he or she shall refer the matter to the Board of Zoning Appeals.
- (h) Revocation of Conditional Use Permit. The Zoning Administrator shall revoke the conditional use permit for any amusement arcade in the event that the license to operate such amusement arcade is revoked. In addition, the Zoning Administrator shall revoke the conditional use permit for any amusement arcade if so determined pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Municipal Council, according to the provisions of division (i) below, of this section.
- (b) Procedure for Revocation. The Zoning Administrator shall notify in writing the Board of Zoning Appeals whenever he or she has reason to believe that the operation of an amusement arcade has resulted in a violation of any provision of this Zoning Code. Within thirty days from the notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the amusement arcade exhibitor and, if the Zoning Administrator referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least five days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within five days after the hearing and shall notify the amusement arcade exhibitor and, if applicable, the complainant. The decision of the Board of Zoning Appeals may be appealed to the Court of Common Pleas within ten days of its issuance of the decision.

**1276.04 REGULATION OF ADULT ENTERTAINMENT BUSINESSES.**

The following regulations shall apply to adult entertainment business as herein defined.

- (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 these sections to regulate entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, parks and

playgrounds within the Municipality.

(b) Definitions. The following definitions shall apply in the interpretation of this section:

- (1) "Adult Book Store" means an establishment which utilizes 15% or more of its retail selling area for retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this section.
- (2) "Adult Entertainment Business" means an adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.
- (3) "Adult Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and:
  - A. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
  - B. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
- (4) "Adult Motion Picture Drive-In Theater" means an open air drive-in theater which is regularly used or utilizes 15% or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.
- (5) "Adult Motion Picture Theater" means an enclosed motion picture theater which is regularly used or utilizes 15% or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.
- (6) "Adult Only Entertainment Establishment" means an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.
- (7) "Bottomless" means less than full opaque covering of male or female genitals, pubic area or buttocks.
- (8) "Nude or Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breasts with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- (9) "Sexual Activity" means sexual conduct or sexual contact, or both.
- (10) "Sexual Contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the

person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

- (11) "Sexual Excitement" means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
  - (12) "Topless" means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
- (c) Conditional Uses 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 1238 of this Zoning Code. In addition to said provisions, an adult entertainment business shall comply with the following 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 1,000 feet of another adult entertainment business;
  - (3) No adult entertainment business shall be permitted in a location which is within 1,000 feet of any church, synagogue or permanently established place of religious services, any public or private school, any park, any playground, library, or any social services facility or neighborhood center attended by persons under 18 years of age;
  - (4) No adult entertainment business shall be permitted in a location which is within 1000 feet of any residence or boundary of any residential district;
  - (5) No adult entertainment business shall be permitted in a location which is within 200 feet of any boundary of any residential district in a local unit of government abutting the Municipality.
  - (6) No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
  - (7) All building openings, entries, windows, etc., for adult 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.
    - a. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
    - b. Hours of operation shall be limited to the hours between 8:00 a.m. and 11:00 p.m.
- E) Zoning of Adult Entertainment Businesses. Adult entertainment businesses shall be conditionally permitted only in the I district.

#### **1276.05 REGULATION OF SWIMMING POOLS AS ACCESSORY USES.**

This section shall apply to the location and maintenance of swimming pools.

- (a) Purpose. It is the purpose of this section to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or

maintained as an accessory use.

(b) Private Swimming Pools. No private swimming pool, exclusive of portable swimming pools with a depth of less than 24 inches, a diameter of less than 12 feet or with an area of less than 150 square feet, or of a farm pond, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

- (1) The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- (2) The pool shall be located only in rear yards, and shall not be located closer than ten feet to any property line or easement.
- (3) The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than forty inches (40') in height, measured from the level of the ground where located for in-ground pools, and no less than twenty-four inches (24"), measured from the deck level for above-ground pools. At no time shall any fence be less than forty inches (40") above ground level. The fence shall be maintained in good condition and affixed with an operable self-closing gate and lock.
- (4) No swimming pool shall be constructed without a property owner first obtaining a permit from the Village Amanda and paying the cost thereof as established by Municipal Council.
- (5) No lights, diving boards, or other accessories shall project more than ten feet above the average grade of the pool site.
- (6) All lights used for illuminating such pool or the surrounding areas shall be so designed, located and installed as to confine the direct beams thereof to the lot or parcel on which the pool is located, and so as not to constitute a nuisance or undue annoyance to occupants of abutting properties.

(c) Community or Club Swimming Pools. A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

- (1) The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- (2) The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than 75 feet to any property line or easement.
- (3) The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall shall not be less than six feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.
- (4) Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.
- (5) Such pool facilities shall not be operated prior to 8:00 a.m. in the morning or after 11:00 p.m. in the evening.
- (6) Provision shall be made for drainage of the pool into a public storm sewer.

### **1276.06 REGULATION OF LONG-TERM PARKING FACILITIES AS ACCESSORY USES.**

This section shall apply to the location and operation of any long-term parking facility as an accessory use.

(a) Purpose. It is the purpose of this section to regulate long-term parking facilities constructed, operated, or maintained as accessory uses in order to promote the public health, safety, and welfare.

(b) Conditional Use Permit Required. No person shall establish, operate or maintain on any premises as an accessory use a parking facility where any vehicles, to include tractors, trailers, boats, campers, recreational vehicles, buses, trucks, or automobiles, are to be parked for a continuous period exceeding six days without obtaining a conditional use permit for such accessory use.

(c) Permit Requirements. In addition to complying with all other provisions of this Zoning Code, particularly the requirements of Chapters 1238 and 1280, the applicant for the conditional use permit shall give evidence that the premises proposed for such use complies with the following conditions:

- (1) That no boundary of the proposed parking area is within 50 feet of a residential district boundary.
- (2) That the proposed parking area will not prevent access to adjacent properties by fire safety equipment.
- (3) That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties.
- (4) That fencing and lighting of the facility will be sufficient to provide for its reasonable security.
- (5) That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

### **1276.07 REGULATION OF HOME OCCUPATIONS.**

This section shall apply to the location, operation, and maintenance of home occupations.

(a) Purpose. It is the purpose of this section to promote the public health, safety, and welfare through the regulation of home occupations. It is further the intent of this section to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

(b) Definition. "Home Occupation" means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood.

(c) Home Occupation as a Permitted Use. A home occupation shall be a permitted use if it complies with the following requirements:

- (1) The external appearance of the structure in which the use is conducted shall not be altered.
- (2) No sign is erected on the premise advertising the home occupation.
- (3) No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
- (4) There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display

- of products may be visible from the street.
- (5) Not more than 25% of the gross floor area of the dwelling shall be devoted to the use.
  - (6) 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.
  - (7) No additional parking demand shall be created.
  - (8) No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.
- (d) Home Occupation as a Conditionally Permitted Use. A person may apply for a conditional use permit for a home occupation which does not comply with the requirements of division (c) of this section. The criteria for the issuance of such a permit for a home occupation are as follows:
- (1) There shall be no more than two nonresidential employees or volunteers to be engaged in the proposed use.
  - (2) Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation.
  - (3) The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies.
  - (4) No outside storage shall be permitted.
  - (5) Not more than 30% of the gross floor area of any residence shall be devoted to the proposed home occupation.
  - (6) The external appearance of the structure in which the use is to be conducted shall not be altered, and not more than one sign no larger than two square feet shall be mounted flush to the wall of the structure.
  - (7) Minor or moderate alterations in accordance with applicable codes may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.
  - (8) 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.
  - (9) No more than two additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard.
- (e) Invalidation of Home Occupation Conditional Use Permit. For the purposes of this Zoning Code, a conditional use permit issued for a home occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of the permit. Such conditional use permit shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Board of Zoning Appeals.

#### **1276.08 MOBILE HOMES**

Mobile homes and mobile home parks shall not be permitted within the Village of Amanda. The use of a mobile home, tractor-trailer or other similar type trailer or structure shall not be permitted as an office, structure, storage facility or business structure whether for commercial, industrial or residential use except as stated in Section 1246.21.

## **1276.09 FENCES AND HEDGES.**

(a) Definitions and Application. The words “fence” and “wall” mean any structure composed of wood, metal, stone, brick or other material erected in such a manner and position as to enclose, partially enclose or divide any premises or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers or other vegetation when erected in such a position as to enclose, partially enclose or divide any premises or any part of any premises shall also be considered a fence. The provisions of this section shall apply to any single family residential zoning district and to no other districts. In all other zoning districts, fences shall be approved as part of the site plan or development plan review.

(b) Regulations.

- (1) Chain link, mesh wire, barbed wire or similar sharp point fences are prohibited. Exceptions: Galvanized chain link fence with rolled over top wires with a horizontal support tube will be permitted in any residential district, other than planned districts.
- (2) Electrically charged fences shall be forbidden in all districts except on sites of more than ten (10) acres used to confine livestock.
- (3) All fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any ground between the fence and property line shall be well maintained.
- (4) All fences and walls must present the finished non-structural face outward.
- (5) No fence or wall may be placed within the sight visibility triangle defined in Section 1246.15
- (6) No fence or wall shall be permitted to encroach upon public rights-of-way or easements.
- (7) No fence shall be constructed on the property line nor shall any fence be constructed on or within any easement. All fences shall be a minimum of one foot from the property line.
- (8) No fence or wall shall be constructed in any platted no-build zone, conservation/no disturb zone, floodway, floodplain or drainage easement for any parcel or subdivision, which would be detrimental to the public health, safety and welfare. All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.
- (9) All fences on a parcel shall have a unified style.
- (10) Guard rails shall not be used as fencing.
- (11) No fence shall exceed six feet in height except fences in the front yard that may not exceed three feet in height.
- (12) No fence shall be constructed in the absence of surveyor pins being directly visible on the site. If surveyor pins are not directly visible on the site, a survey must be done.

(c) Permit Required. No fence shall be constructed, altered or reconstructed without a permit from the Zoning Administrator and after such application has been approved.

(d) Inspections. It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans approved by the Municipality, and such fence does not encroach upon another lot or parcel of land nor is it in violation of any deed restrictions. The Municipality shall furnish such inspection as is deemed



necessary to determine that the fence is constructed in accordance with plans submitted for permit, provided, however, that the issuance of the permit by the Municipality shall not be construed to mean that the Municipality has determined that the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him therein.

(e) Exemptions for Temporary Fences. The following temporary fences shall be exempt from the provisions of this section:

- (1) Temporary construction fences when such fence is indicated on an approved site plan.
- (2) Temporary fences used for Special Events and shown on an approved plot plan for said event.
- (3) Temporary snow fence installed by any Government agency.
- (4) Temporary fences installed for the protection of the public from any obvious danger.

#### **1276.10 Small Wind Energy System.**

The following regulations apply to small wind energy system.

(a) Purpose. It is the purpose of this regulation to promote the safe, effective, and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity. This regulation provides, by ordinance, for the installation of small wind energy systems, as specified, and to issue a permit for this purpose. If any portion of the proposed small wind energy system does not meet the requirements set under this regulation, a zoning variance will be required.

(b) Definitions. The following definitions shall apply in the interpretation of this section:

(1) “Small Wind Energy System” shall mean a system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rating capacity appropriate to the on-site electric usage of the end-user.

(2) “Turbine” shall mean the parts of a wind system including the blades, generator and tail.

(3) “Tower Height” shall mean the height above grade of the fixed portion of the tower, excluding the wind turbine and blades.

(c) Regulations. No small wind energy system permit shall be issued, and no small wind energy system shall be installed or maintained, unless the small wind energy system complies with the following regulations:

(1) Notice of an application for installation of a small wind energy system shall be provided to property owners within two hundred (200) feet of the property on which the system is to be located.

(2) Tower heights of not more than one hundred forty (140) feet shall be allowed on parcels up to five (5) acres. For property sizes of five (5) acres or more, there is no limitation on tower height, except as imposed by FAA regulations, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

(3) Setbacks for the system tower shall be no closer to the property line than the height of the system and no part of the system, including guy wire anchors, may extend closer than ten (10) feet to the property boundary. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of six (6) feet above the guy wire anchors.

(4) Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

(5) Decibel levels for the system shall not exceed sixty (60) decibels (dBA) measured at the closest neighboring inhabited dwelling, except during short-term events, such as utility outages and severe windstorms.

(6) The application shall include standard drawings and an engineering analysis of the system's tower, and certification by a professional mechanical, structural, or civil engineer. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements.

(7) The system shall comply with all applicable Federal Aviation Administration requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.

(8) No grid-interconnected wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install a grid-connected customer-owned generator. Off-grid systems shall be exempt of this requirement.

(9) For those small wind energy systems that do not meet the above criteria, a variance will be required in addition to a conditional use permit.

**CHAPTER 1278**  
**Wireless Telecommunications Facilities**

- 1278.01 Purpose.
- 1278.02 Municipal objectives.
- 1278.03 Definitions.
- 1278.04 Applicability.
- 1278.05 Locations and Specific Requirements for Towers and Antennas.
- 1278.06 General requirements.
- 1278.07 Submittal requirements.
- 1278.08 Design standards.
- 1278.09 Certification of registered professional engineer.
- 1278.10 Reimbursement of expenses.
- 1278.11 Denial of request.
- 1278.12 Permit.
- 1278.13 Time limitation for beginning of construction.
- 1278.14 State or federal requirements.
- 1278.15 Abandonment of tower.
- 1278.16 Nonconforming uses.
- 1278.17 Civil action.
- 1278.18 Cumulative remedies.
- 1278.19 Procedure for district designation.
- 1278.20 Liability.
- 1278.99 Penalty.

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**1278.01 PURPOSE.**

The purpose of this chapter is to protect the health, safety and welfare of the public while not unreasonably interfering with the development of the competitive wireless telecommunication market place through the establishment of requirements for the installation of Wireless Communication Facilities.

**1278.02 MUNICIPAL OBJECTIVES.**

The following are the Municipality's objectives:

- (a) To comply with the Telecommunications Act of 1996 including any follow-on rules and/or rule interpretations by the appropriate state, federal agencies and the courts.

- (b) To work pro-actively with the various wireless telecommunications service providers to ensure rapid and reliable deployment of their services and technologies while minimizing the negative impacts on the Municipality.
- (c) Protect residential areas and land uses from potential adverse impacts of towers and antennas.
- (d) Encourage the location of towers in non-residential areas.
- (e) Minimize the total number of towers throughout the community.
- (f) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single use towers.
- (g) Encourage the owners and operators of wireless towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
- (h) Encourage owners and operators of Wireless Communications Facilities and antennas to configure them in a way that minimizes the adverse impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques to be sure that, to the greatest extent feasible, that wireless towers and antennas and ancillary facilities are compatible with surrounding land users.
- (i) Consider the public health and safety of Wireless Communications Facilities.
- (j) Avoid potential damage to adjacent properties caused by Wireless Communications Facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained and removed.
- (k) To make available appropriate Municipal owned property and structures for Wireless Communications Facilities.

### **1278.03 DEFINITIONS.**

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

- (a) "Antenna" means any exterior apparatus used for transmitting and receiving, mounted on a tower, alternative tower structure, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- (b) "Antenna Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like. The term also includes the structure and any support thereto.
- (c) "Antenna Tower Alternative Structure" means trees, clock towers, bell steeples, and similar alternative-design mounting structures that substantially camouflage or conceal the presence of antennas or towers such that one would not identify the structure as an

antenna tower.

- (d) "Antenna Tower Height" means, when referring to a tower or other structure within the provisions of this chapter, the distance measured from the average grade plane of the antenna tower base to the highest point on the tower or other structure, including any antenna and additional height required for co-location. Lightning rods up to six feet in length and 1.25 inches in diameter may extend above the maximum height measured. When roof-mounted, antenna tower height shall be measured from the average grade plane of the building to the highest point on the tower or other structure, including any antenna and additional height required for co-location.
- (e) "Average Grade Plane" means a reference plane representing the average of finished ground level adjoining the structure or building at all exterior surfaces.
- (f) "Backhaul Network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- (g) "Co-location" means the use of wireless communications facilities by more than one wireless communications provider.
- (h) "Conditional Use" means a use, although often desirable, which will more intensely affect the surrounding area in which such facility is located than is permitted in such zoning district. A conditional use may be permitted through a permit by the Board of Zoning Appeals after a public hearing.
- (i) "Engineer" means a registered professional engineer licensed in the State of Ohio to provide any information of an engineering nature whether civil, electrical or mechanical.
- (j) "FAA" means the Federal Aviation Administration.
- (k) "FCC" means the Federal Communications Commission.
- (l) "Facility" see Wireless Communications Facility.
- (m) "Force Majeure" means a strike, acts of God, acts of public enemies; administrative, judicial or regulatory orders or regulations of any kind of the United States of America and/or the State of Ohio or any of their departments, agencies or political subdivisions; riots, epidemics, landslides, lightning, earthquakes, fires, tornadoes, storms, floods, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the disabled party, but only to the extent that the disabled party notifies the other party as soon as practicable regarding such force majeure.
- (n) "Monopole" means a single pole with no above ground lateral support from secondary structural members in either tension or compression.
- (o) "No-impact Wireless Communication Facility" means a facility which is either: (1) virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure, or (2) camouflaged so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surroundings in which it is located, such as a flagpole serving as an antenna.
- (p) "Personal Communications Services Tower" see "Wireless Communications Facility."
- (q) "Pre-existing Towers and Pre-existing Antenna" means any tower or antenna for

which a building permit has been properly issued prior to the effective date of this chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

- (r) "Public Property" means real estate owned, leased, or otherwise controlled by the Municipality, Joint Fire District or the School District.
- (s) "Stealth Design" means any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include, but are not limited to, antenna tower alternative structures, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antennas and monopoles surrounded or obscured by existing and/or proposed trees and landscaping and antenna structures designed to look like light poles.
- (t) "Tower" see "Antenna Tower/Wireless Communications Facility."
- (u) "Wireless Communication Facility" is an all encompassing term that includes towers, poles, cables, wires, lines, wave guides, antennas, microwave dishes and/or any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower or antenna support structure. However, the term "Wireless Telecommunications Facilities" shall not include:
  - (1) Any satellite earth station antenna two meters or less in diameter or less that is located in an area zoned industrial or commercial;
  - (2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category;
  - (3) Antennas used by amateur radio operators.

#### **1278.04 APPLICABILITY.**

All towers, antenna support structures and wireless communications facilities, any portion of which are located within the Municipality, are subject to this chapter. The provisions of this chapter are to be supplemented by specific regulations for the zoning districts in which such towers, support structures and wireless communications facilities are located. Except as provided in this chapter, any use being made of a pre-existing tower or antenna support structure on the effective date of this chapter (herein referred to as "Nonconforming Structures") shall be allowed to continue, even if in conflict with this chapter. All re-construction or modifications to a nonconforming structure being undertaken shall be required to conform with the provisions of this chapter.

- (a) New Towers and Antennas. All new tower and antenna sites and facilities within the Village of Amanda shall be subject to these regulations.
- (b) Pre-existing Towers or Antennas. Pre-existing towers or pre-existing antennas shall not be required to meet the requirements of this chapter other than the requirements of other applicable sections of the Village of Amanda Zoning Code. No additions, alterations or modifications shall be made to any pre-existing wireless communication towers or antennas facilities that do not comply with this chapter without Board of Zoning Appeals review and approval, except for repairs and routine maintenance.

**1278.05 LOCATIONS AND SPECIFIC REQUIREMENTS FOR TOWERS AND ANTENNAS.**

- (a) Wireless towers and antennas shall be permitted as conditional uses in the “OI” and “GB” districts provided they are combined with another use or located on the same parcel as a permitted use for the zoning district in which they are located and meet the following requirements:
  - (1) Minimum lot area. Wireless telecommunication facilities which include a tower to support the antenna shall utilize a monopole tower and shall be located on a lot of not less than one acre in area.
  - (2) Setback. The minimum setback from all property lines is the height of the tower proposed. Such setback shall apply to all elements of the wireless communications facility including equipment shelters and other above ground appurtenances.
  - (3) Maximum height. The maximum height of any tower and antenna shall not exceed one hundred feet. The height for equipment shelters associated with a wireless telecommunications facility shall meet the requirements for maximum building height for the district in which it is located.
  - (4) If attached to an existing structure or building, no portion of the wireless telecommunications facility shall extend more than ten feet above that portion of the building or structure on which it is attached.
  - (5) Any equipment shelter associated with a wireless telecommunications facility not located within an existing building shall be effectively screened by a wall of not less than six feet in height or solid landscape screening utilizing evergreen plantings not less than six feet on center and a minimum of six feet in height at time of planting.
- (b) Wireless towers and antennas shall be permitted as conditional uses in the “DB” district and on public facilities in residential districts provided they are attached to an existing building or structure and meet the following requirements:
  - (1) No portion of the wireless telecommunication facility shall extend more than ten feet above that portion of the building or structure on which it is attached.
  - (2) Any equipment shelter associated with a wireless telecommunications facility not located within an existing building shall be effectively screened by a wall of not less than six feet in height or solid landscape screening utilizing evergreen plantings not less than six feet on center and a minimum of six feet in height at time of planting.
- (c) Wireless towers and antennas shall be permitted as conditional uses in the “I” district provided that the facility meet all the requirements of the Code for the District and in addition meets the following requirements:
  - (1) Minimum lot area. Wireless telecommunication facilities which include a tower to support the antenna shall utilize a monopole tower and shall be located on a lot of not less than one acre in area.
  - (2) Setback. The minimum setback from all property lines is the height of the tower proposed. Such setback shall apply to all elements of the wireless communications facility including equipment shelters and other above ground appurtenances.
  - (3) Maximum height. The maximum height of any tower and antenna shall not

exceed one hundred and thirty feet in height. The height for equipment shelters associated with a wireless telecommunications facility shall meet the requirements for maximum building height for the district in which it is located.

- (4) If attached to an existing structure or building, no portion of the wireless telecommunications facility shall extend more than twenty feet above that portion of the building or structure on which it is attached.
- (5) Any equipment shelter associated with a wireless telecommunications facility not located within an existing building shall be effectively screened by a wall of not less than six feet in height or solid landscape screening utilizing evergreen plantings not less than six feet on center and a minimum of six feet in height at time of planting.

#### **1278.06 GENERAL REQUIREMENTS.**

The following use regulations shall apply to all wireless communications facilities services antennas and towers:

- (a) Any wireless communications facility antenna that is mounted upon an existing structure as stated above shall match or other wise be compatible with, the structure on which it is located.
- (b) Any wireless communications facility and its appurtenances located on the roof of a building are to be set back one foot from the edge of the roof of the building for each one foot in height of the wireless communications facility. However this setback requirement shall not apply to antennas less than two inches in diameter which are mounted to the sides of any antenna support structures and which do not protrude more than six inches from the side of such antenna support structure. The setback mentioned in this division (c) does not apply to any wireless telecommunications facility that is located on an elevator penthouse of said building, provided that such facilities meet FCC and FAA requirements.
- (c) A wireless communications facility, tower or antenna shall not be attached to a building or structure that is listed on a historic register.
- (d) All other uses ancillary to the wireless tower or antenna including, but not being limited to, business offices, maintenance depots, and material and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the wireless tower or antenna is located or proposed to be located
- (e) Wireless towers and antennas sites shall not be located in any single family or multifamily residential zoning district unless attached to a public facility.
- (f) All towers shall be of monopole construction. Lattice towers and guyed towers are not permitted.
- (g) In all cases a license or lease authorizing a wireless tower or antenna on public property or institutional property must be approved by the Municipal Council.
- (h) The equipment cabinet or structure associated with the wireless communication facility shall be located according to the following:
  - (1) The equipment cabinet or structure shall be designed to minimize its visual impact and shall be screened in accordance with the zoning requirements in the district in which it is located.
  - (2) The maximum height of the equipment cabinet or structure will be in conformance with the zoning district in which said cabinet or structure is located.



### **1278.07 SUBMITTAL REQUIREMENTS.**

Permit applicants for conditionally permitted wireless communication facilities shall submit the following information:

- (a) Survey of Existing Conditions. A survey for the property to be leased to or otherwise under the control of the provider shall be prepared by a surveyor licensed to practice in the State of Ohio. This survey shall indicate all observable physical features on the site and on property abutting the site, ownership of the property and of all property abutting the site, underground and overhead utilities, easements, deed restrictions, property line bearings and distances. Topography at two foot intervals shall be shown for the entire property or within at least a 150-foot radius of the tower, whichever is less. Spot elevations may be used when contour intervals are impractical.
- (b) Legal Description. Legal description of the parent tract and leased parcel if applicable.
- (c) Site Development Proposal. A scaled site plan and specifications of no less than one inch equals 100 feet shall be submitted clearly indicating the location of all new and existing underground and overhead facilities. The plan shall indicate all land uses and buildings that are within 200 feet of the proposed facility. This shall include, but not be limited to, the proposed tower, antenna and associated buildings, uses and structures on the same and adjacent properties, underground and overhead utilities, and exterior lighting. Adjacent roadways, proposed means of access, parking and other information deemed necessary by the Board of Zoning Appeals for a review of the application shall also be shown. Setback dimensions shall show the distance between each property line and the closest point on the perimeter of the tower structure, excluding guy wires and other similar miscellaneous stabilizers whose collapse would not endanger surrounding property.
- (d) Grading and Landscaping Plan. A proposed site grading and landscape plan showing specific landscape materials and species proposed. Land contours shall be shown at two foot intervals and the surface drainage concept shall be indicated for the entire property, or within at least a 150 foot radius of the tower, whichever is less. Spot elevations may be substituted where contour elevations are impractical. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment.
- (e) Antenna and Towers. Plans, elevation drawings and material specifications for all proposed antenna tower and antenna.
- (f) Buildings. Building plans, elevation drawings and material specifications for all proposed buildings, structures, fences, walls and gates.
- (g) Fence Plan. Shall include a plan and elevations drawn to scale together with a material specification for all security enclosures. Use of barbed wire is permitted if compatible with the applicable zoning requirements and surrounding land uses where the wireless telecommunications facility is to be located. Use of razor wire as part of any fencing is prohibited. The Municipality and co-locators shall have reasonable access. No fence shall be required on the top of a building or other structure if access to the roof or top of the structure is secure. The Municipality reserves the right to require specific fencing in any visually sensitive areas.
- (h) Certification of Compliance. A written certification from the owner or operator of the

wireless telecommunications facility that the facility is in compliance with all applicable federal, state, county and local laws including FCC regulations for non-ionizing electromagnetic radiation (NIER).

- (i) Co-Location Statement. A notarized statement by a registered professional engineer hired by the applicant that verifies that construction of the tower will accommodate co-location of additional antennas for future use and also states the ultimate height needed for the co-location capacity required.
- (j) Lease Agreement. For all facilities to be located on Municipal owned or any public property, a copy of the proposed antenna tower site lease agreement including all easements and access rights.
- (k) Inventory.
  - (1) List of Applicant Locations. Each applicant for an antenna and/or tower shall provide to the Board of Zoning Appeals an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of the Village of Amanda or within three miles of the border thereof, including specific information about the location, height, and design of each tower.
  - (2) Specification of Backhaul Providers. Identification of the entities providing the backhaul network for the tower(s) or antenna(s) described in the application and other telecommunication wireless sites owned or operated by the applicant within the Municipality.
- (l) Justification. A description of the suitability of the use of existing towers, other structures or technology not requiring the use of the proposed new tower. New towers shall be approved only when other preferable alternatives are not available. The applicant must demonstrate to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structure or other alternative is available to fulfill the communication requirements. Such evidence may include, but not be limited to, the following:
  - (1) Existing facilities not available. A demonstration that a technically suitable location is not reasonably available on an existing tower, building or structure; or
  - (2) Existing towers or structures do not have sufficient height to meet applicant's engineering requirements, or have insufficient structural strength to support applicant's proposed antenna and related equipment; or
  - (3) The applicant's proposed antenna would cause frequency interference with the antenna on the existing tower or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna; or
  - (4) The fees, costs, or contractual provisions required by the owner of the existing structure in order to share the existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable; or
  - (5) Co-location rejected. If another tower is technically suitable the applicant must show that the applicant has made a written offer to allow the owner to co-locate an antenna on another tower within the Municipality owned by the applicant on reciprocal terms and the offer was not accepted.
- (m) Radio Frequency (RF) Engineer Testimony. Testimony shall be made by a radio frequency engineer at all required public hearings and he/she shall attest to the engineering need for the tower height regulated.

## **1278.08 DESIGN STANDARDS**

For the protection of the public health, welfare and safety, all principally and conditionally permitted wireless communication facilities shall meet or exceed the following standards.

- (a) Co-Location. As a condition of issuing a permit to construct and operate a tower in the Municipality, the owner/operator of the tower is required to allow co-location until the tower has reached full antenna capacity, but in no event shall the tower be able to accommodate fewer than one additional antenna for one additional provider. Antenna towers are not permitted to be built to a height which exceeds the applicant's service need as substantiated by the testimony of a radio frequency engineer. If the tower must be extended in the future to accommodate co-location, the initial tower foundation must be designed to support this co-location capacity, and the tower must be designed to accommodate this extension capability. The antenna tower setback defined in division (c) below must be based on the ultimate co-location tower height planned. This ultimate height must be specified on the drawings submitted. Tower height shall not be extended until co-locators are installed. Agreement to this provision must be included in the lease by the landowner, if different from the owner/operator of the wireless tower or antenna. Written documentation must be presented to the Board of Zoning Appeals evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this section as well as the requirements, regulations and standards established in this chapter. As an additional condition of issuing the permit to construct and operate the wireless tower or antenna in the Municipality, the owner/operator of the tower is required to sign a statement that all disputes with future providers concerning co-location and the terms and conditions of co-location shall be submitted to commercial arbitration under a system selected by the parties but if the parties are unable to agree, then under the auspices of the Commercial Arbitration Provisions of the American Arbitration Association.
- (b) Separation. There shall be a separation of at least one quarter mile between new antenna towers. The Board of Zoning Appeals may waive this requirement for the purposes of clustering of towers and placement of towers on electric high tension towers or if the tower being considered for location is not capable of supporting additional antennas.
- (c) Exceptions to Antenna Tower Height and Setback Requirements.
  - (1) New and replacement antennas located on or attached to any existing or new municipal water tower(s) located within the Village of Amanda. (
- (d) Antenna Tower Design. All new and replacement wireless towers or antennas in the Municipality shall be an approved design. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and its supporting equipment as unobtrusive as possible as determined by the Municipality.
- (e) Materials. Towers shall maintain a galvanized steel finish, non-contrasting gray or similar color that will minimize its visibility. The Municipality reserves the right to require that these towers be painted a color so as to reduce visual obtrusiveness. If required by the FAA, towers may be painted pursuant to FAA or ODOT requirements.
- (f) Service Equipment. The Board of Zoning Appeals may require that all cable, conduit,

pipng, equipment and miscellaneous devices serving wireless telecommunication facilities shall be either buried or concealed within the structures involved if the aesthetics of the surrounding area dictate, except when otherwise required by the Ohio Basic Building Code and the National Electric Code. Towers located in commercial, industrial or manufacturing areas shall meet the requirements of the zoning district in which they are located.

- (g) Accessory Structures. All principal structures, accessory structures, buildings, shelters and equipment enclosures, together with supporting development including, but not limited to, fence enclosures, driveways, gates and miscellaneous pavement serving and supporting the operation of the antenna tower(s) and antenna(s) shall meet the following requirements:
- (1) Compatibility. All development including, but not limited to, buildings, shelters, enclosures, driveways, gates and miscellaneous pavement located shall meet the zoning standards of the underlying zone. Buildings, shelters, enclosures, driveways, gates and miscellaneous pavement located in other zones shall meet the zoning standards of the underlying zone and shall be aesthetically and architecturally compatible with the surrounding environment, as approved by the Board of Zoning Appeals.
  - (2) Board of Zoning Appeals' Authority. When the antenna and antenna tower is a conditional use the Board of Zoning Appeals shall review and approve the final design of all accessory buildings, shelters and enclosures for compliance with this chapter prior to the issuance of a permit. The Board of Zoning Appeals may require additional plans, design modifications, material specification changes and impose conditions of approval as are felt to be necessary to ensure building and/or shelter compatibility with the surrounding area.
- (h) Storage. Outdoor storage of any supplies, vehicles or equipment related to the use of the facility is prohibited.
- (i) Fences. Screen fencing shall be provided for aesthetic and public safety reasons when the wireless communication facility, tower or antenna is ground based. "No impact" facilities are not subject to this requirement. A fence six feet in height will be erected completely around the communication tower and any related support facilities. Fencing should be appropriate for the area in which the tower or antenna is to be located and compatible with the surrounding environment and the applicable Municipal codes.
- (j) Landscape. A landscaped buffer area compatible with the surrounding environment and the zoning district in which the facility is to be located shall be provided. If the tower is to be located in close proximity to a residential district, the Board of Zoning Appeals may require landscaping consistent with that of the adjacent area. Such landscaping may include, but shall not be limited to:
- (1) A landscape buffer of not less than ten feet in depth shall be placed between the wireless tower or antenna and the public rights-of-way, residential zoning districts, and any adjacent residential uses when the wireless facility is ground based.
  - (2) The ten foot landscape buffer shall consist of a tight screen fence of hardy evergreen shrubbery not less than six feet in height.
  - (3) The landscaping shall be continuously maintained and any dead material shall be

promptly removed and replaced with living material of the same species. Additional or alternative landscaping buffers may be required by the Board of Zoning Appeals to meet the goals of the Village and to be consistent with the surrounding area. "No impact" facilities and roof-top facilities are not subject to this requirement.

- (k) Illumination. Except as required by law, a wireless tower or antenna shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by FAA regulations, white strobe lights shall not be permitted at night unless no other alternative is permitted by the FAA. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Lighting for security purposes shall be permitted at the wireless communication facility with prior approval of the review authority specified in this chapter for the application involved.
- (l) Advertising. No advertising shall be permitted on any wireless communication facility.
- (m) Security. No trespassing signs shall be posted around the wireless communication facility with a telephone number of a person to contact in the event of an emergency.
- (n) Certification. Towers and antennas shall be designed and sealed by a registered professional engineer in accordance with the provisions of the Ohio Basic Building Code and the National Electrical Code.
- (o) Building Codes; Safety Standards. The owner of a wireless communications facility as defined in this chapter shall ensure that the facility is maintained in compliance with standards contained in all applicable state or local building codes and the applicable standards for such facilities published by the Electronic Industry Association as now exist or may hereafter be amended. If, upon inspection, the Municipality determines that the facility fails to comply with any such codes or standards and constitutes a danger to persons or property, then upon written notice being provided to the owner of the facility, the owner shall have 30 days to bring the facility into compliance with such codes and standards. Failure to bring said facility into compliance within the 30 days shall constitute grounds for the removal of the facility at the owner's expense.
- (p) License to Operate. Owners and operators of wireless communications facilities shall submit copies of all franchises, certifications, licenses, and permits required by law for the design, construction, location and operation of wireless communications facilities within the Village of Amanda. Owners and operators shall be required to maintain same and to provide evidence of renewal or extension thereof when requested by the Municipality.
- (q) Underground Equipment Shelters Underground equipment shelters will be required where appropriate screening of such shelters cannot be accomplished.

**1278.09 CERTIFICATION OF REGISTERED PROFESSIONAL ENGINEER.**

Prior to action by the review authority specified in this chapter, the Municipality and the owner or operator of the wireless communications facility may agree to require a review/report by an independent registered professional engineer engaged by the Municipality and paid for by the applicant pursuant to its reimbursement of Municipal expenses in accordance with this chapter. Among other things, the engineer may review and recommend the written certification of

the applicant's engineer filed pursuant to this chapter, may review and recommend the applicant's propagation studies showing the necessity for the location of the tower, and may review and recommend the structural integrity, electrical integrity and electrical safety of the wireless communication facility in its projected uses so as to assure the protection of the health, safety and welfare of the citizens of the Municipality.

**1278.10 REIMBURSEMENT OF EXPENSES.**

The applicant shall be responsible for all expenses incurred by the Municipality for any technical engineering services deemed necessary by Municipal Council, the Municipal Solicitor, or the Board of Zoning Appeals to perform the reviews required by this chapter.

**1278.11 DENIAL OF REQUEST.**

Any decision to deny a request to place, construct or modify a wireless tower or antenna shall be in writing and supported by substantial evidence contained in a written record of the proceedings of the Board of Zoning Appeals and Municipal Council, if applicable. If a location request is denied pursuant to this section, the applicant shall be entitled to file an appeal in accordance with the existing Board of Zoning Appeals procedures that are hereby incorporated by reference into this chapter.

**1278.12 PERMIT.**

A wireless communication facility may not be constructed or erected except where located in compliance with this chapter. The Board of Zoning Appeals shall authorize the issuance of permits required by the chapter and shall collect the fees therefore.

**1278.13 TIME LIMITATIONS FOR BEGINNING OF CONSTRUCTION.**

After issuance of a permit to construct a wireless tower or antenna, the permit holder shall begin construction within 180 days and shall complete construction within 360 days or the permit and approval shall expire. In the case of Municipal owned or public property, the Board of Zoning Appeals shall require the permit holder to certify that if construction is not commenced within 180 days or completed within 360 days that the site shall be available for another wireless communications facility provider. Should such delay in beginning or completing construction be due to force majeure, the delayed party shall take all necessary and reasonable steps to overcome the force majeure and shall keep the Municipality advised of the reason for the delay and the steps being taken to reduce the delay. If the delay is due to force majeure, the Municipality and the delayed party shall agree to a new construction date which new date shall then be subject to the time limits as stated in this section.

**1278.14 STATE OR FEDERAL REQUIREMENTS.**

All towers/antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall so notify the Village of Amanda and shall bring such facilities into compliance with such revised standards and regulations within 90 days of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state, county or federal agency. Failure to bring such towers and

antennas into compliance with the revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner or operator's expense.

#### **1278.15 ABANDONMENT OF TOWER.**

All providers utilizing wireless towers or antennas shall present a report to the Municipality or its designee notifying them of any wireless tower or antenna located in the Municipality whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, the Municipal Administrator may declare the facility abandoned (excluding any dormancy period between construction and the initial use of the facility). The facility's owner/operator will receive written notice from the Municipality or its designee and be instructed to either reactivate the facility's use within 180 days, or dismantle or remove the facility. In the case of a multi-use tower, this provision shall not become effective until all of the users cease to use the tower. However, the Municipality may cause the abandoned portions of the systems on the multi-use tower to be removed in accordance with this section.

- (a) Removal. The owner or operator shall agree to remove a nonfunctioning facility within 180 days of ceasing its use and return the site to its pre-existing condition.
- (b) Notice Requirements. The Municipality must provide the tower or antenna owner or operator 90 days notice and an opportunity to be heard before the Board of Zoning Appeals before the Municipality can initiate removal of the facility. After such notice the Municipality shall have the authority to initiate proceedings either to acquire the tower and any appurtenances attached thereto at the then fair market value, or in the alternative, to order the demolition of the tower and all appurtenances.
- (c) Public Hearing. The Municipality shall provide the tower owner with the right to a public hearing before the Board of Zoning Appeals which public hearing shall follow the 90 days notice required in division (b) above. All interested parties shall be allowed an opportunity to be heard at the public hearing.
- (d) Acquisition/ Removal of Tower. After a public hearing is held pursuant to division (c), the Board of Zoning Appeals may order the acquisition or demolition of the tower. The Municipality shall also exercise its rights related to any bonding requirements stated in division (e).
- (e) Bond. The owner or operator shall be required as a condition of issuance of a permit to post a cash or surety bond acceptable to the Municipal Solicitor of not less than \$100 per vertical foot from natural grade of the wireless communication facility. Said bond shall warrant that an abandoned, obsolete or destroyed wireless communication facility will be removed within 180 days of cessation of use and abandonment. If the wireless communication facility is not removed within 180 days of cessation of use or abandonment, the owner or operator shall forfeit this bond, but the obligation to remove the wireless communication facility and restore the site to its pre-existing condition shall remain. In the event that the facility is not removed within 180 days of cessation of operations at a site, the facilities may be acquired or removed by the Municipality and the costs of removal assessed against the property or recovered by other legal means from the owner or operator. Any co-locator shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of time that the co-locator occupies the tower.

**1278.16 NONCONFORMING USES.**

(a) Conforming Use. Towers that are constructed, and antennas that are installed in accordance with the provisions of this chapter shall be deemed to constitute the conforming uses or structures even when such new facilities are being added to a nonconforming installation.

(b) Pre-existing Towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height serving the same purpose) shall be permitted on such pre-existing towers. A replacement tower must be constructed within 180 days following any removal of the initial facility. New construction other than routine maintenance on a pre-existing tower shall comply with the provisions of this chapter.

**1278.17 CIVIL ACTION.**

Whenever any person fails, neglects or refuses to comply with any order of the Board of Zoning Appeals or other designated official, under the provisions of this chapter, or when any building or other structure is used or occupied so as to be in violation of or not in conformity with any provision of this chapter, the Municipal Administrator, or a designee may, at their sole discretion, institute an appropriate action in law or in equity to prevent any violation of this chapter or to prevent the occupation or use of such building or other structure.

**1278.18 CUMULATIVE REMEDIES.**

The exercise of the rights and remedies granted in this chapter shall in no way preclude or limit the Municipality from exercising any other right or remedy now or hereafter granted to it under the laws of Ohio or the ordinances of the Village of Amanda. If any provision of this chapter or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this chapter which can be given effect without the invalid provisions or application. Should any such provisions later be determined to be valid said provision shall thereupon return to full force and effect and shall thereafter be binding on the Municipality and all owners or operators of wireless communications facilities within the Municipality.

**1278.19 PROCEDURE FOR DISTRICT DESIGNATION.**

Municipal Council, in accordance with the procedures for amending Zoning set forth in the Codified Ordinances of the Municipality, may designate any additional area, after review and recommendation by the Board of Zoning Appeals, for a wireless communications facility. Such review shall include all requirements set forth in the existing procedures for properly changing zoning requirements and districts that are hereby incorporated by reference into this chapter.

Such review may include, but not be limited to, the following considerations:

- (a) The area is a nonresidential zone with surrounding buildings and equipment that will obscure the wireless communication tower and antenna from view.
- (b) The area includes internal tree masses and/or buildings that will obscure a wireless communication facility from view.
- (c) The area contains an existing building or structure which can accommodate a stealth designed antenna and tower installation.



**1278.20 LIABILITY.**

In the case of all leases concerning Municipal owned or public property the following provisions shall apply:

- (a) Hold Harmless. An owner or operator of a wireless communications facility shall indemnify and hold harmless the Village of Amanda as set forth in its lease at all times during the life of said lease and will pay all damages and penalties which the Municipality may be required to pay as a result of granting said lease to the owner or operator of wireless communications facilities.
- (b) Insurance.
  - (1) An owner or operator of wireless communications facilities shall, at all times, during the lifetime of its lease carry and require its contractors and subcontractors to carry public liability, property damage, worker's compensation, and vehicle insurance in such form and amount as shall be determined by the Municipality as set forth in the lease agreement. Insurance coverage should be obtained from an insurance carrier with an insurance industry rating of no less than "A" from A. M. Best. All required insurance coverage shall provide for 30 days written notice to the Municipality of any material alteration or cancellation of such coverage.
  - (2) In the case of cancellation of said insurance coverage the owner or operator of said wireless communications facilities shall provide written notice to the Municipality of adequate replacement insurance coverage within 30 days of such material alteration and/or notice of cancellation. Failure of the owner or operator to provide adequate insurance coverage, as evidenced by a certificate of such coverage, to the Village of Amanda within 60 days after execution of a lease shall render such lease null and void.

**1278.99 PENALTY.**

Any person violating any provision of this chapter shall be deemed, upon conviction of the first offense, guilty of a misdemeanor of the third degree and shall be fined not more than \$500 or imprisoned not more than 60 days or both. Any person convicted of a subsequent violation of this chapter shall, upon conviction, be deemed guilty of a misdemeanor of the first degree and shall be fined not more than \$1,000 or imprisoned not more than six months or both. Such person shall be deemed guilty of a separate offense for each and every day or portions thereof during which any violation of any of the provisions of this chapter is committed, permitted or continued.

**CHAPTER 1280**  
**Off-Street Parking and Loading Facilities**

- 1280.01 General parking requirements.
  - 1280.02 Off-street parking design standards.
  - 1280.03 Determination of required spaces.
  - 1280.04 Joint or collective parking facilities.
  - 1280.05 Off-street storage areas for drive-in services.
  - 1280.06 Parking of disabled vehicles.
  - 1280.07 Parking space requirements.
  - 1280.08 Handicapped parking.
  - 1280.09 Off-street loading space requirements.
  - 1280.10 Off-street loading design standards.
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**1280.01 GENERAL PARKING REQUIREMENTS.**

(a) In all districts, except the General Business District, at any time any building, structure or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of this chapter. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Administrator as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

(b) Except in the General Business District, whenever a building or use constructed or established after the effective date of this Zoning Code is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Zoning Code is enlarged to the extent of 50% or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein:

(c) If a building is constructed without a tenant or use established at the time of construction, the Zoning Administrator will determine the minimum number of parking spaces required and the owner/developer will be required to set aside vacant land where additional parking can be provided if needed once the use of the structure is determined.

**1280.02 OFF-STREET PARKING DESIGN STANDARDS.**

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

- (a) Parking Space Dimensions. Parking spaces shall conform to the following minimum area and dimensions exclusive of driveways and aisles.

	Minimum Width (feet)	Minimum Length (feet)
(1) Ninety degree parking	9	19
(2) Parallel parking	7	23
(3) Sixty degree angle parking	9	19
(4) Forty-five degree angle parking	9	19

(b) Access. There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:

- (1) For one single-, two- or three-family residential dwellings, the access drive shall be a minimum of nine feet in width.
- (2) For all other residential uses and all other uses, the access drive shall be a minimum of 18 feet in width.
- (3) All parking spaces, except those required for single, two-, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
- (4) Parking aisles adjacent to parking spaces shall contain the following minimum widths:

<u>Parking pattern</u>	<u>Minimum aisle width (feet)</u>
90 degrees	22'
60 degrees	18' (one way)
45 degrees	12' (one way); 22' (two way)
Parallel	12' (one way); 22' (two way)

(c) Setbacks. The location of off-street parking facilities for more than five vehicles may be located in required yards except front yards in residential districts as specified elsewhere in this Zoning Code, notwithstanding the requirements specified in the Official and Supplementary Schedules of District Regulations and Dimensional Requirements. In no case, however, shall the parking area be located closer than three feet to any street or alley.

(d) Screening In addition to the setback requirements specified in this Zoning Code for off-street parking facilities for more than five vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Chapter 1299 of this Zoning Code.

(e) Paving. All required parking spaces, concrete, asphaltic concrete, premixed asphalt pavement, blacktop, brick or grass pavers or the equivalent so as to provide a durable and dustless surface. Pervious surface materials may be used for spill over parking. Off-street parking area designs shall be reviewed and approved by the Zoning Administrator prior to issuance of a zoning permit.

(f) Drainage. All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an

- adequate storm water drainage system.
- (g) Barriers. Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
  - (h) Visibility. Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
  - (i) Marking. All parking areas for 20 or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Administrator, and shall be maintained in a clearly visible condition.
  - (j) Maintenance. Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
  - (k) Signs. Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
  - (l) Lighting. Any parking area with 20 or more off-street parking spaces, including residential, shall be illuminated during poor visibility to provide an average intensity of one-half foot candles of light as measured from the parking surface area. All lighting for vehicular use areas shall be full cutoff type. All outdoor lighting shall be of constant intensity and shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's rights.

### **1280.03 DETERMINATION OF REQUIRED SPACES.**

In computing the number of parking spaces required by this Zoning Code, the following rules shall apply:

- (a) Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a nonresidential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar non-usable areas.
- (b) Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each 18 lineal inches of benches, or pews, except where occupancy standards are set by the fire marshal.
- (c) Fractional numbers shall be increased to the next whole number.

### **1280.04 JOINT OR COLLECTIVE PARKING FACILITIES.**

The joint or collective provision of required off-street parking areas shall comply with the following standards and requirements:

- (a) All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
- (b) Not more than 50% of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to 100% of the parking spaces

required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.

- (c) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning permit.
- (d) When a commercial or mixed use center is constructed, the Zoning Administrator may reduce the total number of parking spaces required by an amount not to exceed thirty-five percent (35%).

**1280.05 OFF-STREET STORAGE AREAS FOR DRIVE-IN SERVICES.**

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

- (a) Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three additional storage spaces for each such stopping point.
- (b) Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four storage spaces per window.
- (c) Self-serve automobile washing facilities shall provide no less than three storage spaces per stall. All other automobiles washing facilities shall provide a minimum of six storage spaces per entrance.
- (d) Motor vehicle service stations shall provide no less than two storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than 15 feet to any street right-of-way line.

**1280.06 PARKING OF DISABLED VEHICLES.**

The parking of a disabled vehicle within a residential district for a period of more than one week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

**1280.07 PARKING SPACE REQUIREMENTS.**

For the purposes of this Zoning Code the following parking space requirements shall apply, except within the Downtown Business District, and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals.

- (a) Residential Uses.
  - (1) Single family or two family dwelling -- Two for each unit.
  - (2) Apartments, townhouses or multi-family dwellings -- Two for each unit.
  - (3) Bed and breakfasts – Two plus one per guest room

- (4) Family and group care homes – One per four residents
- (5) Retirement villages and senior citizen housing – One and a half per unit
- (b) Business Related Uses.
  - (1) Animal hospitals and kennels -- One for each 600 square feet of floor area and one for each two employees.
  - (2) Motor vehicle repair station -- One for each 500 square feet of floor area and one for each employee.
  - (3) Motor vehicle salesroom -- One for each 600 square feet of floor area and one for each employee.
  - (4) Motor vehicle service stations -- One for each service bay and one for every two gasoline pumps.
  - (5) Car washing facilities (not self service) -- One for each employee.
  - (6) Banks, financial institutions, post offices, and similar uses--One for each 250 square feet of floor area and one for each employee.
  - (7) Barber and beauty shops -- One for each chair
  - (8) Carry-out restaurants -- One for each 200 square feet of floor area and one for each two employees.
  - (9) Drive-in restaurants -- One for each 125 square feet of floor area and one per each two employees.
  - (10) Hotels, motels -- One for each sleeping room plus one space for each two employees.
  - (11) Boarding, rooming home -- One for each sleeping room.
  - (12) Furniture, appliance, hardware, machinery or equipment sales and service and wholesale establishments -- Two plus one additional space for each 200 square feet of floor area over 1000 square feet.
  - (13) Consumer and trade service uses not otherwise specified -- One for each employee.
  - (14) Funeral homes, mortuaries and similar type uses -- One for each 50 square feet of floor area in slumber rooms, parlors, or service rooms.
  - (15) Laundromats -- One for every two washing machines.
  - (16) Administrative, business and professional office uses -- One for each 200 square feet of floor area.
  - (17) Sit-down restaurants, taverns, night clubs, and similar uses--One for each three persons of capacity.
  - (18) Retail stores -- One for each 300 square feet of floor area.
  - (19) All other types of business or commercial uses permitted in any business district -- One for each 300 square feet of floor area.
- (c) Recreational and Entertainment Uses.
  - (1) Bowling alleys -- Four for each alley or lane; one for each three persons of capacity of the area used for restaurant, cocktail lounge, or similar use;
  - (2) Dance halls, skating rinks -- One for each 100 square feet of floor area used for the activity; one for each three persons of capacity in a restaurant, snack bar, or cocktail lounge;
  - (3) Outdoor swimming pools: public, community or club -- One for each ten persons of capacity, and one for each three persons of capacity for a restaurant.
  - (4) Auditoriums, sport arenas, theaters, and similar uses -- One for each four seats.

- (5) Miniature golf courses -- One for each hole
- (6) Private clubs and lodges -- One for each ten members.
- (7) Tennis facilities, racquetball facilities or similar uses -- Two for each playing area; and one for each 100 square feet of other activity area.
- (d) Institutional Uses.
  - (1) Churches and other places of religious assembly -- One for each eight seats in main assembly room, or one for each classroom, whichever is greater.
  - (2) Hospitals -- One for each three beds.
  - (3) Sanitariums, homes for the aged, nursing homes, rest homes, similar uses -- One for each three beds.
  - (4) Medical and dental clinics -- One for every 200 square feet floor area.
  - (5) Libraries, museums, and art galleries -- Ten, and one for each 300 square feet floor area in excess of 2,000 square feet.
- (e) Educational Institution (Public, Parochial, or Private) Uses.
  - (1) Elementary schools, and kindergartens -- Three for each classroom and room used for administration.
  - (2) High schools and middle schools -- One for every ten students, or one for each teacher and employee, or one for every four seats in auditoriums, assembly areas or sports fields, whichever is greater.
  - (3) Business, technical and trade schools -- Ten per classroom.
  - (4) Child care centers, nursery schools, and similar uses -- Four for each classroom.
- (f) Manufacturing Uses.
  - (1) All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district – One per one thousand (1,000) square feet for the first twenty-five thousand (25,000) square feet of floor area or less and 0.5 spaces per one thousand (1,000) square feet of floor area over twenty-five thousand (25,000) square feet.
  - (2) Cartage, express, parcel delivery, and freight terminals -- One and one half for every one employee (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.
  - (3) Research and Development – One and a half space per two thousand (2,000) square feet of floor area.

**1280.08 HANDICAPPED PARKING.**

(a) Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:

<i>Total Spaces in Lot/Structure</i>	<i>Number of Designated Accessible Spaces</i>
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

(b) All such handicapped parking spaces shall be designated by freestanding signs as provided for pursuant to the Ohio Manual of Uniform Traffic Control Devices, Type R-59-A and/or R-59-B.

#### **1280.09 OFF-STREET LOADING SPACE REQUIREMENTS.**

In any district, except for the General Business District, in connection with every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space, and one additional loading space for each 10,000 square feet or fraction thereof of gross floor area so used in excess of 3,000 square feet.

#### **1280.10 OFF-STREET LOADING DESIGN STANDARDS.**

All off-street loading spaces shall be in accordance with the following standards and specifications:

- (a) Loading Space Dimensions. Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
- (b) Setbacks. Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any DB or GB District provided that not more than 75% of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet to any Residential District nor closer than five feet from any street or alley.
- (c) Screening. In addition to the setback requirements specified above, ' screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Chapter 1299 of this Zoning Code.
- (d) Access. All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- (e) Paving. All required off-street loading spaces together with driveways, aisles, and other circulation areas, shall be surfaced with concrete, asphaltic concrete, premixed asphalt pavement or blacktop, so as to provide a durable and dustless surface.
- (f) Drainage. All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water on to adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
- (g) Lighting. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.



## CHAPTER 1282 Signs

- 1282.01 General.
  - 1282.02 Prohibited signs.
  - 1282.03 General requirements for all signs and districts.
  - 1282.04 Permit required.
  - 1282.05 Exemptions and limitations.
  - 1282.06 Permanent signs
  - 1282.07 Gasoline station signs.
  - 1282.08 Temporary signs.
  - 1282.09 Joint identification signs.
  - 1282.10 Nonconforming signs and structures.
  - 1282.11 Loss of legal nonconforming status.
  - 1282.12 Violations.
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### **1282.01 GENERAL.**

The purpose of this chapter is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

### **1282.02 PROHIBITED SIGNS.**

All sign types not expressly permitted in this Chapter or exempt from regulation pursuant to 1282.05 are prohibited in the Village of Amanda. Such signs and similar devices include, but are not limited to the following:

- (a) Off-premise signs.
- (b) Portable signs except in the Downtown Business District.
- (c) Billboards.
- (d) Signs mounted on the roof or above the roof line of any building or structure. The roof line shall be defined as the uppermost line of the roof of the building, or in the case of any extended building facade, the uppermost height of the facade.
- (e) Ghost signs where the remaining image of the previous sign is still visible.
- (f) Neon signs
- (g) Changeable copy (except for gasoline station price signs, drive-thru menu boards, and signs for institutional uses)
- (h) Flashing or blinking signs
- (i) Marquee signs with computer generated messages
- (j) Except as otherwise permitted, handwritten, paper, cardboard, chalk, shoe polish or whiteboard signs, including signs inside of windows, are prohibited.

### **1282.03 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS.**

The regulations contained in this section shall apply to all signs and all use districts.

(a) Lighting.

- (1) A sign, if illuminated shall be illuminated only by the following means:
    - A. By a white, steady, stationary light of reasonable intensity, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
    - B. By a white interior light of reasonable intensity with logos and/or letters lit or silhouetted on an opaque background. No additional background lighting shall be permitted.
  - (2) No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights.
  - (3) In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
  - (4) All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall conform to the specifications of the National Electric Code.
- (b) No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
- (c) Colors. No more than four colors may be incorporated into the design of the sign, including black and white.
- (d) No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two feet, including those projecting from the face of any theater, hotel, or motel marquee;
- (e) No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1282.08 herein;
- (f) No sign or part thereof shall contain or consist of banners (other than one temporary promotional banner sign), posters, pennants, ribbons; streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign;
- (g) No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20% of the window surface;
- (h) No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escapes or any door or window giving access to any fire escape;
- (i) Any multi-faced sign shall consistently display the name and message on all faces used.
- (j) Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign;
- (k) No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and

parking on private property but bearing no advertising matter shall be permitted on any property;

- (l) All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect;
- (m) All signs shall be secured in such a manner as to prevent significant movement due to wind;
- (n) No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter;
- (o) No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature;
- (p) No sign shall be attached in such manner that it may interfere with any required ventilation openings;
- (q) No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing;
- (r) No sign shall be located nearer than eight feet vertically or four feet horizontally from any overhead electrical wires, conductors, or guy wires;
- (s) No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.

#### **1282.04 PERMIT REQUIRED.**

- (a) No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this chapter have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Zoning Code shall be required for each sign unless specifically exempted in this chapter.
- (b) A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
- (c) The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

#### **1282.05 EXEMPTIONS AND LIMITATIONS.**

The following signs are exempt from this chapter and are not subject to permit, but are subject to a sign compliance review:

- (a) The flag, pennant or insignia of any nation, state, city or other political subdivision.
- (b) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.
- (c) Signs in the nature of cornerstones, commemorative tables and historical signs, provided such signs are limited to six square feet or less and are not illuminated.
- (d) Signs clearly in the nature of decorations customarily associated with any national, state, local or religious holiday to be limited to sixty days in any one year, and to be

displayed not more than sixty consecutive days. Such signs may be illuminated, provided no safety or visibility hazards are created.

- (e) Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election provided they are removed no later than three days after such election. Such signs shall not exceed six square feet in size, shall not be illuminated in any manner, shall not create a safety or visibility hazard, nor be affixed to any public utility pole, tree, or natural object, nor be located within a public right of way. Political signs larger than six square feet shall require a permit.
- (f) Signs not exceeding one square foot in area, bearing only property numbers, postal box numbers or names of occupants or premises.
- (g) Signs indicating the sale, rental or lease of real estate, provided such signs are limited in size to seven square feet with one sign per street front. Such signs shall be placed on the property referred to and shall not be placed in public rights of way unless the Zoning Inspector determines that such signs, by virtue of lot landscaping, screening, shape or other unusual lot feature or condition, cannot be seen if located upon the lot outside of the rights of way. Such signs shall be removed within fourteen days after sale, rental or lease has occurred. If located within the public rights of way, such a sign shall be located immediately adjacent to the property to which it refers and shall be placed so as not to obscure traffic or constitute a safety hazard.
- (h) Signs for the promotion of school, community service or church activities of community wide functions for a maximum period of thirty days per activity. No one sponsor shall display such promotional sign for more than ninety days in any one year.
- (i) Window signs may be maintained for any business or use located in a non-residential district in addition to any permitted wall or ground sign, provided that such signs conform with the following:
  - (1) Definition. Window signs are signs incorporated into a window display of a business, or applied directly to the window glass, and include signs, posters, symbols and any other identification of or information about the occupant or the activity and/or use of the premises, when used in such manner.
  - (2) Placement. Window signs shall be limited to the ground floor or first floor windows only, unless a use is located in the second or higher stories of a building and has no first floor occupancy.
  - (3) Size. Window signs consisting of lettering or other graphic with a clear background, or lettering or other graphic placed directly upon the window glass and using it as a background, shall obscure no more than 50% of the window area.
  - (4) A business or use may have up to two window (2) signs, each not exceeding twelve inches (12") by twenty-four inches (24") in maximum size, illuminated by a steady burning light. Use of such signs shall be subject to, and such signs shall be included in the calculations pertaining to, the limitations imposed by this section and any other sign size or area limitations provided in this Zoning Ordinance.
  - (5) Extensive paper, plastic or similar signs and advertising attached to windows of a building, either inside or outside of window, are prohibited. Only twenty-

five percent (25%) of the total window area for a building is allowed to have paper, cardboard, plastic or similar attachments. The signage/notices shall be presented in a professional manner such as uniform national advertising. Handwritten signage shall not be permitted.

- (j) Traffic and directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to four square feet in area and three feet in height, do not interfere with safe traffic circulation and do not interfere with or obstruct the view of drivers exiting onto highways or thoroughfares and contain no information other than the word "in", "enter", "entrance", "out", or "exit" and/or arrows indicating desired traffic movement.
- (k) Window signage with a total area of less than two square feet and bearing only information about entry and exit, business hours and/or discount and credit systems accepted in that establishment (e.g., American Express, Master Card, Visa, Golden Buckeye Card, Discover).
- (l) A business or use located in a nonresidential district may have one "open" sign. Such sign shall indicate only the words "open" and "closed" and shall not exceed three square feet in area and one and one-half feet in height.
- (m) Real estate open house directional signs.

#### **1282.06 PERMANENT SIGNS.**

All permanent signs shall also comply with the following requirements.

- (a) Wall Signs. Wall signs are permitted for any business or use located in a nonresidential district.
  - (1) Placement.
    - A. Wall signs shall not protrude more than ten inches from the building wall or face.
    - B. A wall sign may not extend above the window sill of the second story. If wall signs, either box or separated letters, are placed in a space between windows, the height of such signs may not exceed two-thirds of the distance between the top of the window and the sill of the window above, or major architectural details related thereto. If individual letters or a boxed graphic is placed between window spandrels, the height of the letters or box may not exceed two-thirds of the height of the spandrel.
    - C. Signs may be attached to a building wall or extension which faces a street, parking lot or service drive, or may be attached to a canopy, marquee or roof which projects beyond the building, provided that no part of the sign may extend above the roof, canopy or marquee.
  - (2) Maximum Area in Residential District. The maximum allowable area in square footage in a residential district shall be 20 square feet.
  - (3) Maximum Area in Nonresidential District. The maximum allowable area in square footage in a nonresidential district shall be one square foot of sign area for each lineal foot of width of the building face to which the sign is attached, but shall not exceed the following standards established by use below:

General use category

Maximum area

- |                                                                                                              |                  |
|--------------------------------------------------------------------------------------------------------------|------------------|
|                                                                                                              | (square footage) |
| A. Public use, quasi public use, office<br>(administrative, professional, other)                             | 25               |
| B. Personal Service                                                                                          | 35               |
| C. General commercial, warehousing, industrial,<br>wholesaling, transportation, research and<br>development. | 80               |
- (4) Maximum Height. The maximum height of a wall sign shall be 15 feet.
- (5) Number. Wall signs shall be limited in number to one per building or use. For buildings or uses on corner lots on two rights of way, a sign is permitted facing each right of way. The main sign facing the front of the building or use shall conform to this chapter as to size and the sign facing the other right of way shall not exceed 12 square feet for each use, or a maximum overall size of 48 square feet.
- (b) Ground Signs. A ground sign is permitted only when the use is freestanding on its individual lot. Ground signs shall be classified as either monument or pylon and shall comply with the standards below.
- (1) Ground signs are not permitted in the Downtown Business District.
- (2) Pylon signs are not permitted in residential districts.
- (3) Setback. All ground signs shall be set back a minimum of ten feet from any public right of way or property boundary line.
- (3) Number. Each parcel shall be permitted one ground sign (either monument or pylon). Parcels on corner lots with at least 100 feet of frontage on two public rights-of-way shall be entitled to one ground sign (either monument or pylon) along each right-of-way, unless otherwise prohibited below provided the combined total of the signs does not exceed one and a half times the maximum area. When two signs are permitted there shall be no less than 75 feet between signs.
- (4) Maximum Area in Residential District. The maximum allowable area in square footage in a residential district shall be 20 square feet.
- (5) Maximum Area in Nonresidential District. The maximum allowable area in square footage in a nonresidential district shall be as outlined below:
- |                                                                                                              |                                         |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| <u>General use category</u>                                                                                  | <u>Maximum area</u><br>(square footage) |
| A. Public use, quasi-public use or office<br>(administrative, professional, other)                           | 20                                      |
| B. Personal Service                                                                                          | 35                                      |
| C. General commercial, warehousing, industrial,<br>wholesaling, transportation, research and<br>development. | 80                                      |
- (5) Maximum Height of a Monument Sign in Residential District. Monument signs in residential districts shall not exceed 6 feet in height, excluding the base. The base shall be a maximum of three feet from the finished grade.
- (6) Maximum Height of a Monument Sign in Nonresidential District. Monument signs in a nonresidential districts shall not exceed 8 feet in height, excluding the base. The base shall be a maximum of three feet from the

finished grade.

- (7) Maximum Height of a Pylon Sign. Pylon signs shall not exceed 10 feet in height, including the height of the pole.
  - (8) Shape. No ground sign shall be in the shape of a logo or commercial product.
  - (9) Landscaping. The base of all permanent ground signs shall be effectively landscaped with living plant material and maintained in good condition at all times. The minimum landscaped area shall extend at least three feet beyond all faces or supporting structures in all directions. Exposed foundations must be constructed with a finished material such as brick, stone, or wood, or be screen with evergreen shrubbery to the top of the anchor bolts. The landscaped area shall include all points where sign structural supports attach to the ground.
- (c) Projecting Signs. A projecting sign is any sign attached to a building in such a way that the sign face is not parallel to the building face. Projecting signs are permitted only in the Downtown Business District.
- (1) Projecting signs shall be limited in number to one per business or use for each public right of way that the business or use faces.
  - (2) Projecting signs shall not exceed nine square feet in area or project more than three feet from the building face or hang lower than eight feet above the level of the pedestrian walkway.

**1282.07 GASOLINE STATION SIGNS.** Gasoline stations, whose principal business is the sale of motor fuel, may display signs in addition to those hereinabove authorized. Such signs shall be limited to the following:

- (a) One non-illuminated, double-faced sign not exceeding five square feet on a side is permitted for each set of motor fuel pumps identifying “self service” or “full service.”
- (b) Price and grade information can be displayed only on the permitted sign, in manually changeable copy. Changeable copy for these purposes shall include liquid crystal display (LCD), light emitting diodes (LED), or other similar electro/mechanical displays. These are the only circumstances in which changeable copy may be used.
- (c) Signs limited to the identification of the brand name, logo or type of fuel sold and other signs as may be required by law shall be permitted on the motor fuel pumps. Fuel pumps shall not be illuminated. No signs projecting above the pumps may be permitted, except as required by law.
- (d) Any other such signs as may be required by law.

**1282.08 TEMPORARY SIGNS.**

Temporary signs shall include signs indicating or promoting the development of land, facilities or structures. Such signs must comply with the provisions of Section 1282.03 with the exception that temporary signs shall not be illuminated. They shall be limited to thirty-two square feet in area and eight feet in height and be a minimum of eight feet from the public right of way. Application shall be made to the Zoning Administrator for review. Approval shall be for a period not to exceed one year and may be renewed upon application.

**1282.09 JOINT IDENTIFICATION SIGNS.**

One (1) joint identification free standing sign may be authorized by the Planning and Zoning Commission to identify a complex or mix of uses as opposed to a single use, provided that such identification sign shall not exceed the following requirements:

- (a) Maximum area. 100 square feet
- (b) Maximum height. 20 feet
- (c) Minimum setback. 10 feet or the height of the sign, whichever is greater
- (d) Such signs may list individual uses within the development or may only serve as a means of identification of the overall center of development. If the joint identification sign lists individual uses within the development, then no other ground signs shall be permitted within the development. Wall signs, however, shall be permitted in accordance with the requirements of Chapter 1282. If the joint identification sign only serves as a means of identification of the overall center of development, then ground and wall signs shall be permitted in accordance with the requirements of Chapter 1282.

**1282.10 NON-CONFORMING SIGNS AND STRUCTURES.**

Advertising signs and structures in existence prior to the effective date of this Zoning Code which violate or are otherwise not in conformance with the provisions of this chapter shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this chapter. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

**1282.11 LOSS OF LEGAL NON-CONFORMING STATUS.**

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this chapter or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for 90 consecutive days; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.

**1282.12 VIOLATIONS.**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Zoning Code, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Zoning Code. Failure to comply with any of the provisions of this chapter shall be deemed a violation and shall be punishable under Section 1286.99 of this Zoning Code. Political signs posted in violation of Section 1282.05(e) of this Zoning Code are subject to removal by the Zoning Administrator five days after written notice of violation of Section 1282.05(e) has been given.



## **CHAPTER 1284 Administration**

- 1284.01 Purpose.
  - 1284.02 General provisions.
  - 1284.03 Zoning Administrator.
  - 1284.04 Responsibilities of Zoning Administrator.
  - 1284.05 Planning and Zoning Commission.
  - 1284.06 Proceedings of Planning and Zoning Commission.
  - 1284.07 Duties of Planning and Zoning Commission.
  - 1284.08 Board of Zoning Appeals.
  - 1284.09 Proceedings of the Board of Zoning Appeals.
  - 1284.10 Duties of the Board of Zoning Appeals.
  - 1284.11 Duties of Zoning Administrator, Board of Zoning Appeals, Legislative Authority and courts on matters of appeal.
  - 1284.12 Municipal Council.
  - 1284.13 Schedule of fees.
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### **1284.01 PURPOSE.**

This chapter sets forth the powers and duties of the Planning and Zoning Commission, the Board of Zoning Appeals, the Municipal Council, and the Zoning Administrator with respect to the administration of the provisions of this Zoning Code.

### **1284.02 GENERAL PROVISIONS.**

The formulation, administration and enforcement of this Zoning Code is hereby vested in the following offices and bodies within the Village of Amanda government:

- (a) Zoning Administrator;
- (b) Planning and Zoning Commission;
- (c) Board of Zoning Appeals;
- (d) Municipal Council;
- (e) Solicitor.

### **1284.03 ZONING ADMINISTRATOR.**

A Zoning Administrator designated by the Municipal Council shall administer and enforce this Zoning Code. He or she may be provided with the assistance of such other persons as the Municipal Council may direct.

### **1284.04 RESPONSIBILITIES OF ZONING ADMINISTRATOR.**

For the purpose of this Zoning Code, the Zoning Administrator shall have the following duties:

- (a) Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions.

- (b) Respond to questions concerning applications for amendments to this Zoning Code text and the Official Zoning District Map.
- (c) Issue zoning permits and certificates of occupancy as provided by this Ordinance, and keep a record of same with a notation of any special conditions involved.
- (d) Act on all applications upon which he or she is authorized to act by the provisions of this Zoning Code within the specified time or notify the applicant in writing of his or her refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his or her request to the Board of Zoning Appeals.
- (e) Conduct inspections of buildings and uses of land to determine compliance with this Zoning Code and, in the case of any violation, to notify in writing the persons responsible, specifying the nature of the violation and ordering corrective action.
- (f) Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the municipal offices.
- (g) Maintain permanent and current records required by this Zoning Code, including but not limited to zoning permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses.
- (h) Make such records available for the use of the Municipal Council, the Planning and Zoning Commission, the Board of Zoning Appeals, and the public.
- (i) Review and approve site plans pursuant to this Zoning Code.
- (j) Determine the existence of any violations of this Zoning Code, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- (k) Prepare and submit an annual report to the Municipal Council, and Planning and Zoning Commission on the administration of this Zoning Code, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Zoning Code. Such report shall include recommendations concerning the schedule of fees.
- (l) Attend all Planning and Zoning Commission and Board of Zoning Appeals meetings.

**1284.05 PLANNING AND ZONING COMMISSION.**

The Planning and Zoning Commission shall be composed of five members (see Ohio R.C. 713.01) who reside in the incorporated area of the Municipality and shall include the Mayor, one member of Municipal Council to be appointed by the Mayor for the remainder of his or her term as such member of Municipal Council, and three additional citizens to be appointed by the Mayor. The terms of the citizen members shall be of such length and so arranged that the term of one member will expire every second year.

**1284.06 PROCEEDINGS OF PLANNING AND ZONING COMMISSION.**

The Planning and Zoning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Zoning Code. Commission meetings shall be held at the call of the chairperson and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the

Commission. The presence of three members shall constitute a quorum. The concurring vote of three members of the Commission shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator or the Planning and Zoning Commission.

**1284.07 DUTIES OF PLANNING AND ZONING COMMISSION.**

For the purpose of this Zoning Code the Planning and Zoning Commission shall have the following duties:

- (a) Recommend the proposed Zoning Code, including text and Official Zoning District Map to the Municipal Council for formal adoption.
- (b) Initiate advisable Official Zoning District Map changes, or changes in the text of this Zoning Code where same will promote the best interest of the public in general through recommendation to the Municipal Council.
- (c) Review all proposed amendments to the text of this Zoning Code and the Official Zoning District Map and make recommendations to the Municipal Council as specified in Chapter 1240.
- (d) Review all special uses as identified in the respective zoning districts according to provisions and criteria stated in this Zoning Code.
- (e) Carry on a continuous review of the effectiveness and appropriateness of this Zoning Code and recommend such changes or amendments as it feels would be appropriate.
- (f) Review and approve site development plans.
- (g) Initiate and participate in planning activities.
- (h) Review and approve final development plans, amended and revised development plans and plan refinements for planned districts.

**1284.08 BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall consist of five members appointed by the Mayor and confirmed by Council, three of the members being current members of the Planning and Zoning Commission and two of the members being residents of the incorporated portions of the Municipality. Except as otherwise specifically set forth herein, the term of all members shall be four years. The terms for the members from the Planning and Zoning Commission shall be the same as their terms for the Commission. The terms for the two residents shall be four years, except that the initial term shall be two years for one resident and four years for the second resident, so that the resident terms are staggered. Each member shall serve until his or her successor is appointed and qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor upon written charges and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing either personally or by registered mail, or by leaving the same at his or her place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment by the Mayor and shall be for the unexpired term.

**1284.09 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.**

- (a) The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs

in keeping with the provisions of this Zoning Code. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

- (b) Three members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three members of the Board shall be necessary to reverse an order of determination of the Zoning Administrator, to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this Zoning Code, authorize conditional use permits, or to grant any variance from the requirements stipulated in this Zoning

**1284.10 DUTIES OF THE BOARD OF ZONING APPEALS.**

For the purpose of this Zoning Code the Board of Zoning Appeals has the following specific responsibilities:

- (a) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Administrator;
- (b) Authorize such variances from the terms of this Zoning Code as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Zoning Code will result in unnecessary hardship, and so that the spirit of this Zoning Code shall be observed and substantial justice done.
- (c) Authorize such conditional uses as the Board of Zoning Appeals is specifically authorized to pass on by the terms of the Zoning Ordinance.
- (d) Review design and location of wireless communication facilities as outlined in Chapter 1278.

**1284.11 DUTIES OF ZONING ADMINISTRATOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL.**

It is the intent of this Zoning Code that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Zoning Code that the duties of the Municipal Council in connection with this Zoning Code shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Zoning Code. Under this Zoning Code the Municipal Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Zoning Code as provided by law, and of

establishing a schedule of fees and charges as stated in Section 1284.13 of this Zoning Code. Nothing in this Zoning Code shall be interpreted to prevent any official of the Municipality from appealing a decision of the Board to the courts as provided in Ohio R. C. Chapters 2505 and 2506. Any such appeal shall be made within ten days of the Board's written decision.

**1284.12 MUNICIPAL COUNCIL.**

The power and duties of the Municipal Council pertaining to this Zoning Code are as follows:

- (a) Approve the appointments of members to the Planning and Zoning Commission;
- (b) Approve the appointments of members to the Board of Zoning Appeals;
- (c) Initiate or act upon suggested amendments to this Zoning Code text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be preceded by an advertised public hearing.

**1284.13 SCHEDULE OF FEES.**

The Municipal Council shall by ordinance establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Zoning Code after considering the recommendations of the Zoning Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Municipal Council. Until all such appropriate fees, charges, and expense have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

## **CHAPTER 1286 Enforcement**

- 1286.01 General.
- 1286.02 Zoning permits required.
- 1286.03 Contents of application for zoning permit.
- 1286.04 Approval of zoning permit.
- 1286.05 Expiration of zoning permit.
- 1286.06 Certificate of Occupancy.
- 1286.07 Temporary Certificate of Occupancy.
- 1286.08 Record of zoning permits and Certificates of Occupancy.
- 1286.09 Failure to obtain a zoning permit or Certificate of Occupancy.
- 1286.10 Construction and use to be as provided in applications, plans, permits and certificates.
- 1286.11 Complaints regarding violations.
- 1286.12 Entry and inspection of property.
- 1286.13 Stop work order.
- 1286.14 Zoning permit revocation.
- 1286.15 Notice of violation.
- 1286.16 Ticketing procedure.
- 1286.17 Additional remedies.
- 1286.99 Penalty.

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### **1286.01 GENERAL.**

This chapter stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Zoning Code.

### **1286.02 ZONING PERMITS REQUIRED.**

- (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 permit therefore, issued by the Zoning Administrator. Zoning permits shall be issued only in conformity with the provisions of this Zoning Code unless the Zoning Administrator receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance.

### **1286.03 CONTENTS OF APPLICATION FOR ZONING PERMIT.**

The application for zoning permit shall be made in writing and be signed by the owner or

applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within 2 years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- (a) Name, address, and phone number of applicant;
- (b) Legal description of property;
- (c) Existing use;
- (d) Proposed use;
- (e) Zoning district;
- (f) Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed buildings or alteration;
- (g) Building heights;
- (h) Number of off-street parking spaces or loading berths, and their layout;
- (i) Location and design of access drives;
- (j) Number of dwelling units;
- (k) If applicable, application for a sign permit, or a conditional, special, or temporary use permit, unless previously submitted;
- (l) Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Zoning Code.

#### **1286.04 APPROVAL OF ZONING PERMIT.**

Within 30 days after the receipt of an application, the Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this Zoning Code. All zoning permits shall, however, be conditional upon the commencement of work within one year from date of approval. One copy of the plans shall be returned to the applicant by the Zoning Administrator, after the Zoning Administrator shall have marked such copy either as approved or disapproved and attested to same by his or her signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code.

#### **1286.05 EXPIRATION OF ZONING PERMIT.**

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Administrator; 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 2 years of the date of issuance thereof, the permit shall expire and be revoked by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

#### **1286.06 CERTIFICATE OF OCCUPANCY.**

It shall be unlawful to 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 occupancy shall have been issued therefore by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Zoning Code. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of this Zoning Code and other regulations.

**1286.07 TEMPORARY CERTIFICATE OF OCCUPANCY.**

A temporary certificate of occupancy may be issued by the Zoning Administrator for a period not exceeding six months during alterations or partial occupancy of a building pending its completion.

**1286.08 RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.**

The Zoning Administrator shall maintain a record of all zoning permits and certificates of occupancy, and copies shall be furnished, upon request and upon payment of the established fee, to any person.

**1286.09 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY.**

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Zoning Code.

**1286.10 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES.**

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Zoning Code.

**1286.11 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 Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Zoning Code.

**1286.12 ENTRY AND INSPECTION OF PROPERTY.**

The Zoning Administrator is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Code. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Administrator shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Administrator shall request the assistance of the Solicitor in securing a



valid search warrant prior to entry.

**1286.13 STOP WORK ORDER.**

Subsequent to his or her determination that work is being done contrary to this Zoning Code, the Zoning Administrator shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Administrator, shall constitute a punishable violation of this Zoning Code.

**1286.14 ZONING PERMIT REVOCATION.**

The Zoning Administrator may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Zoning Code or based upon false information or misrepresentation in the application.

**1286.15 NOTICE OF VIOLATION.**

- (a) Whenever the Zoning Administrator or his or her agent determines that there is a violation of any provision of this Zoning Code, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:
  - (1) Be in writing;
  - (2) Identify the violation;
  - (3) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated; and
  - (4) State the time by which the violation shall be corrected.
  
- (b) Service of notice of violation shall be as follows:
  - (1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
  - (2) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Administrator. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
  - (3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

**1286.16 TICKETING PROCEDURE.**

- (a) If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket. Such ticket shall:
  - (1) Be served personally by a Fairfield County Sheriff Deputy;
  - (2) Be in writing;
  - (3) Identify the violation;

- (4) State the time, date and place for appearance in court; and
  - (5) State the amount of the fine payable in lieu of a court appearance.
- (b) If the ticket cannot be served personally, the Zoning Administrator shall request that a summons be issued by the Court.

**1286.17 ADDITIONAL REMEDIES.**

Nothing in this Zoning Code shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Zoning Code, or in the case of an imminent threat of such a violation, the Zoning Administrator, the Solicitor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

**1286.99 PENALTY.**

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Zoning Code or any amendment thereto. Any person, firm or corporation who violates this Zoning Code or fails to comply with any of its requirements shall, upon conviction thereof, and unless otherwise provided in this Zoning Code, be guilty of a misdemeanor of the first degree and shall be fined not more than \$250 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 each be found guilty of a separate offense and suffer the penalties herein provided.

**CHAPTER 1288**  
**Planned Districts**

- 1288.01 Purpose and intent.
- 1288.02 Procedures and regulations for planned districts.
- 1288.03 Conditions applicable to all planned districts.
- 1288.04 Procedures for approval of planned district development plans.

CROSS REFERENCES

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**1288.01 PURPOSE AND INTENT.**

- (a) It is the purpose and intent of the Planned Districts to promote the progressive, well-organized development of land and construction thereon and to encourage imaginative architectural design and layout, flexibility in building styles and types, and sensitivity to the natural environment.
- (b) The Planned Districts are designed to guide development in an orderly, coordinated and comprehensive manner that preserves natural quality and beauty and provides supporting community facilities in the development of diverse, sound urban environments consistent with accepted land planning, landscape architecture practices and engineering principals. Such developments should:
  - (1) Provide a more useful pattern of open space and recreation areas.
  - (2) Preserve and utilize natural topography and geologic features, scenic vistas, trees and other vegetation, while preventing disruption of normal drainage patterns.
  - (3) Provide a more efficient pattern of development that reduces investments in utility lines, streets, and similar infrastructure.
  - (4) Promotes a development pattern in harmony with the Municipal land use objectives and priorities.

**1288.02 PROCEDURES AND REGULATIONS FOR PLANNED DISTRICTS.**

- (a) Procedures for the Establishment of a Planned District. Planned Districts may be established by application in accordance with the provisions of Chapter 1240 and the requirements of procedure of the Planned District petitioned.
- (b) Regulation of the Use and Development of Land and Structures. Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the Planned Districts in Chapter 1242, and as may be drawn on the Zoning District Map, are hereby established and adopted.
- (c) Rules of Interpretation. The planned development regulations set forth in this chapter shall be interpreted and enforced according to the following rules:
  - (1) Identification of uses. Listed uses are to be defined by their customary

name or identification, except where they are specifically defined or limited in this Zoning Code.

- (2) Permitted uses. Only uses designated as a permitted use shall be allowed as a matter of right in a Planned District and any use not so designated shall be prohibited except, when in character with the proposed development, such additional uses may be approved as part of the development plan.
- (3) Procedures. The procedures and conditions set forth for the determination of Planned Districts and development therein shall be followed.
- (4) Development standards. The development standards set forth shall be the minimum allowed for development in a Planned District. All other applicable standards of the Subdivision Regulations and Zoning Code relating to parking and loading, landscaping, signage, lighting, etc. shall be met unless superseded herein.
- (5) Conditional uses. Uses specified as conditional uses in planned districts shall be approved by the Board of Zoning Appeals which shall issue conditional use permits for those districts only upon the recommendation of the Planning and Zoning Commission, and in conjunction with development plan approval by the Planning and Zoning Commission and Council, following the same criteria and processes as in all other districts.

#### **1288.03 CONDITIONS APPLICABLE TO ALL PLANNED DISTRICTS.**

- (a) Project Ownership. The planned development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. For the purposes of this subchapter a single entity includes the following: an individual, a husband and wife; corporation; partnership; or two or more property owners enjoined as a single entity.
- (b) Open space; recreational facilities.
  - (1) All natural drainage courses, the 100 year flood plain, woodlands, and lands with slopes in excess of six (6) percent shall be retained, with their vegetation in its natural state, in natural scenic open space preserves.
  - (2) Required common open space areas reserved in a Planned District Development Plan shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or shall be dedicated to a homeowner's association who shall have title to the land which shall be retained as common open space for parks, recreation, and related uses, or shall be dedicated to public ownership and use for such purposes.
  - (3) Legal articles relating to the organization of a homeowners' association are subject to review and approval by the Planning and Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas and facilities. Covenants assuring perpetual maintenance of private properties as permanent natural preserves are equally subject to review and approval by the Planning and Zoning Commission.
  - (4) Public utility and similar easements and right-of-ways are not acceptable for

common open space dedication in a Planned District Development Plan unless such land and right-of-ways are to be used for trail or other purposes. Alternative systems of providing common open space must be specifically approved by the Planning and Zoning Commission.

- (5) The ownership of, and responsibility for the maintenance of, all open spaces in a Planned District Development Plan shall be specified by the developer before approval of the final development plan.

(c) Circulation system. The circulation system and parking facilities provided in a Planned District shall be designed to fully accommodate vehicular, pedestrian, bicycle, and, where applicable, equestrian movement with safety and efficiency; innovative roadway design is encouraged to insure the preservation of natural features, the creation of a variety of vistas and views, and retention/creation of a natural rural, green and open- space-focused environment. The circulation and parking systems shall show points of access and egress from properties, all public and private drives, parking areas, pedestrian/jogging/bicycle paths, and equestrian paths if applicable. Planned District Plans shall be designed to minimize circulation conflict points between vehicular, pedestrian, bicycle, and equestrian traffic.

(d) Utilities. The following utility equipment shall be provided, constructed and installed underground within a planned development: gas lines, sanitary and storm sewer lines, water lines, electrical lines, telephone lines, and cable television lines.

1) All utility boxes shall be screened.

(e) Arrangement of Commercial, Office, Industrial, and Warehouse/Wholesale Uses. Where planned districts include commercial, office, industrial, and/or warehouse/wholesale uses, such buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential conflict points and accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the development areas consisting of these uses where they abut residential areas, church sites, or public lands. The plan of the project shall provide for the integrated and harmonious design of buildings, and for internal traffic circulation, landscaping, coordinated signage, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas all as determined and designated by the Planning and Zoning Commission. All areas designed for future expansion or not intended for immediate improvements or development shall be landscaped or otherwise maintained in a neat and orderly

manner as may be specified by the Planning and Zoning Commission.

(f) Development Phasing. The first phase of development of a Planned District, according to an approved Planned District Development Plan and development timetable, shall in no case be less than five (5) acres or the entire tract, whichever is smaller. The Planning and Zoning Commission may require larger first phase commitments where it deems appropriate. All sections of the planned development tract not planned for development in the phase submitted shall be clearly designated as to future intended sub-district use, area and density.

(g) Additional Requirements. The Planning and Zoning Commission and/or the Council may impose special additional conditions relating to the development of a Planned District Development with regard to the type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open spaces; and any other pertinent development characteristics.

(h) Required approval of Planned District Development Plan. No development shall be undertaken, no construction and/or earth moving of any kind shall be begun, and/or no new land uses shall be initiated in a Planned District unless consistent with an approved Planned District Development Plan including a preliminary subdivision plat, when appropriate.

(i) Conflict With Other Chapters. Because of the special characteristics of planned districts, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this chapter and those of the other chapters of this Zoning Code, the more restrictive provisions shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in this Zoning Code.

#### **1288.04 PROCEDURES FOR APPROVAL OF PLANNED DISTRICT DEVELOPMENT PLANS.**

Planned District Development Plans shall be approved in accordance with the procedures established herein in this section.

(a) Pre-application Meeting. The developer shall meet with the Municipal Administrator and Zoning Administrator prior to submission of a preliminary development plan. The purpose of such meetings is to discuss early and informally the purpose and effect of this Zoning Ordinance and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations; it being understood that no statements by officials made in such informal meetings shall be binding on either party.

(b) Preliminary Planned District Development Plan Application Requirements. An application for preliminary Planned District Development Plan approval shall be filed with the Zoning Administrator by the owner of the property for which Planned District development is proposed. At a minimum, the application shall contain the following information, which shall be filed in fifteen (15) copies. Where any of this information is missing or incomplete, the Zoning Administrator shall so notify the applicant and no additional actions need be taken until such missing material is provided.

(1) Name, address, and phone number of applicant;

(2) Name, address, and phone number of registered surveyor, registered engineer

- and/or urban planner assisting in the preparation of the preliminary development plan;
- (3) A list containing the names and mailing addresses of all owners of property contiguous to, directly across the street from and within 250 feet of the property in question;
  - (4) Legal description of the property;
  - (5) A description of present use(s) on and of the land;
  - (6) A vicinity map at a scale approved by the Zoning Administrator showing all property lines, existing streets and alleys, approved future streets and land uses on adjacent Planned District areas, transportation and land use elements of the Municipality's adopted Comprehensive Plan, current zoning classifications and boundaries, and current land uses on the site of the proposed Planned District development and in the surrounding areas to the physical extent deemed necessary by the Zoning Administrator, but no less than 250 feet beyond the limits of the proposed Planned District Development Plan.
  - (7) A Development Standards Text shall be submitted as part of the Preliminary Plan and shall be narrative and graphics, as necessary, in order to detail the development standards to be applied to the development concept described in the Preliminary Plan. The Development Standards Text should clearly identify any standard that is less than the standards established by this Chapter. These modifications shall be justified by fully stating what adjustments, amenities or other compensations are provided as part of the Preliminary Plan to offset the use of reduced standards and by demonstrating how the modified standards will result in the best possible development for the site. Unless specifically modified by the Development Standards Text, the standards established by this Chapter and other relevant chapters of the zoning code shall apply to the proposed development.
  - (8) A preliminary development plan at a scale of 1" to 100' unless otherwise approved by the Zoning Administrator illustrating:
    - A. The property line definition and dimensions of the perimeter of the site;
    - B. Right-of-ways and paving widths of all existing, currently platted, and previously approved Planned District streets and alleys adjacent to, on, or abutting the site;
    - C. The area of the site and its sub-areas, if any, in acres;
    - D. The topography of the site and abutting areas at no more than five (5) foot contour intervals;
    - E. Existing surface drainage ways and surface sheet flow patterns;
    - F. 100 year flood plain, riparian corridor, wetlands, and areas of ground slope in excess of six (6) percent;
    - G. Existing vegetation on the site with specific tree spots for all trees six (6) inches in diameter or greater, measured twenty-four (24) inches from the ground.
    - H. Existing easements on the site with notations as to their type,

- extent, and nature;
- I. Historic and archeological sites;
- J. The location and dimensions of existing utilities on and adjacent to the site, including the nearest sanitary sewer, with manhole invert elevations;
- K. Projected development schedule by sub-areas of the entire planned development site, and for the first, or next, phase of development, including land uses, public areas, natural and scenic reserves, streets, buildings, utilities, and other facilities, indicating the relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable;
- L. An overall traffic scheme, illustrating points of access, parking areas, including the number of parking spaces and indicating visitor, employee and service traffic flow, illustrating calculated peak hour traffic use for residents and employees as well as deliveries and other transport and the effect of this traffic on the community traffic ways.
- M. If to be developed in phases, the entire site development shall be described in outline and diagrammatic plan form, and in a complementing detailed text in a manner calculated to assure Municipal officials that Planned Development requirements and other requirements of this Zoning Ordinance shall be met in the detailed development of the phases to follow, and that the entire Planned Development area will meet all of the requirements of this Zoning Ordinance, such diagrams and descriptive texts being accepted with, and becoming a part of the extended zoning plan for the entire site;

(c) In approving a preliminary development plan, the Planning and Zoning Commission shall consider:

- (1) If the proposed development is consistent with the intent and requirements of this Zoning Ordinance;
- (2) The appropriateness of the proposed land uses with regard to their type, location, amount, and intensity, where not specifically specified in this Zoning Ordinance;
- (3) The relationships between uses, and between uses and public facilities, streets, and pathways;
- (4) Adequacy of provisions for traffic and circulation, and the geometry and characteristics of street and pathway systems;
- (5) Adequacy of yard spaces and uses at the periphery of the development;
- (6) Adequacy of open spaces and natural preserves and their relationships to land use areas and public access ways;
- (7) The order, or phases, in which the development will occur and the land uses and quantities to be developed at each phase;
- (8) Estimates of the time required to complete the development and its various phases;
- (9) Improvements to be made by the Municipality, if any, and their cost;



- (10) The community cost of providing public services to the development, and
- (11) Impacts of the development on surrounding or adjacent areas.
- (d) The Planning and Zoning Commission may require the staging of the planned development to minimize early stage major impacts on the community infrastructure and services systems, and may require the staging of land uses to be generally consistent with the phased development of supporting land uses and public services and facilities.

The Commission's approval of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval of the preliminary development plan shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

(e) Submission of Final Development Plan. After approval of the preliminary development plan, the developer shall submit fifteen copies of the final development plan to the Zoning Administrator. The final development plan shall be in general conformance with the preliminary development plan that was approved. For the purposes of this Zoning Ordinance, submission of a final development plan is a formal request for an amendment addition to the zoning of the property in question, and upon final approval by Council becomes the zoning of the property in question in addition to the other requirements of this Zoning Ordinance.

(f) Final Development Plan Application Contents. An application for approval of the final development plan shall be filed with the Zoning Administrator by the owner of the property for which planned district development is proposed. The application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. The application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain:

- (1) All of the information required for submission of the preliminary planned district development plan application;
- (2) All plan materials rendered on an engineering survey of the proposed development site, showing the dimensions and bearings of property lines, property areas in acres, topography, existing features of the development site including major wooded areas, structures, easements, utility lines, land uses, and maximum building footprint areas for all non-residential uses and residential uses other than single-family detached and two-family dwellings;
- (3) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earthwork required for site preparation and development.
- (4) A detailed landscape plan showing existing and proposed future landscape materials, ground cover, paving patterns and materials.
- (5) A detailed lighting plan.
- (6) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and

the improvements thereon, including those areas which are to be commonly owned and maintained; and

- (7) A final development plan fee as established by Ordinance.
- (g) Before making its recommendation, the Planning and Zoning Commission shall find that the facts submitted with the application and presented establish that:
- (1) The proposed planned district development phase can be initiated within two (2) years of the date of approval and can be completed within five (5) years;
  - (2) The requirements of the Comprehensive Plan relative to the site at issue have been fulfilled;
  - (3) The streets proposed are suitable and adequate to carry the anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned district plan area;
  - (4) Proposed non-residential developments can be justified at the location and in the amounts proposed;
  - (5) Housing densities are warranted by amenities and conditions incorporated in the final development plan and are in accordance with these planned district development requirements;
  - (6) Lands to be dedicated to public use are of acceptable and usable size, shape, and location;
  - (7) The area surrounding the development can be planned and zoned in coordination with and in substantial compatibility with the proposed development;
  - (8) The existing and proposed utility services are adequate for the population densities and uses proposed, and
  - (9) Adequate provision has been made for the detention and channelization of surface drainage runoff.
- (h) Supplementary Conditions and Safeguards. In approving any planned district development plan application, both the Planning and Zoning Commission and the Council may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Zoning Ordinance and shall be punishable as such.
- (i) Expiration of Approval Period. The approval of a final development plan for a planned district development shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and development of the project. Where a project is completed within five (5) years, the approved final development plan shall remain as the effective zoning control over the area included in the plan, in addition to the requirements of this Zoning Ordinance. If required plats are not properly recorded within nine months of final development plan approval and/or if no construction has begun on the site within two (2) years of such approval, the approved final development plan shall be void, and the land shall revert to the original district zoning regulations unless an application for a time extension is submitted and approved, which approval may be withheld for good cause.
- (j) Extension of Time Limit. An extension of the time limits set in subsection (j)

hereof, as a modification of the approved final development plan, may be approved by Council upon the recommendation of the Planning and Zoning Commission. Such approval shall be granted only upon a finding of a valid purpose and necessity for such extension and evidences of reasonable and diligent efforts toward accomplishment of the original development plan within the originally established time limits, and upon finding that such extension is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Zoning Administrator not later than ninety days before the expiration of the time limits set in subsection (j) hereof.

(k) Amendment or Alteration of Approved Planned District Development Plans.

Once a final development plan for a planned district has been approved by Council, all subsequent substantial changes to that plan shall only be permitted by resubmission as a new substitute plan and repatriation of the procedures established in these sections.

"Substantial change" for the purposes of this section shall mean any modification of an approved planned district development plan, as determined by the Zoning Administrator, that results in:

- (1) Any increase in the number, or change in the type and/or mix of residences, and/or non-residential building area or land use;
- (2) Decrease in the approved minimum lot size, number of parking spaces to be provided, and/or trash storage areas;
- (3) Change in the approved location of land uses, land use subareas or sub-elements, streets, public or private parklands and other public facilities, and/or natural environmental preserves or scenic easements by more than thirty (30) feet;
- (4) Reduction in area of public and/or private parklands or other public facilities and/or natural environmental preserves or scenic easements;
- (5) Alteration of the basic geometry and/or operational characteristics of any element of the approved street pattern, parking facilities, service access, trash storage facilities, and/or system of pedestrian and/or equestrian paths that results in a change in operating characteristics or character;
- (6) Any circumstance below the minimum requirements established in this Zoning Ordinance or as required in the approval of a conditionally permitted use in a planned district.

(l) Plat Required.

- (1) In a Planned District, no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations
- (2) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring the expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time as the facilities for the phase in which the building or use is located are completed.

(m) Administrative Review. All plats, construction drawings, restrictive covenants

and other necessary documents shall be submitted to the Zoning Administrator, to the Planning and Zoning Commission, and to the Council or to their designated technical advisors upon request for administrative review to assure substantial compliance with the final approved development plan.

**CHAPTER 1290**  
**Planned Residential District (PRD)**

- 1290.01 Purpose.
- 1290.02 Uses.
- 1290.03 Density and open space requirements.
- 1290.04 Conservation development principles.

CROSS REFERENCES

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**1290.01 PURPOSE.**

The Municipality, recognizing that with increased urbanization and population growth comes increased demands for well organized residential areas which take into account unique natural features, historic preservation, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residential District intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Amanda.

**1290.02 USES.**

- (a) Permitted uses.
  - (1) All permitted uses as listed in Chapters 1250, 1252, 1254, 1256, 1258;
  - (2) Cluster homes, patio homes, condominiums, or any reasonable variation on these themes; and
  - (3) Zero lot line development.
- (b) Conditional uses.
  - (1) All conditional uses as listed in Chapters 1250, 1252, 1254, 1256, 1258;

**1290.03 DENSITY AND OPEN SPACE REQUIREMENTS.**

- (a) Maximum Gross Density.
  - (1) Two (2) units per acre if the development is exclusively single family.
  - (2) Five (5) units per acre if the development is a mix of residential types.
  - (3) Ten (10) units per acre if the development is exclusively multi-family.  
Conservation developments may not be exclusively multi-family and therefore are not eligible for the density increase as outlined in Section 1290.03(a)(4) herein.
  - (4) A maximum gross density increase of 25% will be granted if the development utilizes conservation development principles as outlined in Section 1290.04 herein.
- (b) Open Space Requirements. A minimum of 20% of the site shall be set aside as common open space unless conservation development principles as outlined in Section 1290.04 herein are utilized. Additional open space will not be required as specified in Section 1214.15(b)

of the Subdivision Regulations.

**1290.04 CONSERVATION DEVELOPMENT PRINCIPLES.**

A conservation development shall incorporate the following design features:

- (a) 50 percent of the gross developable site is set aside as common open space. Additional open space will not be required as specified in Section 1214.15(b) of the Subdivision Regulations.
- (b) A maximum of 50 percent of the common open space may be used for active recreational activities, and neighborhood or community facilities such as schools. Detention ponds and other storm water management facilities as well as 25 percent of the street rights of way will be counted as a part of the common open space.
- (c) A minimum of 50 percent of the house lots shall abut the open space.
- (d) Native vegetation should be retained or replanted along stream corridors and adjacent to wetlands.
- (e) Existing hedge and tree lines should be preserved.
- (f) Scenic views and vistas should be preserved.
- (g) Natural drainage swales and creeks should be preserved. No construction should occur inside the 100 year floodplain.
- (h) Significant tree stands should be preserved.
- (i) The development should minimize the impact to surrounding agricultural uses by clustering development away from agricultural activities.

**CHAPTER 1292**  
**Planned Commercial District (PCD)**

- 1292.01 Purpose
- 1292.02 Uses.
- 1292.03 General development standards.

CROSS REFERENCES

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**1292.01 PURPOSE.**

The purpose of the Planned Commercial District is to encourage the design and development of non-residential uses in a manner which enhances the Municipality's image through the application of design and architectural principles, high-quality construction techniques, preservation of existing natural resources, and the provision of aesthetic amenities. The Planned Commercial District also gives the Municipality the ability to permit a broad range of non-residential uses in a manner that ensures that such uses are compatible with the surrounding environment, specifically residential uses.

**1292.02 USES.**

(a) Permitted uses. All permitted uses allowed in Chapters 1260, 1262, and 1264, as provided for in this ordinance.

(b) Conditional uses. All conditional uses permitted in Chapters 1260, 1262, and 1264, as provided for in this ordinance.

(c) The applicant shall list in the development standards text all permitted, conditional, accessory, and prohibited uses of the Planned Commercial District as applied to the specific tax parcels that are subject to the proposed rezoning. A certificate of occupancy will not be issued for uses not listed in the development standards text without approval of the Planning and Zoning Commission.

**1292.03 GENERAL DEVELOPMENT STANDARDS.**

In addition to the other provisions of the Zoning Code, the following standards for arrangement and development of land and buildings are required in the Planned Commercial District.

(a) Minimum area. Three acres for a Planned Commercial District; ½ acre minimum for lots within a Planned Commercial District.

(b) Minimum lot width. None, except that such a site shall abut a major arterial or minor arterial street for a minimum continual frontage distance of 100 feet.

(c) Enclosure and screening. A use allowed in this district shall entirely enclose its primary operation within a structure. No open storage will be permitted. Open sales, service areas and loading docks shall be screened per the requirements of Chapter 1299.

(d) Side yards. A side yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in Chapter 1242. Such required side yards shall equal one-fourth the sum of the height and width of the structure but in no case shall be less than fifty feet.

(e) Rear yards. A rear yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in Chapter 1242. Such required rear yards shall equal one-fourth the sum of the height and depth of the structure, but in no case shall be less than fifty feet.

(f) Arrangement of areas. The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments within the Planned Commercial District, in addition to achieving the standards of this subsection, shall be accomplished in accordance with an approved development plan established to assure compatibility with the existing and future land use development in the vicinity. The development plan shall include walks, fences, landscaping and other devices which will meet the purpose and intent of the Planned Commercial District.

(g) Reserve areas. All areas designated for future expansion or not intended for immediate improvement or development shall be specified as reserve area. The future use and the limitations on future use of such area shall also be specified, although the use of such area may later be reconsidered in accordance with Section 1288.04(1). Reserve areas shall be landscaped or otherwise maintained in a neat and orderly manner.

(h) Parking and loading. Off-street parking, loading and service areas shall be provided in accordance with Chapter 1280. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and the structural arrangement set forth in the development plan.

(i) Maximum lot coverage. Structures, pedestrian areas, parking areas, and other hard-surfaced or paved areas shall not cover more than 75% of the lot. Maximum coverage of the lot by structures, not including unenclosed loading docks, shall not exceed 50%.



**CHAPTER 1294**  
**Planned Industrial District (PID)**

- 1294.01 Purpose.
- 1294.02 Uses.
- 1294.03 General development standards.

CROSS REFERENCES

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**1294.01 PURPOSE.**

The purpose of the Planned Industrial District is to encourage the design and development of areas where industrial, office, and limited commercial uses are located. Uses in the Planned Industrial District should not conflict with surrounding land uses and the overall site should be designed in a manner that protects existing natural resources, encourages sound traffic patterns, and incorporates high-quality construction techniques and the provision of aesthetic amenities.

**1294.02 USES.**

- (a) Permitted uses. All permitted uses allowed in Chapters 1260, 1264, and 1270, as provided for in this ordinance.
- (b) Conditional uses. All conditional uses permitted in Chapters 1260, 1264, and 1270, as provided for in this ordinance.
- (c) The applicant shall list in the development standards text all permitted, conditional, accessory, and prohibited uses of the Planned Industrial District as applied to the specific tax parcels that are subject to the proposed rezoning. A certificate of zoning compliance will not be issued for uses not listed in the development standards text without approval of the Planning and Zoning Commission.

**1294.03 GENERAL DEVELOPMENT STANDARDS.**

In addition to the other provisions of this Zoning Code, the following standards for arrangement and development of land and buildings are required in the Planned Industrial District.

- (a) Minimum area. Twenty (20) acres
- (b) Minimum lot width. None, except that such a site shall abut a major arterial or minor arterial street for a minimum continual frontage distance of 100 feet.
- (c) Enclosure and screening. A use allowed in this district shall entirely enclose its primary operation within a structure. Open storage areas will only be permitted with a conditional use permit as provided for in this ordinance. Open sales, service areas and loading docks shall be screened per the requirements of Chapter 1299.
- (d) Side yards. For main and accessory structures, including open storage, service and loading areas, the required side yards shall equal one-third the sum of the height and depth of the structure, but in no case shall be less than seventy-five (75) feet from any residential zoning district or planned residential district as listed in Section 1242.

(e) Rear yards. For main and accessory structure, including open storage, service and loading areas, the required rear yards shall equal one-third the sum of the height and width of the structure, but in no case shall be less than seventy-five (75) feet from any residential zoning district or planned residential district as listed in Section 1242.

(f) Arrangement of areas. The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments within the Planned Industrial District, in addition to achieving the standards of this subsection, shall be accomplished in accordance with an approved development plan established to assure compatibility with the existing and future land use development in the vicinity. The development plan shall include walks, fences, landscaping and other devices which will meet the purpose and intent of the Planned Commercial District.

(g) Reserve areas. All areas designated for future expansion or not intended for immediate improvement or development shall be specified as reserve area. The future use and the limitations on future use of such area shall also be specified, although the use of such area may later be reconsidered in accordance with 1288.04(1). Reserve areas shall be landscaped or otherwise maintained in a neat and orderly manner.

(h) Parking and loading. Off-street parking, loading and service areas shall be provided in accordance with Chapter 1280. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and the structural arrangement set forth in the development plan.

(i) Intensity of use. Maximum lot coverage: Structures, pedestrian areas, parking areas, and other hard-surfaced or paved areas shall not cover more than 80% of the lot. Maximum coverage of the lot by structures, not including unenclosed loading docks, shall not exceed 60%.

(j) Landscape easement. An easement twenty-five feet or more in width shall be provided around the entire tract and shall be landscaped in accordance with an approved landscape plan. Such plan shall provide plantings which will achieve a height of ten feet or more and an opaqueness of at least seventy-five percent (75%) within five years of normal growth. This easement, when adjacent to a street right-of-way eighty feet or more in width, or other industrial zoning district, may be reduced to fifteen feet, a twenty-five percent (25%) opaqueness, and two feet in height. The landscape plan shall be submitted with the subdivision plat and shall be subject to approval in the same manner as required of the subdivision plat.

**CHAPTER 1296**  
**Planned Mixed Use District (PMUD)**

- 1296.01 Purpose.
- 1296.02 Uses.
- 1296.03 Density and open space requirements.
- 1296.04 Traditional neighborhood development (TND) principles.

CROSS REFERENCES

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**1296.01 PURPOSE.**

The purpose of the Planned Mixed-Use District (PMUD) is to provide a permissive, voluntary, alternate zoning and subdivision platting procedure, in order to encourage imaginative architectural design, flexibility in building styles and types, proper relationships between buildings and between buildings and the land, to permit development of the land in an orderly, coordinated and comprehensive manner by preserving the natural quality and beauty of the land and to provide supporting community facilities in the development of diverse, sound, urban environments consistent with accepted land planning, landscape architecture practices and engineering principles under conditions of approved site and development plans.

**1296.02 USES.**

- (a) Permitted uses. All permitted uses allowed in all standard zoning districts except Chapter 1270, as provided for in this ordinance.
- (b) Conditional uses. All conditional uses allowed in all standard zoning districts except Chapter 1270, as provided for in this ordinance.
- (c) Prohibited uses. Drive-thrus are prohibited in traditional neighborhood developments.
- (d) The applicant shall list in the development standards text all permitted, conditional, accessory, and prohibited uses of the PMU District as applied to the specific tax parcels that are subject to the proposed rezoning. A certificate of zoning compliance will not be issued for uses not listed in the development standards text without approval of the Planning and Zoning Commission.

**1296.03 DENSITY AND OPEN SPACE REQUIREMENTS.**

- (a) Maximum Residential Gross Density.
  - (1) Five (5) units per gross residential acre unless traditional neighborhood development (TND) standards are utilized; Eight (8) units per gross residential acre if TND standards are utilized.
- (b) Open Space Requirements. 20 percent of the gross site shall be common open space if TND standards are not utilized. 15 percent of the gross site shall be common open space if TND standards are utilized.

**1296.04 TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) STANDARDS.**

- (a) Design objectives. TND projects should establish a neighborhood which:
- (1) Is physically recognizable and limited in size.
  - (2) Residential, commercial, office, institutional, and recreational uses are in close proximity to one another thereby maximizing transportation choice and reducing the number and length of motor vehicle trips, traffic congestion, and need for road widening. Compatibility of buildings, uses, and other improvements is determined by their arrangement, scale, character, and landscaping to establish a livable, harmonious, and diverse environment.
  - (3) Establishes a hierarchy of streets serving equitably the needs of the pedestrian, the bicyclist, and the motorist. Streets are interconnected and blocks are small.
  - (4) Places civic buildings and squares in prominent locations that act as landmarks, symbols and focal points for community identity. Such buildings and squares provide places of assembly for social activities.
  - (5) Links civic buildings, squares, and parks with pedestrian paths and greenways to provide places for social activity and recreation.  
Includes private buildings forming a consistent, distinct edge, spatially delineating the public street space and the private block interior.
  - (6) Includes architecture and landscape that are consistent with the unique character of the region.
  - (7) Provides defined public spaces such as streets and squares, allowing citizens to know each other and watch over their collective security.
  - (8) Provides a full range of housing types and work places, allowing all age groups and economic classes to integrate in an authentic community.
  - (9) Provides trees of the same size, shape or type to create visual continuity and a unified appearance.
- (b) Design criteria.
- (1) The entire land area of the TND shall be divided into blocks, streets, and lots, and optional edge areas.
  - (2) The development shall contain a mix of residential, commercial, office, and recreational uses. When a TND is adjacent to or complements an existing commercial/office area, commercial and office uses may be omitted from the development pending approval of the Planning and Zoning Commission and provided adequate automobile and pedestrian linkages are established that integrates the areas.
  - (3) Similar land uses (uses within the same land use category) shall generally face across streets. Dissimilar uses, when adjacent, shall abut at rear lot lines.
  - (4) The TND shall contain a square generally within the center of each neighborhood or as deemed appropriate by the Planning and Zoning Commission.
  - (5) Neighborhoods shall be limited in size or shape to allow residents to walk to the neighborhood square.
  - (6) Alleys shall be permitted and encouraged. However, no residential lot shall front on an alley.

- (7) All streets and alleys shall connect to other streets within the TND. All streets shall connect to existing and projected streets outside the TND, when possible. Cul-de-sacs, T-turnarounds and gated or dead-end streets are not permitted within the TND.
- (8) Sidewalks, pedestrian paths, bicycle paths, and local streets shall connect a neighborhood's residences, shopping, employment, and recreation areas.
- (9) Streets shall be twelve (12) feet in width per travel lane. No street shall exceed two (2) travel lanes.
- (10) The design speed of streets shall not exceed 25 miles per hour.
- (11) Parallel parking shall be located adjacent to commercial and office lots when such lots front a square, park, or plaza. Otherwise, parallel parking is encouraged.

Consistent build-to lines shall be established along all streets and public space frontages. This build-to line shall determine the width and ratio of enclosure desired for each street or public space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.
- (12) All buildings shall have their main entrance opening to a street or square (except outbuildings).
- (13) No more than 20 feet of horizontal distance of wall shall be provided without facade articulation or architectural relief for building walls and frontage walls facing the street. Façade articulation or architectural relief can include, but is not limited to, pilasters, windows, pedestrian entrances, arcades, awnings, shutters and canopies, or other types of building massing that modulates the building mass or surface texture. Facade articulation shall maintain a distinction between the street-level story and upper stories.
- (14) The rhythm established by the repetition of the facade elements shall be maintained.
- (15) All outdoor mechanical equipment, such as heating, air conditioning, and ventilation systems, must be placed on the roof, in the rear or side of the building, or otherwise visually screened from the street. In no case shall mechanical equipment be allowed along street frontage(s). Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening.
- (16) A comprehensive sign program is required for the entire TND which establishes a uniform sign theme. Signs shall share a common style (color scheme, type, size, material), as approved by the Planning and Zoning Commission.

**CHAPTER 1298**  
**Site Development Plans**

- 1298.01 Purpose and intent
- 1298.02 Site development plans required.
- 1298.03 Definitions.
- 1298.04 Minor site plan.
- 1298.05 Major site plan.
- 1298.06 Design standards.

**CROSS REFERENCES**

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**1298.01 PURPOSE AND INTENT.**

(a) Site development plans are intended to insure ample provisions for the efficient use of land and to promote high standards in the layout, design, landscaping and construction of development. They are further intended to supplement the provisions of the Subdivision Regulations and to further the purposes and provisions of this code for developments other than subdivision developments.

(b) The purposes of this chapter are to state the specific additional requirements applicable to the development of land in certain zoning districts, and to prescribe the standards for the preparation and submission of site development plan drawings and for the design and construction of required improvements.

**1298.02 SITE DEVELOPMENT PLANS REQUIRED.**

Prior to issuance of a zoning permit for all developments other than single family residential and two-family residential developments, a site plan as defined herein shall be submitted to the Village of Amanda for review and approval.

**1298.03 DEFINITIONS.**

The following definitions apply to this chapter.

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

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

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

- (1) A development involving any new construction other than one or two family residential structures;
- (2) A development involving an addition of more than 20 percent of the gross floor area of a structure or more than 5,000 square feet of impervious surface;
- (3) A development involving more than 10,000 square feet of impervious surface;
- (4) A development impacting or adjacent to a historic, archaeological, or environmentally sensitive feature;

- (5) A development impacting a non-residential site adjacent to a residential zoning district;
  - (6) A development which conflicts with an adopted Village plan;
  - (7) A development of a non-conforming site or site which does not meet the development standards of the zoning district in which it is located.
  - (8) A development which generates sufficient volumes of traffic, unusual patterns, or types of traffic that result in lowering the level of service of affected streets or intersections; or
  - (9) Other unusual or unique impacts which, in the professional opinion of the Zoning Administrator, warrant public review.
- (d) Minor Site Plan - A plan for a development which does not qualify as a Major Site Plan.

**1298.04 MINOR SITE PLAN.**

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

(b) Submittal Requirements.

- (1) A survey showing boundary information, existing and proposed development, existing and proposed easements, rights-of-way, location of existing water bodies, streams, drainage ditches, stands of trees and trees with a caliper of more than six inches in diameter, and the location of utilities, including storm water drainage.
- (2) The sketch plan shall indicate buildings, service areas, parking, fencing, landscaping, and all required setbacks.
- (3) All parking and loading areas shall be shown, including typical dimensions of parking stalls, aisles and loading spaces.
- (4) All driveways and curb cuts shall be indicated, including major aisle ways and service routes. Pedestrian circulation shall also be indicated.
- (5) Handling of all waste and refuse materials shall be indicated.
- (6) Proposed landscaping shall be shown, as per the zoning code.
- (7) Signage may be required to be shown, as per the zoning code.
- (8) All exterior lighting shall be shown, including parking lot, pedestrian, and building accent lighting. Lighting intensity and installation height shall be indicated.
- (9) Exterior building design and surface treatments shall be indicated, including building material and color. Color and material samples shall also be made available for inspection.

(c) Procedure.

- (1) Any applicant requesting approval of a minor site plan as defined herein shall submit to the Zoning Administrator four copies of the application, including the items specified in 1298.04(b) submittal requirements and the prescribed fee.
- (2) Within 30 days of filing a complete application, the Zoning Administrator shall approve the application for site plan review based upon adopted

regulations and standards, design guidelines contained herein or determine that the application is a major site plan. If the application is approved the Zoning Administrator will issue a zoning permit for the building or structure. If the application is determined to be a major site plan, the Zoning Administrator will schedule a review by Planning and Zoning Commission.

#### **1298.05 MAJOR SITE PLAN.**

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

(b) Submittal Requirements. The following items are required at the time that a site plan is submitted. The Zoning Inspector may waive select requirements if the site is part of a planned district that has received final development plan approval.

- (1) A survey showing boundary information, existing and proposed development, existing and proposed easements, rights-of-way, location of existing water bodies, streams, drainage ditches, stands of trees and trees with a caliper of more than six inches in diameter, and the location of utilities, including storm water drainage.
- (2) The site plan shall indicate all proposed uses and the location of structures, showing square footages and tenant types for the first phase of the development plan. Structures planned for subsequent phases shall be schematically indicated. All required setbacks shall also be indicated.
- (3) A detailed parking layout for off-street parking, loading, and service areas must be shown, including the following:
  - A. Number of spaces indicated by total number of on-site spaces and to be summed by row;
  - B. Access points and expected movement through and between separate parking lot areas;
  - C. Expected pedestrian access routes from parking areas to structures.
- (4) The proposed provision of all utilities including storm drainage retention or detention shall be specifically detailed.
- (5) All major circulation routes, including arterials, adjacent curb cuts, collector and local streets, driveways and curb cuts, and including major aisle ways and service routes shall be indicated. Major pedestrian circulation routes shall also be indicated, including dimensions of path and pedestrian crossings, etc., plus any attempts at separating vehicular and pedestrian/recreation movement.
- (6) Handling of all waste and refuse materials shall be indicated.
- (7) Proposed landscaping shall be shown, as per a landscape plan required by Chapter 1299.
- (8) All signage and graphics may be required to be shown, as per Chapter 1282.



- (9) All exterior lighting shall be shown, including parking lot, pedestrian, and building accent lighting. Lighting intensity and installation height shall be indicated.
  - (10) Exterior building design and surface treatments shall be indicated, including building material and color. Color and material samples may also be requested.
  - (11) Traffic impact study as requested by the Planning and Zoning Commission.
  - (12) All reserve parcels and anticipated development phases shall be indicated.
  - (13) Environmental analysis if any portion of the site meets one or more of the following criteria:
    - A. Any portion of the site is located in the 100-year floodplain.
    - B. The site contains one or more wetlands.
    - C. 25% or more of the site contains hydric soils.
    - D. The parcel contains an agricultural drainage ditch.
    - E. 25% or more of the total area of the site has slopes over 20%.
    - F. 25% or more of the site is wooded.
  - (14) The use of land and location of structures on adjacent property.
- (c) Procedure.
- (1) Any applicant requesting approval of a major site plan as defined herein, shall submit eight (8) copies of the application to the Zoning Administrator, including the items specified in 1298.05(b) herein, the prescribed fee, and any other information as determined appropriate by the Planning and Zoning Commission within thirty (30) days of their next regularly scheduled meeting.
  - (2) It shall be the duty of the Planning and Zoning Commission to review the major site plan and determine whether it complies with the adopted regulations and standards of the Village. Such determination shall be made within a reasonable time at a regular meeting of the Planning and Zoning Commission in accordance with the submission and hearing schedule established by the Commission.
  - (3) The Planning and Zoning Commission shall either approve, approve with modification, or disapprove an application for a major site plan.
- (d) Modifications of the Major Site Plan.
- (1) Development shall be in conformance with the site plan and construction of site improvements must be commenced within two years of Planning and Zoning Commission approval; otherwise no development of the land shall take place until a new site plan is approved pursuant to this Section.
  - (2) Approval of the Planning and Zoning Commission is required before any modification of the approved site plan may be made. Development of land shall not proceed prior to final approval of the site plan. Once the site plan is approved the Zoning Administrator will issue a zoning permit. Any development undertaken without such final approval is in violation of this zoning ordinance.
- (e) Appeal. Decisions of the Planning and Zoning Commission in approving, approving with modifications or disapproving applications for site plans are appealable to Village Council.

**CHAPTER 1299**  
**Landscaping and Screening**

- 1299.01 Intent.
- 1299.02 Purpose.
- 1299.03 Sites affected.
- 1299.04 Minimum landscape requirements.
- 1299.05 Landscape materials.
- 1299.06 Plan submission and approval.
- 1299.07 Street trees.
- 1299.08 Tree Preservation.
- 1299.09 Tree Preservation Plan.
- 1299.10 Removal of major trees.
- 1299.11 Replacement of removed trees.
- 1299.12 Exemptions from replacement.
- 1299.13 Planting and maintenance requirements.
- 1299.14 Preconstruction activities.
- 1299.15 Construction activities.
- 1299.16 Landscaping definitions.

**CROSS REFERENCES**

Trees - Chapter 1004

Trees, Shrubs, and Other Plants - Chapter 1050

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**1299.01 INTENT.**

The intent of this chapter is to:

- (a) Improve the appearance of vehicular use areas and property abutting public rights of way;
- (b) Require buffering between non-compatible land uses;
- (c) Protect, preserve, and promote the aesthetic appeal, character, and value of the surrounding neighborhoods;
- (d) Promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

**1299.02 PURPOSE.**

It is further the purpose of this chapter to specifically promote the preservation and replacement of trees and significant vegetation removed in the course of land development, and to promote the proper utilization of landscaping as an ease between certain land uses to minimize the opportunities of nuisances.

**1299.03 SITES AFFECTED.**

- (a) Individual Single Family Lots Exempted. Individual single family lots are exempt from the requirements of this chapter following the transfer of ownership from the developer or builder to the homeowner except that single family lots must maintain street trees and the landscaping provided by the developer and comply with the requirements of Chapter 1004 and 1050 of the Codified Ordinances.

(b) New Sites. No zoning permit shall be issued hereafter for any site development or the construction or improvement of any building, structure or vehicular use except where landscaping for such development and construction has been approved as required by the provisions of this chapter.

(c) Existing Sites. No building, structure, or vehicular use area shall be constructed, altered, or expanded unless the minimum landscaping required by the provisions of this chapter is provided. In the case of an alteration or expansion, such landscaping shall be provided to the extent required by only by the alteration or expansion, unless the alteration or expansion is substantial. If the alteration or expansion is substantial, then the minimum landscaping required shall be provided to the entire property. An alteration or expansion to an existing property is substantial when:

- (1) In the case of a building or structure expansion which does not involve additional land, the square footage of the alteration or expansion exceeds twenty-five percent (25%) of the square footage of the existing building exclusive of the alteration or expansion; and
- (2) In the case of an alteration or expansion involving both an existing building or structure and additional land, and, if applicable, additional structures or buildings, the area or square footage of the expanded or altered land or structure or building, respectively, exceeds twenty-five percent (25%) of the area or square footage of the existing land or structure or building, respectively, exclusive of the alteration or expansion.
- (3) "Land" as use herein, includes land used for space, parking, or building purposes.

#### **1299.04 MINIMUM LANDSCAPE REQUIREMENTS.**

(a) This section describes the minimum landscape requirements that shall be met in regard to perimeter landscaping for non-compatible land use areas, landscaping or service areas, and interior landscaping for businesses, buildings, structures, or other new developments of the land. For the purposes of this section, the following shall be considered "non-compatible":

- (1) The location of a residential land use area adjacent or contiguous to a business, commercial, or industrial land use area;
- (2) The location of a business or commercial land use area adjacent or contiguous to a residential or industrial land use area; or
- (3) The location of an industrial land use area adjacent or contiguous to a residential, business, or commercial land use area;
- (4) The location of a multi-family residential land use area adjacent or contiguous to a single family residential land use area.

(b) Perimeter Landscaping Requirements. Unless otherwise provided, landscape materials, fences, or walls used to meet this requirement shall be installed to provide one hundred percent (100%) year round opacity within four years after installation. Landscape materials must be an evergreen species. The required landscaping shall be provided either in easements in certain zones or adjacent to vehicular use areas.

- (1) Property perimeter requirements. Refer to Table 1.
- (2) Vehicular use area perimeter requirements. Refer to Table 2.

Table 1. Property Perimeter Requirements

- (1) Six feet shall be the least dimension for any commercial or industrial zone, with three feet as the least dimension for any other zone.
- (2) Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material.
- (3) Tree sizes are as defined in section 1299.09.
- (4) "OFT" means "or fraction thereof". Trees do not have to be equally spaced, but may be grouped.

A. When the following:	B. Adjoins the following, or vice versa,	C. The minimum landscape, within a buffer zone of this average width (with 3 ft. as the least dimension), is required <sup>(1)</sup>	D. Which will contain this material <sup>(2)</sup> , to achieve opacity required.
1. Any residential zone	Any office zone	6 ft. adjacent to all common boundaries except street frontage	1 large <sup>(3)</sup> or medium tree per 40 ft. of lineal boundary OFT <sup>(4)</sup> , plus a continuous 6 ft. high planting hedge, fence, wall or earth mound
2. Any residential zone	Any business zone	10 ft. located as above -1C	Same as in 1D
3. Any residential zone	Any industrial zone	15 ft. located as above -1C	Same as in 1D, except use only large trees
4. Any business or office zone	Any industrial zone	15 ft. located as above -1C	Same as in 1D
5. Any zone except rural zone	A freeway or arterial street prohibiting driveways	20 ft. for residential zones and 10 ft. for all other zones adjacent to freeway or arterial	1 large or medium tree per 30 ft. of lineal boundary OFT, plus a continuous 6 ft. high planting, hedge, fence, wall or earth mound
6. Any zone except agricultural and industrial zones	Railroads (except spur tracks)	Same as 5C, adjacent to railroad boundaries	Same as in 5D
7. Any property boundary, including street rights-of-way	Utility substation, communications tower, sewage plants or similar uses	15 ft. adjacent to all boundaries	Same as in 5D
8. Any single or two-family residential zone	Multi-family residential zone with more than 8 units	15 ft. located as above -1C	Same as in 1D

**Table 2. Vehicular Use Area Perimeter Requirements**

- (1) Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material.
- (2) "Vehicular Use Area" is defined in Section 1299.09.
- (3) Tree sizes are as defined in Section 1299.09.
- (4) "OFT" means "or fraction thereof"
- (5) The intent of these requirements is to improve the appearance of vehicular use areas and property abutting areas. The vehicular use area perimeter requirement for vehicular sales facilities allows creation of "picture frame(s)" along streets for vehicular sales display. The following formula shall be used to determine the display area allowed per street frontage: Linear distance of street frontage (from lot line to lot line or lot line to corner in feet) x .25 = display area (in feet). Vehicles in the display area shall be located behind the 12 inch planting and all vehicles shall be parked at grade. Screening requirements for the remaining vehicular use areas that adjoin a street frontage shall be similar to those for other uses with two exceptions. The size of trees at installation is increased and the spacing between trees is reduced. These requirements will help to mitigate the glare from artificial lights.

A. When the following:	B. Adjoins the following, or vice versa	C. The minimum landscape easement of this width is required	D. Which will contain this material <sup>(1)</sup> to achieve opacity required
1. Any property in any zone except DB	Any vehicular use areas <sup>(2)</sup> on any adjacent property	4 ft. minimum to all trees from edge of paving where vehicles overhang, and 3 ft. strip that prohibits any vehicular overhang for other areas, adjacent to portion of vehicular use area that faces building on adjacent property	1 large <sup>(3)</sup> , medium or small tree per 40 ft. of lineal boundary of vehicular use area OFT <sup>(4)</sup> , plus a 3 ft. average height continuous planting, hedge, fence, wall or earth mound
2. Any public or private street right of way or access road or service road, except freeways	Any vehicular use area, outside of DB (except vehicular sales facilities) in any zone	Same as 1C above, except applies to vehicular use area portion facing public or private street	1 large or medium tree per 40 ft. of lineal boundary OFT, plus a 3 ft. average height continuous planting, hedge, fence, wall or earth mound
3. Same as 2A	Any vehicular use area in a vehicular sales facility <sup>(5)</sup>	Same as 2C above	1 large or medium tree per 30 ft. of lineal boundary OFT, with at least a 3 inch caliper along the entire street frontage, plus a 3 ft. average height continuous planting, hedge, fence, wall, or earth mound along at least 75 percent (75%) of the street frontage. The remaining street frontage, not to exceed twenty-five percent (25%) shall include a 12 inch height vegetative planting.
4. Same as 2A	Any vehicular use area (except loading and unloading areas) in B3 zones	3 ft. strip adjacent to portion of vehicular area that faces a public or private street right of way	3 ft. average height continuous planting, hedge, fence or wall

- (3) Landscape buffer zone. The landscape buffer zone and material required adjacent to any street under this chapter shall be provided by the property owner adjoining street, unless the authority building the street has fully met all requirements on the street right of way. When adjacent to other common boundaries, the landscape buffer zone and materials:
  - A. May be placed on either adjoining parcel, or astride the boundary, if both are owned and being processed by the same owner; or
  - B. Generally shall be placed on the activity listed under column B in Table 1 or Table 2 of this chapter, when adjoining parcels have different owners; or
  - C. May be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Zoning Administrator, as a public record; or
  - D. Shall be placed on the activity or parcel being processed when adjoining property is already developed, with the exception of lines 5 and 6 in Table 1 of this chapter; or
  - E. Shall not be required along the common boundary if the requirements of this chapter have been fully complied with on the adjoining property, in fulfillment of the requirements of this chapter.
- (4) Requirements conflict. Whenever a parcel or activity falls under two or more of the categories listed in Table 1 or Table 2 of this chapter, only one category, that with the most stringent requirements shall be enforced.
- (5) Landscape buffer zone conflicts. The required landscape buffer zone may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer zone more than two and one-half feet, and wheel stops or curbs shall be required.
- (6) Existing landscape material. Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Planning and Zoning Commission, such material meets the requirements and meets the objectives of this chapter.

(c) Interior Landscaping for Vehicular Use Areas. Any open vehicular use area, excluding loading, unloading, and storage areas in an industrial zone or business zone, containing more than 6,000 square feet of area, or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsular or island types.

- (1) Landscape area. For each 100 square feet or fraction thereof, of vehicular use area, a minimum total of five square feet of landscaped area shall be provided.
  - A. Minimum area. The minimum landscape area permitted shall be sixty-four square feet with a four-foot minimum dimension to all

- trees from the edge of pavement where vehicles overhang.
- B. Maximum contiguous area. In order to encourage the required landscape areas to be properly dispersed, no individual landscape area shall be larger than 350 square feet in size, and no individual area shall be larger than 1,500 square feet in vehicular use areas over 30,000 square feet. In both cases, the least dimension of any required area shall be four feet minimum dimension to all trees from the edge of pavement where vehicles overhang. Individual landscape areas larger than the above are permitted as long as the additional area is in excess of the required minimum total.
- (2) Minimum trees. The following minimums are required, based upon total ground coverage of structures and vehicular use areas:
- A. Up to 20,000 square feet: A minimum of one tree per 5,000 square feet of ground coverage, and a total tree planting equal to one inch in tree trunk size for every 2,000 square feet of ground coverage.
- B. Between 20,000 and 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage, and a total tree planting equal to ten inches plus one-half inch in tree trunk size for every 2,000 square feet over 20,000 square feet in ground coverage.
- C. Over 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage, and a total tree planting equal to twenty-five inches plus one-half inch in tree trunk size for every 4,000 square feet over 50,000 square feet in ground coverage.
- D. Trees shall have a clear trunk of at least five feet above the ground, and the remaining area shall be landscaped with shrubs, or ground cover, not to exceed two feet in height.
- (3) Vehicle overhang. Parked vehicles may hang over the interior landscaped area no more than two and one-half feet, as long as concrete or other wheel stops are provided to ensure no greater overhang of the landscaped area. See the illustration in Appendix B.

(d) Landscaping for Service Structures. Service structures shall be screened in all zoning districts. For the purposes of this section, service structures shall include, but not be limited to, loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above the surface, and other equipment or elements providing service to a building or site. Structures may be grouped together; however, screening height shall be based upon the tallest of the structures.

- (1) Location of screening. Screening shall have a one hundred percent opacity and consist of a continuous planting, hedge, fence, or wall of earth except dumpsters. Dumpsters must be screened with a wall or fence on three sides with a lockable gate on the fourth side. Screening shall enclose the service structure on all sides, unless the service structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed

seven feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure, if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count toward the fulfillment of the required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.

- (2) Curbs to protect screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

(e) Interior Landscaping for All New Developments. All new developments, regardless of the type, and all alterations or expansions to existing developments shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site.

- (1) Preservation of existing landscaping materials. All trees having a trunk diameter of six inches or greater as measured twenty-four inches from ground level shall be preserved, unless one or more of the following exceptions applies:
  - A. Trees within public rights of way. These trees are required to be removed.
  - B. Trees within utility easements.
  - C. Trees within temporary construction easements as approved by the Village Engineer.
  - D. Trees within the ground coverage of proposed structures or within twelve feet of the perimeter of such structures.
  - E. Trees within the driveway access to parking or service areas or proposed areas to service a single-family home.
  - F. Trees that in the judgment of the Zoning Administrator are damaged, diseased, over mature, which interfere with utility lines, or are an inappropriate or undesirable species for that specific location.
- (2) Location of trees. It is encouraged that trees subject to destruction due to the above exceptions be preserved by relocation and replanting of such trees on a lot.
- (3) Preservation of wooded areas. It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures, and parking areas to avoid the unnecessary



destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that whenever possible, heavily wooded areas be designated as park reserves.

(4) Tree planting requirements.

A. For all new developments, the following landscape requirements shall apply:

<u>Use</u>	<u>Requirements</u>
All Residential Districts except Single-Family	There shall be tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by structures. Such plantings shall be required within the property lot lines of each structure.
Business and Community Shopping Uses per lot	In addition to the requirements of subsection (c) hereof for vehicular use areas, the following shall apply: there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building ground coverage area, or fraction thereof. Such landscaped areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches, or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.
Office-Institutional Uses	In addition to the requirements of subsection (c) hereof for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 1,500 square feet of building ground coverage area, or fraction thereof.
Industrial Uses	In addition to the requirements of subsection (c) hereof for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 2,000 square feet of building ground coverage area, or fraction thereof.

B. Parking Lots. See subsection ( c) hereof.

C. No new tree plantings shall be required if the existing trees and the aggregate trunk sizes of such trees meet or exceed the requirements as set forth in this chapter, and providing that such trees are evenly distributed throughout the developed area and not confined to either out-of-the way dense clusters or to the perimeter of the developed area. The minimum tree size for such tree plantings shall be no less than one and one-half inch in trunk diameter.

D. For new development or construction, if new tree plantings are required for conformance to the landscaping requirements of this chapter, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If such landscape plan is approved, the applicant or owner shall plant such trees as may be required within one year or the next planting season after issuance of a zoning permit. Failure to comply with the landscaping requirements shall be in violation of this section and be subject to such penalties as provided in Chapter 1286.

### **1299.05 LANDSCAPE MATERIALS.**

The landscaping materials shall consist of the following, and should complement the form of the existing trees and plantings, as well as the development's general design and architecture. The type of shade or sun should be considered in selecting plant materials.

(a) Walls and Fences. Walls and fences shall be structurally sound and constructed of stone, brick, or wood.

(b) Earth Mounds. Earth mounds shall be physical barriers which block or screen the view, similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement.

(c) Plants. Artificial plants are prohibited. All plant materials shall be living plants and shall meet the following requirements:

- (1) Quality. Plant materials used in conformance with the provision of this chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
- (2) Deciduous trees. Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen feet in Central Ohio, and having trunks which can be maintained with over five feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections, where eight feet clear wood requirement shall control. Trees having an average mature crown spread of less than fifteen feet may be substituted by grouping of the same so as to create the equivalent of a fifteen foot crown spread. A minimum of ten feet overall height or a minimum caliper (trunk diameter measured at four feet above the ground) of at least one and three-fourths inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen feet to such public works, unless the root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four inch thick, reinforced concrete.
- (3) Prohibited trees. Shall be those listed in the latest ODNR publication.
- (4) Evergreen trees. Evergreen trees shall be a minimum of five feet high with a minimum caliper of one and one-half inches immediately after planting.
- (5) Shrubs and hedges. Shall be at least two feet for Section 1299.04 (b)(2), and three feet for Section 1299.04 (b)(1), in average height when planted and shall conform to the opacity and other requirements within four years after planting.
- (6) Vines. Shall be at least twelve or fifteen inches high at planting, and generally used in conjunction with walls or fences.
- (7) Grass or ground cover. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent

lawns in Central Ohio, and may be sodded or seeded, except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used. Nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted in a manner as to present a finished appearance and seventy-five percent (75%) of complete coverage after two complete growing seasons, with a maximum of eight inches on center. In certain cases, when approved by the Planning and Zoning Commission, ground cover may consist of rocks, pebbles, sand, and similar approved materials.

(d) Maintenance and Installation. All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first, while other defective landscape material shall be replaced or repaired within three months. Violation of these installation and maintenance provisions shall be grounds for the Zoning Administrator to refuse to issue a Certificate of Occupancy or to institute legal proceedings.

(e) Pruning. Landscaping materials used to fulfill code requirements, or conditions of approval, as authorized by Council, Planning and Zoning Commission, Board of Zoning Appeals, or other appropriate body may not be pruned or otherwise treated so as to reduce height or level of opacity to less than required by this chapter. Landscape materials are intended to grow, spread, and mature over time, and pruning or other inhibiting measures, including removal, may only be practiced to ensure the public safety, to maintain a neat and attractive appearance, and to preserve the health of the material involved.

#### **1299.06 PLAN SUBMISSION AND APPROVAL.**

Whenever any property is affected by these landscape requirements, the property owner or developer shall prepare a landscape plan for submittal to the Zoning Administrator for review. Where such plans are part of an application for rezoning, variance, conditional use, or other matters which must be approved by the Planning and Zoning Commission or the Board of Zoning Appeals, such plans shall be submitted to the Zoning Administrator fifteen business days before the first meeting of the approving body, or along with the application if there are other required plans. All other landscape plans shall be approved by the Zoning Administrator prior to issuance of a building permit.

(a) Plan Content. The contents of the plan shall include the following:

- (1) Plot plan, drawn to an easily readable scale no smaller than one inch equals twenty feet, showing and labeling by name and dimensions:
  - A. All existing and proposed property lines;
  - B. Easements;
  - C. Buildings, and other structures;
  - D. Vehicular use areas, including parking stalls, driveways, service areas, square footage, etc.;
  - E. Locations of structures on adjoining parcels;

- F. Water outlets;
  - G. Landscape material, including botanical name and common name, installation size, on center planting dimensions where applicable, and quantities for all plants used;
  - H. All existing trees.
- (2) Typical elevations and/or cross sections as may be required;
  - (3) Title block with pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow (generally orient plan so that north is to top of the plan), and zoning district.
- (b) Zoning Permit and Certificate of Occupancy.
- (1) Where landscaping is required, no zoning permit shall be issued until the required landscaping plan has been submitted and approved, and no Certificate of Occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Zoning Administrator, unless a performance bond, or irrevocable letter of credit from a banking institution, has been posted.
  - (2) If the required landscaping has not been completed and a temporary Certificate of Occupancy is issued, a performance bond or irrevocable letter of credit from a banking institution shall be posted at that time.
  - (3) All trees and plantings shall meet the requirements of Section 1299.04, including the restrictions of Tables 1 and 2, and a written certification to this effect shall be submitted by the landscaper upon completion.
- (c) Posting of Bond or Irrevocable Letter of Credit. After a bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six months after the date of posting the bond or irrevocable letter of credit. A one-month extension of the planting period may be granted by the Zoning Administrator upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three such one-month extensions may be granted. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.

**1299.07 STREET TREES.**

In all zoning districts, developers shall plant and maintain shade trees along public and private streets in compliance with the following:

- A. The tree to be planted shall be an approved street tree as listed in this section.
- B. One tree shall be provided for every forty (40) linear feet of frontage, or fraction thereof, along each road.
- C. The minimum spacing between trees shall be 40 feet for large trees, 30 feet for medium trees and 20 feet for small trees.
- D. The maximum spacing between trees shall be 45 feet for large trees, 35 feet for medium trees, and 25 feet for small trees.

- E. The minimum distance between the tree and the edge of the street shall be two and one-half feet for a large tree, two feet for a medium tree and one and one-half feet for a small tree. In areas where a sidewalk exists or is proposed, the minimum distance between the tree trunk and both the edge of the street and the sidewalks shall be two feet for a large tree, two feet for a medium tree and one and one-half feet for a small tree.
- F. The tree location shall be at least 20 feet from street intersections and ten feet from fire hydrants or utility poles.
- G. A small tree shall be used when planting under or within ten lateral feet of overhead utility wires. A small or medium tree shall be used when planting within ten to 20 lateral feet of overhead utility wires.
- H. Trees are to be planted within the rights-of-way of or roads within and abutting the development as directed by the Planning and Zoning Commission.
- I. Each tree at the time of installation shall have a minimum caliper of 1.75 inches and a clear trunk height of at least six (6) feet.

#### **1299.08 TREE PRESERVATION**

In all zoning districts, all major trees shall be preserved and/or replaced in compliance with the provisions of this chapter, unless exempted herein. No trees shall be removed from any parcel of land until a tree clearance permit has been issued by the Village Administrator or designee, unless specifically exempted by the provisions of this Chapter.

(a) Clearing of Land. No trees shall be removed from any parcel of land until a tree clearance permit has been issued signifying compliance with the regulations of this Chapter. A fee of \$150 shall be charged for each tree removed from the site. Said fee shall be placed in a Tree Bank Fund.

(b) Clearing of Land Prior to Annexation. Trees removed from any parcel of land within two years prior to its annexation to Amanda shall be subject to a tree replacement plan as if the parcel had been a part of the Village when the tree removal occurred.

(c) New Development or Construction. No building permit or certificate of zoning compliance shall be issued for any development or the construction of any building, structure or vehicular use without it first being determined through the development plan review process that the proposed development is in conformance with the provisions of this chapter.

(d) Substantial Alteration or Expansion of Existing Development. No building, structure or vehicular use area shall be substantially altered or expanded without it first being determined through the development plan review process that the proposed development is in conformance with the provisions of this chapter.

#### **1299.09 TREE PRESERVATION PLAN**

A tree preservation plan which includes a tree survey shall be filed in connection with the following projects: excavation, earth moving, demolition, road widening, road construction, road extensions, parking lots, utility service lines, utility structures, bike paths, sidewalks, the construction of new buildings, the construction of building additions, and the construction of detached accessory buildings. The tree preservation plan and tree survey shall be filed prior to the commencement of any construction activities, including clearing and grading, and must be approved by the Village Administrator or designee. All structures and construction activity shall

be located upon a parcel of land in such a way as to minimize tree damage and/or removal, consistent with the various setback requirements of the Zoning Code and consistent with standard engineering practices for the design of public and private utilities, and with established erosion and sedimentation control practices, and consistent with the Village's storm water management regulations. The tree preservation plan shall specify the following:

(a) The location, common name, and size (DBH) of all existing major trees. The tree survey shall indicate the location, species, the condition, and the outline of the critical root zone or 15 feet whichever is greater of all major trees. The Village may, at its discretion, accept an estimate of the number and size of trees on a site when the site exceeds three (3) acres. In considering estimates, the Village may allow the use of techniques such as site photographs, aerial photographs, site visits, etc.

(b) Identification of the tree preservation area(s), including all existing major trees that will be preserved and remain on site after construction and development.

(c) Identification of all major trees that will be removed from the site as permitted by Section 1299.10.

(d) The location, common name, and size of all replacement trees to be planted on the site as required by Section 1299.11.

(e) The location of all proposed protective fencing;

(f) Location of all utility lines;

(g) Site grading;

(h) Specified locations for ingress, egress, operation and parking of all construction vehicles and equipment, and storage of solvents, hazardous materials, and soil and material stockpiles;

(i) Specified locations for all clearing, grubbing, grading and excavation;

(j) Other measures such as construction pruning and root pruning of trees directly impacted by construction must also be indicated on the plan or on an accompanying sheet and approved by the city. Pruning shall be performed in accordance with International Society of Arboriculture Standards; and

(k) Short term and long term maintenance plans.

#### **1299.10 REMOVAL OF MAJOR TREES.**

(a) The Village Administrator (or designee) may approve the cutting down, removal, or destruction of a major tree when the tree interferes with the proper development of the lot, provided that the lot is the subject of application for approval of a zoning permit, development plan, variance or conditional use permit; such application is approved; and one of the following applies:

(1) The tree is located within a proposed public right-of way.

(2) The proposed structure cannot be located in a manner to avoid removal of the tree and, at the same time, permit the desirable and logical development of the lot.

(3) The tree is located within the area of a proposed driveway that will service a single-family or two-family home or is within the area of a proposed access drive that will service dwellings in a planned residential development, multi-family development, or planned multi-family development.

(4) The tree is damaged or diseased.

(5) The tree is an undesirable species in its present location.

- occurs:
- (b) Removal. A tree shall be deemed removed if one or more of the following occurs:
    - (1) Damage is inflicted to the root system by machinery, storage of materials and/or soil compaction.
    - (2) The natural grade is changed above or below the root system or around the trunk. Damage is inflicted on the tree that would permit fungus or pest infection.
    - (3) The tree is excessively pruned or thinned.
    - (4) Areas are paved with concrete, asphalt or other impervious material within such proximity to the tree as to be harmful to the tree.

#### **1299.11 REPLACEMENT OF REMOVED TREES.**

(a) Each major tree with a caliper less than 18 inches removed during the course of the development of a lot shall be replaced by the owner of the lot with two (2) trees, each having a minimum caliper of 3.0 inches and a clear trunk height of at least six (6) feet. Trees with a caliper of 18 inches or more removed from the lot shall be replaced on a 1 to 1 caliper basis.

(b) The Village Administrator (or designee) shall approve the caliper, species, and health of all proposed replacement trees.

(c) Failure to replace a major tree within one and a half (1 ½) years of the approval of the application referred to in subsection (a) shall be a misdemeanor for each separate failure to replace a tree.

(d) In the event the Village Administrator or designee determines that full replacement would result in the unreasonable crowding of trees upon the lot, a fee equivalent to the cost of the excess aggregate caliper shall be paid into the Tree Fund to be used for reforestation on public property. The fees required to be paid by this section shall be used solely for the planting of trees on publicly owned property. The municipality shall expend additional funds for tree removal and/or tree pruning from other funds.

#### **1299.12 EXEMPTIONS FROM REPLACEMENT.**

The Village Administrator may approve the removal of a major tree if one of the following applies. Trees removed under the following conditions are exempt from the replacement requirements of Section 1299.11:

- (a) The tree is dead, damaged, or diseased as determined by a licensed arborist;
- (b) The tree is an undesirable species in its present location, as determined by the Village Administrator (or designee);
- (c) The tree poses potential danger to life or property.

#### **1299.13 PLANTING AND MAINTENANCE REQUIREMENTS.**

All trees to be used as replacement trees shall be of a variety determined to be acceptable by the Village Administrator or designee

(a) Replacement trees that may reach a height of thirty (30) feet shall not be planted within twenty (20) feet of an overhead power line.

(b) Trees shall be planted an adequate distance from access drives and intersections so that, at full maturity, such planting does not obstruct the visibility of motorists and pedestrians.

(c) The developer/owner shall be required to maintain all replacement trees and to replace any tree that dies within one (1) year.

(d) Preserved or replacement trees shall not subsequently be removed from a site unless approved pursuant to this chapter.

(e) Where applicable, the Village may require the original owner of any property on which trees have been preserved or replaced according to the requirements of this Chapter to add a restrictive covenant to the deed that shall inform subsequent purchasers, lessees or occupants of the site that trees shall not subsequently be removed from a site except when approved pursuant to this Chapter.

#### **1299.14 PRECONSTRUCTION ACTIVITIES**

(a) General regulations. Prior to any construction activities on a site containing major trees, a tree preservation plan including a tree survey, and a tree removal permit (if applicable) must be submitted to the Village for review and approval.

(b) Site layout and design. All reasonable efforts shall be undertaken in the architectural layout and site engineering design of the proposed development to preserve existing major trees.

- (1) It shall be required that building(s), driveway(s), sidewalks, bike paths, storm water management facilities, and parking areas be designed in such a way as to avoid unnecessary removal of major trees.
- (2) The required drainage and grading plan, including storm water management facilities, shall be developed in such a way as to avoid removal of major trees in the tree preservation area thereby causing risk of loss through change in grade or moisture.
- (3) Proposed placement of all utility service lines shall be shown on the tree preservation plan. Every effort shall be made to protect existing major trees during the placement of utility service lines including auguring and/or jacking as opposed to open cutting as appropriate. A copy of the tree preservation plan and this subchapter shall be submitted at the preliminary plat stage by the applicant to the appropriate public utilities in order to alert said public utilities to the proposed placement of the utility service lines.
- (4) Landscape planning shall include the preservation of existing healthy major trees.
- (5) Every effort shall be made during architectural and site engineering layout and design, including grading and utility placement, of the proposed development to preserve major trees on adjacent parcels through sensitivity to the critical root zones of said protected trees. The critical root zones of major trees on adjacent parcels shall be carefully reviewed and consideration given during the preparation of the tree preservation plan.

#### **1299.15 CONSTRUCTION ACTIVITIES.**

(a) Protective fencing. The owner shall be responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around the tree preservation areas so that all major trees shall be preserved. The fencing or other protective barrier must be located a distance from the trunk that equals, at a minimum, the distance of the critical root zone or 15 feet whichever is greater, unless otherwise approved by the Village Administrator or designee. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent impingement of construction vehicles, materials, spoils, and



equipment into or upon the tree preservation area. Tree protection signs must be located along the fencing. Any change in the protective fencing must be approved by the Village Administrator.

(b) Tree preservation plan. The approved tree preservation plan shall be available on the building site before work commences and at all times during construction of the project. The owner shall be responsible for notifying all contractors and utilities involved with a given project of the tree preservation plan.

(c) Construction measures. During all phases of construction, all steps necessary to prevent the destruction or damage to major trees (other than those specified to be removed) shall be taken, including but not limited to the following:

- (1) No construction activity, movement and/or placement of equipment, vehicles, or materials or spoils storage shall be permitted within the tree preservation area. No excess soil, additional fill, liquids, or construction debris shall be placed within the critical root zone of any tree that is to be preserved;
- (2) No attachments, including but not limited to ropes, nails, advertising posters, signs, fences or wires (other than those approved for bracing, guying or wrapping) shall be attached to any trees;
- (3) No gaseous liquids or solid substances which are harmful to trees shall be permitted within the tree preservation area;
- (4) No fire or heat shall be permitted within the tree preservation area;
- (5) Unless otherwise authorized by the tree removal permit, no soil is to be removed from or placed upon the critical root zone of any tree that is to remain; and
- (6) All utilities, including service lines, shall be installed in accordance with the tree preservation plan.

#### **1299.16 LANDSCAPING DEFINITIONS.**

For the purposes of this chapter, certain terms are herewith defined, in addition to the definitions provided in Chapter 1232. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular, the word "person" includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual, the word "structure" includes building, the word "occupied" includes arranged, designed, or intended to be occupied, the word "used" includes arranged, designed, or intended to be used, the word "shall" is always mandatory and not merely directive, the word "may" is permissive, and the word "lot" includes plot or parcel. Other words and terms shall have the following respective meanings:

- (a) "DBH" means diameter at breast height, or diameter four and one-half (4-1/2) feet above the ground.
- (b) "Epiphytotic" means the sudden and destructive development of a plant disease, usually over large areas. Corresponds to an epidemic of human disease.
- (c) "Interior landscaping" means the use of landscape materials within the innermost boundaries of the landscape buffer zone and perimeter landscaping.
- (d) "Landscape buffer zone" means that area adjacent to any vehicular use area or along common boundaries in which the perimeter landscape requirements are to be met.
- (e) "Large tree" means any tree species which normally attains a full-grown height equal to or greater than fifty feet.
- (f) Major Tree. A living tree with a DBH measurement of six (6) inches or more.

(g) "Medium tree" means any tree species which normally attains a full-grown height of between thirty and fifty feet.

(h) "Opacity" means an imaginary vertical plane extending from the established grade to a required height of which a required percent of the vertical plane shall be visually screened from adjacent property use.

(i) "Parking area or structure" means an off-street area or structure, for required parking or loading spaces, including driveways, access ways, aisles, parking and maneuvering space, but excluding required front yard or public right-of-way.

(j) "Parking lot or structure" means an off-street area or structure, other than the parking or loading spaces or areas required or permitted under this section, for the parking of automobiles and available to the public customarily for a fee.

(k) "Perimeter landscaping" means the use of landscape materials within the landscape buffer zone to achieve the required opacity.

(l) "Person" means any person, corporation, partnership, company, contracting firm, or other entity, including those employed by the Municipality or under contract with the Municipality.

(m) "Service structures". See 1299.04(d).

(n) Site DBH. The total combined DBH of all major trees existing on a site.

(o) "Small tree" means any tree species which normally attains a full-grown height of under thirty feet.

(p) Substantial Alteration. An alteration or expansion of existing development is substantial when such alteration or expansion involves or exceeds twenty-five percent (25%) of the total floor area of the existing building, structure or vehicular use area.

(q) Tree Fund. An account maintained by the Municipality of Amanda that receives cash payments in lieu of planting required replacement trees. Such funds shall be used for reforestation on public property.

(r) "Tree Lawn" means that part of a street not covered by sidewalk or other paving, lying between the property line and that portion of the street right-of-way that is paved and usually used for vehicular traffic.

(s) "Vehicular use area". A vehicular use area is any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements described previously in this paragraph, and where intervening curbs, sidewalks, landscape strips, etc. do not eliminate adjacency.

## ZONING APPENDICES

Appendix A	Zoning Forms	Appendix B	Public Hearings
Appendix C	Site Development Checklist for Residential Projects	Appendix E	Site Development Checklist for Non-Residential Projects
Appendix F	Site Development Checklist for Planned Development Projects		

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### APPENDIX A ZONING FORMS

Form No:

- (1) Application for Zoning Permit
- (2) (a) Zoning Permit (Placard)  
(b) Zoning Certificate
- (3) Revocation of Zoning Permit
- (4) Application of Certificate of Occupancy
- (5) Statement of Zoning Violation
- (6) Notice of Zoning Violations
- (7) Stop – Zoning Violation (Placard)
- (8) Application for Appeal
- (9) Application for Variance
- (10) Application for Conditional Use Permit
- (11) Application for Temporary Use Permit
- (12) Application for Zoning Amendment
- (13) Application for Sign Permit
- (14) Application for Administrative Variance

## **APPENDIX B PUBLIC HEARINGS**

Public hearings are an essential element in the zoning process. They are required by statute for all zoning amendments, conditional uses, appeals and variances. Public hearings should be orderly and fair to both the proponents and opponents, insuring an open and objective atmosphere.

### **Hearing Format**

Call to Order The Chairperson of the hearing body opens the hearing, summarizes the hearing procedures, announces the subject matter, and summarizes the application. Recognition of required public notice publication is be made for the record.

Oath of Witnesses The Chairperson swears in all those present, including staff and the public present, intending to speak during the public hearing. This does not preclude someone choosing to speak at a later time, but that person will need to be sworn in separately prior to speaking.

Staff Report The staff presents its report.

Applicant Comments The applicant's comments on any aspect of the public hearing subject matter.

Decision-making Body Questions The hearing body asks any questions of the staff and/or applicant.

Recognition of Proponents Those favoring the application are heard first. Testimony is limited to five (5) minutes, unless time is waived by the hearing body. The hearing body, through the Chair, can ask for a representative number of proponents to speak for a larger group of proponents.

Examination of Proponents through the Chair All questions regarding the proponents' presentations are directed through the Chair.

Recognition of Opponents Those opposed to the application are then heard. The same amount of time provided to the proponents is given to the opponents.

Examination of Opponents through the Chair All questions regarding the opponents' presentations are directed through the Chair.

Rebuttal Both proponents and opponents may submit rebuttal testimony. It is important to keep all questions and rebuttals directed through the Chair. The proponents have the final opportunity for rebuttal.

Close the Hearing The Chair closes the hearing. If the hour is late and pertinent data needs to be obtained, announce a continuation of the hearing to another specified date, time and place.

Deliberation and Decision At the next meeting of the hearing body, the body deliberates upon the application and begins the process of approval or denial, either by motion or by legislation, based on

the requirements of the body.

Hearing Record At some point in time, the decision of the body may be tested in a court of law. Generally, that challenge will be based on the records of the proceedings. For this reason, it is essential that all hearing records be as complete as possible. It is essential that speakers identify themselves.

A complete record of the hearing will contain:

- The application.
- The records of any actions on this request by an administrative official or body.
- Records that verify due notice has been given to the appropriate parties and property owners. Any newspaper notice and the affidavit of publishing thereof is also retained and included.
- Any relevant maps, drawings, or photographs presented as evidence or part of the application., and copies of all correspondence received or sent out with regard to this application.
- A complete record of all public input made at the hearing.
- Copy of a reference to relevant resolution or ordinance requirements.
- The findings of fact, the conclusions reached, and the recommendation or decision made on the request by the hearing body.

The crucial elements of the record are the findings, conclusion, and decision (or recommendation) of the hearing body.

The Decision The decision must be in writing and include all conditions that may be associated with the decision. The decision, or recommendation, should not be a mere conclusion that may be associated with the decision. Each decision should be accompanied by specific findings of fact related to the specific standards stated in the zoning ordinance which the applicant must satisfy.

Excerpts from How To Conduct A Public Hearing  
By Robert C. Schroeder

**APPENDIX C**

**VILLAGE OF AMANDA  
Site Development Checklist  
RESIDENTIAL PROJECTS**

Project: \_\_\_\_\_

Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**I. Planning Requirements**

\_\_\_\_\_ **Village of Amanda Land Use Plan**

The Land Use Plan guides future development within the village. Developments and zoning changes must be in compliance with the plan. Also, developments are reviewed and need to be in compliance with the following infrastructure components of the Land Use Plan and all village ordinances which relate to infrastructure requirements, rules, and regulations.

\_\_\_\_\_ **Sanitary Sewer Service**

The owner/developer may be required to pay the cost for the extension of sanitary sewer service to the property. All developments must meet the village's development standards.

\_\_\_\_\_ **Water Service**

The owner/developer may be required to pay the cost for the extension of water service to the property. All developments must meet the village's development standards.

\_\_\_\_\_ **Storm Sewer Service**

The owner/developer may be required to upgrade the off-site storm drainage system in order to provide adequate drainage to the site. All developments must meet the village's development standards.

\_\_\_\_\_ **Impact Fees**

The Village of Amanda has adopted impact fees for new residential and non-residential development to ensure that new development contributes its fair and proportionate share toward the costs of public facilities reasonably necessitated by such new development. Parks, police, municipal, and transportation are the public facilities that warrant impact fees. The impact fees shall be collected prior to the issuance of building permits.

\_\_\_\_\_ **Residential Development**

Impact fees are based on three dwelling type categories: single-family, townhouse/duplex, and other residential uses. See Chapter 1218.01 of the Village of

Amanda Codified Ordinances for requirements and a schedule of fees.

## II. Zoning Requirements

### **Zoning Ordinance and Map**

The Zoning Ordinance, used to determine land use, imposes different land use controls on each district, specifying permitted and conditional uses, building and parking setbacks, parking requirements and other development standards. The zoning map shows the boundaries of each district. The proposed site must be zoned properly for the proposed use or a zoning change is required. Copies of the village's Zoning Ordinance are available either for purchase at the municipal offices. Copies of the zoning map may be purchased at the municipal office.

### **1 lot Single/Two-family**

A zoning permit application is submitted by the property owner, reviewed and approved by the Zoning Administrator/Village Administrator. Application fee must be paid with application.

### **Minor Single/Two-family**

A single-family or two-family development consisting of less than 5 acres with access from existing streets require only minor subdivision and plan approval. Since the requirements of the minor site plan and minor plat are the same, the applicant must only follow the plat process.

### **Minor Subdivision (Chapter 1210.05)**

Minor subdivisions may be approved administratively by the Zoning Administrator/Village Administrator. The following standards must be met:

- \_\_\_\_\_ The proposed subdivision is less than five acres.
- \_\_\_\_\_ All of the lots front on an existing village street.
- \_\_\_\_\_ No new street or right-of-way required or proposed.
- \_\_\_\_\_ The plans are approved by the Village Engineer.

### **Major Single/Two-family and all Multi-family**

All other single-family, two-family, and all multi-family developments, except planned residential districts, must follow the procedures for a major subdivision plat. The site plan is also included as a part of the plat approval process.

### **Major Subdivision (Chapter 1212)**

#### **Concept Plan Submission**

Prior to the submission of a preliminary plat, the owner/developer must submit a Concept Plan to the Administrator for review. The Administrator may request additional information during review. At this point, no formal application or fee is required.

#### **Pre-Application Conference**

After review of the Concept Plan, the Administrator will set up a meeting with the owner/developer of the proposed development, the Village Engineer and the Administrator to discuss the project and familiarize the

owner/developer with the Village's requirements and standards.

— **Submission of Preliminary Plat**

Detailed submission of the preliminary plat application and information required by the Administrator is required for review by the administration, Village Engineer, and the Planning and Zoning Commission. All preliminary plat and engineer review fees must be paid at the time the application is submitted.

— **Preliminary Plat Approval**

The Planning and Zoning Commission must review the plat at a public meeting and determine whether the plat shall be approved, approved with modifications or denied.

— **Submission of Final Plat**

The final plat must conform substantially to the approved preliminary plat, and it may constitute only that portion of the approved preliminary plat which the sub-divider proposes to record and develop at that time. The administration, Village Engineer, and other agencies such as fire, police and schools when appropriate, will review and request revisions as necessary to comply with village standards. All fees associated with the final plat must be submitted with the application.

— **Recommendation by the Planning and Zoning Commission**

Within 90 days of receipt of the final plat containing all revisions required above, the Planning and Zoning Commission must review and either recommend approval, approval with conditions or denial of the final plat.

— **Council Service Committee Review**

The Service Committee of Council will review at their next scheduled meeting the final plat and make a recommendation to the Council for action.

— **Council**

Within 60 days of receipt from the Planning and Zoning Commission, Council must review the plat at a public meeting. Approval or denial of the final plat must be made by Council within 180 days of receipt.

— **Record Plat**

The Village Engineer, Mayor and Fiscal Officer signatures on the final plat constitutes final approval by the village. After recording, a copy of the recorded plat must be submitted to the village.

— **Bonds Posted**

Required bonds and insurance (Section 1216) must be posted with the village within 6 months of Council's approval.

— **Building Permits for Lots**

Application for building lots can be submitted after the final plat is recorded and either public improvements are made or a bond is posted for 100% of the estimated construction and inspection cost of the improvements.



\_\_\_\_\_ **As-Built Plans**

Upon completion of the subdivision, “as-built plans” based on village inspection records and prepared by the developer must be submitted to the Village in mylar form.

\_\_\_\_\_ **Recommendation by the Planning and Zoning Commission**

At a public hearing with at least 30 days of public notice, the Planning and Zoning Commission must review the application. The commission then has 35 days to either recommend approval, approval with conditions or denial of the plan and re-zoning to Council.

\_\_\_\_\_ **Council Service Committee Review**

The Service Committee of Council will review at their next scheduled meeting the development plan and re-zoning and make a recommendation to the Council for action.

\_\_\_\_\_ **Council**

Within 60 days of receipt from the Planning and Zoning Commission, Council must review the plan and re-zoning at a public hearing, with at least 30 days of public notice given. Approval or denial of the final development plan and re-zoning must be made by Council within 60 days of the public hearing..

\_\_\_\_\_ **Submission of Record Plat**

The Village Engineer, Mayor and Fiscal Officer signatures on the final plat constitutes final approval by the village. After recording, a copy of the recorded plat must be submitted to the village.

\_\_\_\_\_ **Bonds Posted**

Required bonds and insurance (Section 1216) must be posted with the village within 6 months of Council’s approval.

\_\_\_\_\_ **Building Permits for Lots**

Application for building lots can be submitted after the final plat is recorded and either public improvements are made or a bond is posted for 100% of the estimated construction and inspection cost of the improvements.

\_\_\_\_\_ **As-Built Plans**

Upon completion of the subdivision, “as-built plans” based on village inspection records and prepared by the developer must be submitted to the Village in mylar form.

*The Village of Amanda consults its engineering services to ME Company (740-342-6695), with the village representative being Allen Brown. The owner/developer will be responsible for the cost of any engineering review or studies required by village administration, Planning and Zoning Commission, and/or Council during the planning and zoning process.*

**APPENDIX D**

**VILLAGE OF Amanda  
Site Development Checklist  
NON-RESIDENTIAL PROJECTS**

Project: \_\_\_\_\_

Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**I. Planning Requirements**

\_\_\_\_\_ **Village of Amanda Land Use Plan**

The Land Use Plan guides future development within the village. Developments and zoning changes must be in compliance with the plan. Also, developments are reviewed and need to be in compliance with the following infrastructure components of the Land Use Plan and all village ordinances which relate to infrastructure requirements, rules, and regulations.

\_\_\_\_\_ **Sanitary Sewer Service**

The owner/developer may be required to pay the cost for the extension of sanitary sewer service to the property. All developments must meet the village's development standards.

\_\_\_\_\_ **Water Service**

The owner/developer may be required to pay the cost for the extension of water service to the property. All developments must meet the village's development standards.

\_\_\_\_\_ **Storm Sewer Service**

The owner/developer may be required to upgrade the off-site storm drainage system in order to provide adequate drainage to the site. All developments must meet the village's development standards.

\_\_\_\_\_ **Impact Fees**

The Village of Amanda has adopted impact fees for new residential and non-residential development to ensure that new development contributes its fair and proportionate share toward the costs of public facilities reasonably necessitated by such new development. Parks, police, municipal, and transportation are the public facilities that warrant impact fees. The impact fees shall be collected prior to the issuance of building permits.

\_\_\_\_\_ **Non-Residential Development**

Impact fees are based five development types (general business, office, downtown business, light manufacturing, and institutional) and gross square footage of the proposed building(s). See Chapter 1320 of the Village of Amanda Codified

Ordinances for requirements and a schedule of fees.

## II. Zoning Requirements

### \_\_\_\_\_ **Zoning Ordinance and Map**

The Zoning Ordinance, used to determine land use, imposes different land use controls on each district, specifying permitted and conditional uses, building and parking setbacks, parking requirements and other development standards. The zoning map shows the boundaries of each district. The proposed site must be zoned properly for the proposed use or a zoning change is required. Copies of the village's Zoning Ordinance are available either for purchase at the municipal offices. Copies of the zoning map may be purchased at the municipal office.

### \_\_\_\_\_ **Non-residential Development (1 lot)**

A non-residential development located on 1 lot requires major site plan approval since it involves new construction for other than one or two family residential structures. (See Chapter 1298.03)

### \_\_\_\_\_ **Major Site Plan Process (Chapter 1298.05)**

#### \_\_\_\_\_ **Application Submittal**

Nothing prevents the concurrent submittal of a major site plan application and an application for re-zoning. However, approval of the major site plan cannot be effective until the re-zoning has been approved by Village Council.

#### \_\_\_\_\_ **Review of Site Plan**

Review of the site plan will take place at a Technical Review meeting. Meeting participants will include administration, Village Engineer, fire department representative, police department representative (when appropriate) and school officials (when appropriate). The site plan should be submitted to the village at least 30 days prior to the next scheduled Planning and Zoning Commission meeting.

#### \_\_\_\_\_ **Planning and Zoning Commission**

The Planning and Zoning Commission will either approve, approve with conditions, or deny the major site plan.

### \_\_\_\_\_ **Non-residential Development (more than 1 lot)**

\_\_\_\_\_ All non-residential developments require major site plan approval.

\_\_\_\_\_ Minor plat approval is included in the plan review if the development is a subdivision of 5 acres or less and all lots front on an existing village street and no new street or right-of-way is proposed or required.

\_\_\_\_\_ Major plat approval is also required if the development is a subdivision of 5 acres or more, or a new street is proposed or required. Major site plan review and the major subdivision platting process can occur simultaneously through Planning and Zoning Commission action. The platting process will then proceed through Council

approval.

\_\_\_\_\_ **Major Site Plan Process (Chapter 1298.05)**

\_\_\_\_\_ **Application Submittal**

Nothing prevents the concurrent submittal of a major site plan application and an application for re-zoning. However, approval of the major site plan cannot be effective until the re-zoning has been approved by Village Council.

\_\_\_\_\_ **Review of Site Plan**

Review of the site plan will take place at a Technical Review meeting. Meeting participants will include administration, Village Engineer, fire department representative, police department representative (when appropriate) and school officials (when appropriate). The site plan should be submitted to the village at least 30 days prior to the next scheduled Planning and Zoning Commission meeting.

\_\_\_\_\_ **Planning and Zoning Commission**

The Planning and Zoning Commission will either approve, approve with conditions, or deny the major site plan.

\_\_\_\_\_ **Major Subdivision (Chapter 1212)**

\_\_\_\_\_ **Concept Plan Submission**

Prior to the submission of a preliminary plat, the owner/developer must submit a Concept Plan to the Administrator for review. The Administrator may request additional information during review. At this point, no formal application or fee is required.

\_\_\_\_\_ **Pre-Application Conference**

After review of the Concept Plan, the Administrator will set up a meeting with the owner/developer of the proposed development, the Village Engineer and the Administrator to discuss the project and familiarize the owner/developer with the Village's requirements and standards.

\_\_\_\_\_ **Submission of Preliminary Plat**

Detailed submission of the preliminary plat application and information required by the Administrator is required for review by the administration, Village Engineer, and the Planning and Zoning Commission. All preliminary plat and engineer review fees must be paid at the time the application is submitted.

\_\_\_\_\_ **Preliminary Plat Approval**

The Planning and Zoning Commission must review the plat at a public meeting and determine whether the plat shall be approved, approved with modifications or denied.

\_\_\_\_\_ **Submission of Final Plat**

The final plat must conform substantially to the approved preliminary plat, and it may constitute only that portion of the approved preliminary plat which the sub-divider proposes to record and develop at that time. The administration, Village Engineer, and other agencies such as fire, police and

schools when appropriate, will review and request revisions as necessary to comply with village standards. All fees associated with the final plat must be submitted with the application.

\_\_\_\_\_ **Recommendation by the Planning and Zoning Commission**

Within 90 days of receipt of the final plat containing all revisions required above, the Planning and Zoning Commission must review and either recommend approval, approval with conditions or denial of the final plat.

\_\_\_\_\_ **Council Service Committee Review**

The Service Committee of Council will review at their next scheduled meeting the final plat and make a recommendation to the Council for action.

\_\_\_\_\_ **Council**

Within 60 days of receipt from the Planning and Zoning Commission, Council must review the plat at a public meeting. Approval or denial of the final plat must be made by Council within 180 days of receipt.

\_\_\_\_\_ **Record Plat**

The Village Engineer, Mayor and Fiscal Officer signatures on the final plat constitutes final approval by the village. After recording, a copy of the recorded plat must be submitted to the village.

\_\_\_\_\_ **Bonds Posted**

Required bonds and insurance (Section 1216) must be posted with the village within 6 months of Council's approval.

\_\_\_\_\_ **Building Permits for Lots**

Application for building lots can be submitted after the final plat is recorded and either public improvements are made or a bond is posted for 100% of the estimated construction and inspection cost of the improvements

\_\_\_\_\_ **As-Built Plans**

Upon completion of the subdivision, "as-built plans" based on village inspection records and prepared by the developer must be submitted to the Village in mylar form.

*The Village of Amanda consults its engineering services to ME Company (740-342-6695), with the village representative being Allen Brown. The owner/developer will be responsible for the cost of any engineering review or studies required by village administration, Planning and Zoning Commission, and/or Village Council during the planning and zoning process.*

## **APPENDIX E**

**VILLAGE OF AMANDA**  
**Site Development Checklist**  
**PLANNED DEVELOPMENT PROJECTS**

Project: \_\_\_\_\_

Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**I. Planning Requirements**

\_\_\_\_\_ **Village of Amanda Land Use Plan**

The Land Use Plan guides future development within the village. Developments and zoning changes must be in compliance with the plan. Also, developments are reviewed and need to be in compliance with the following infrastructure components of the Land Use Plan and all village ordinances which relate to infrastructure requirements, rules, and regulations.

\_\_\_\_\_ **Sanitary Sewer Service**

The owner/developer may be required to pay the cost for the extension of sanitary sewer service to the property. All developments must meet the village's development standards.

\_\_\_\_\_ **Water Service**

The owner/developer may be required to pay the cost for the extension of water service to the property. All developments must meet the village's development standards.

\_\_\_\_\_ **Storm Sewer Service**

The owner/developer may be required to upgrade the off-site storm drainage system in order to provide adequate drainage to the site. All developments must meet the village's development standards.

\_\_\_\_\_ **Impact Fees**

The Village of Amanda has adopted impact fees for new residential and non-residential development to ensure that new development contributes its fair and proportionate share toward the costs of public facilities reasonably necessitated by such new development. Parks, police, municipal, and transportation are the public facilities that warrant impact fees. The impact fees shall be collected prior to the issuance of building permits.

\_\_\_\_\_ **Residential Development**

Impact fees are based on three dwelling type categories: single-family, townhouse/duplex, and other residential uses. See Chapter 1320 of the Village of Amanda Codified Ordinances for requirements and a schedule of fees.

\_\_\_\_\_ **Non-Residential Development**

Impact fees are based five development types (general business, office, downtown business, light manufacturing, and institutional) and gross square footage of the proposed building(s). See Chapter 1320 of the Village of Amanda Codified Ordinances for requirements and a schedule of fees.

**II. Zoning Requirements**

\_\_\_\_\_ **Zoning Ordinance and Map**

The Zoning Ordinance, used to determine land use, imposes different land use controls on each district, specifying permitted and conditional uses, building and parking setbacks, parking requirements and other development standards. The zoning map shows the boundaries of each district. The proposed site must be zoned properly for the proposed use or a zoning change is required. Copies of the village's Zoning Ordinance are available either for purchase at the municipal offices. Copies of the zoning map may be purchased at the municipal office.

\_\_\_\_\_ **Planned District (Chapter 1288)**

A Planned District may be created by rezoning any district. The planned district process and zoning process can occur simultaneously or separately.

\_\_\_\_\_ **Pre-Application Meeting**

The owner/developer must meet with the Zoning Administrator/Village Administrator before submitting a preliminary development plan to discuss issues related to the development of a planned district.

\_\_\_\_\_ **Submission of Development Plan**

The owner/developer may either file a Preliminary Development Plan and Final Development Plan separately, or, with the approval of the Planning and Zoning Commission, may file a combined Preliminary and Final Development Plan. All plats, construction drawings and other necessary documents will be part of the final development plan for review. At this point, the plan(s) will be reviewed by the administration and Village Engineer, with required modifications made prior to review by the Planning and Zoning Commission. Appropriate fees must be paid when the formal application is submitted.

\_\_\_\_\_ **Flexible Requirements for Residential Planned Districts**

\_\_\_\_\_ **Density**

- \_\_\_\_\_ 2 units per acre if exclusively single family
- \_\_\_\_\_ 5 units per acre if a mix of residential types
- \_\_\_\_\_ 10 units per acre if exclusively multi-family
- \_\_\_\_\_ Gross density increase of 25% if conservation development principles are used (except if exclusively multi-family)

\_\_\_\_\_ **Development Standards for Non-Residential Planned Districts**

- \_\_\_\_\_ Planned Commercial - Chapter 1292.03
- \_\_\_\_\_ Planned Industrial – Chapter 1294.03

\_\_\_\_\_ **Development Standards for Mixed Use Planned Districts**

- \_\_\_\_\_ Maximum residential density of 5 units per gross acre; 8 units per gross acre

if traditional neighborhood development (TND) standards are used.

\_\_\_\_\_ **Recommendation by the Planning and Zoning Commission**

At a public hearing with at least 30 days of public notice, the Planning and Zoning Commission must review the application. The commission then has 35 days to either recommend approval, approval with conditions or denial of the plan and re-zoning to Village Council.

\_\_\_\_\_ **Council Service Committee Review**

The Service Committee of Village Council will review at their next scheduled meeting the development plan and re-zoning and make a recommendation to the Village Council for action.

\_\_\_\_\_ **Village Council**

Within 60 days of receipt from the Planning and Zoning Commission, Village Council must review the plan and re-zoning at a public hearing, with at least 30 days of public notice given. Approval or denial of the final development plan and re-zoning must be made by Village Council within 60 days of the public hearing..

\_\_\_\_\_ **Submission of Record Plat**

The Village Engineer, Village Mayor and Fiscal Officer signatures on the final plat constitutes final approval by the village. After recording, a copy of the recorded plat must be submitted to the Village.

\_\_\_\_\_ **Bonds Posted**

Required bonds and insurance (Section 1216) must be posted with the village within 6 months of Village Council's approval.

\_\_\_\_\_ **Building Permits for Lots**

Application for building lots can be submitted after the final plat is recorded and either public improvements are made or a bond is posted for 100% of the estimated construction and inspection cost of the improvements.

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