

**TITLE FIVE - Additional Zoning Requirements**

- Chap. 1171. Off-Street Parking and Loading Facilities.
- Chap. 1173. Landscaping.
- Chap. 1174. Swimming Pools.
- Chap. 1175. Supplementary District Regulations.
- Chap. 1177. Home Occupations.
- Chap. 1179. Fences and Hedges.
- Chap. 1181. Signs.

---

**CHAPTER 1171  
Off-Street Parking and Loading Facilities**

- |                                                         |                                                          |
|---------------------------------------------------------|----------------------------------------------------------|
| <b>1171.01 Purpose.</b>                                 | <b>1171.04 Required number of parking spaces by use.</b> |
| <b>1171.02 General specifications and requirements.</b> | <b>1171.05 Required number of loading spaces by use.</b> |
| <b>1171.03 General development standards.</b>           |                                                          |

**CROSS REFERENCES**

- Loading space defined - see P. & Z. 1105.5400
- Parking definitions - see P. & Z. 1105.69 et seq.

---

**1171.01 PURPOSE.**

The purpose of requirements for off-street parking and loading facilities is to promote the orderly development of land within the Village and to promote the safety of residents of the Village by assuring the orderly handling of vehicles and vehicular traffic. (Ord. 2006-13. Passed May 1, 2006.)

**1171.02 GENERAL SPECIFICATIONS AND REQUIREMENTS.**

(a) In all districts, at any time any building, structure or use of land is constructed, enlarged, increased in capacity, used or occupied, including change of occupancy, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of this Chapter (1171). A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to Planning Commission as part of the site plan or development plan review process and to the Zoning Administrator as a part of the application for a Zoning Certificate. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage plans and perimeter screening/landscaping as appropriate.

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

	Minimum Width (Feet)	Minimum Length (Feet)
(1) Ninety degree parking	9	19
(2) Parallel parking	7	23
(3) Sixty degree angle parking	9	19
(4) Forty-five degree angle parking	9	19
(5) Excess parking spaces above the minimum required by this chapter may be designed to accommodate small cars for uses having little turnover such as apartments, general business offices or industrial plants. Commercial uses, medical offices and other high turnover uses are not permitted to designate small car spaces. The minimum width and length of such spaces shall be 8' x 17'. Approved small car spaces shall be grouped and clearly marked rather than scattered throughout the lot.		

(c) Access.

(1) Each site shall have an access drive into the parking area with a minimum width as follows:

<u>USE</u>	<u>MINIMUM DRIVEWAY WIDTH (FEET)</u>
Single Family	10'
Two-family	16' (combined drive)
All other uses	12' (one way) 20' (two way)

(2) Parking aisles adjacent to parking spaces shall contain the following minimum widths:

<u>PARKING PATTERN</u>	<u>MINIMUM AISLE WIDTH (FEET)</u>
90°	22'
60°	18' (one way)
45°	12' (one way) 22' (two way)
Parallel	12' (one way) 22' (two way)

(3) All parking spaces, except those required for single or two-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.  
(Ord. 2006-13. Passed May 1, 2006.)

**1171.03 GENERAL DEVELOPMENT STANDARDS.**

(a) Location of Parking Spaces.

(1) Parking spaces for single and two-family residential uses shall be located on the same lot as the use which is to be served.

(2) Except as permitted in the Village Center District, and in the instance of joint parking facilities authorized by this section, parking

spaces for all nonresidential uses shall be located on the same lot as the use which is to be served.

(3) Parking spaces for multiple family uses, dormitories or similar residential uses shall be located not more than 250 feet from the principal use served.

(4) No commercial vehicles weighing more than two tons shall be parked in any residential district except for service or delivery purposes.

(b) Required Improvements for Parking Areas.

(1) All off-street parking and loading areas including spaces, driveways, aisles, circulation drives and other vehicular maneuvering areas shall be paved in conformance with Centerburg Engineering Design Standards, as adopted by Council, which shall be adequately drained and lighted, except for:

A. Permitted uses located in the RR, Rural Residential District.

B. Parking areas behind the front yard building setback in the single family and two-family residential districts.

(2) Lighting shall be arranged to reflect the light away from adjoining property.

(3) The owner of a lot used for parking and loading shall maintain the parking area in good condition to be free of holes, trash and debris. The demarcation of parking spaces shall be adequately maintained either through periodic re-striping or other means.

(c) Traffic Control Devices.

(1) Entrances, exits and directional signs shall be provided where practicable, and signs shall conform to Village sign regulations.

(2) All parking areas having a capacity in excess of ten vehicles shall be striped.

(3) When a parking area extends to a property line, or where the extension of a vehicle beyond the front line of the parking space would interfere with drive or aisle access, wheel blocks or other devices shall be used to prevent such extension.

(d) Determination of Required Spaces. In computing the number of parking spaces required by this chapter, the following rules shall apply:

(1) Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls.

(2) Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each eighteen (18) lineal inches of benches, or pews, except where occupancy standards are set by the fire marshal.

(3) Fractional numbers shall be increased to the next whole number.

(4) The parking space requirements for a use not specified in this chapter shall be determined by the Planning Commission or by the Zoning Administrator if the use is substantially similar to another use for which a standard has been established.

(e) Joint or Collective Parking Facilities.

(1) Where two or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of the individual requirements. In computation, a fractional space shall be rounded to the next highest number.

(2) All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than 250 feet from the building served.

(3) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, approved as to content by Planning Commission and filed with the application for a zoning certificate.

(4) Upon prior approval by the Planning Commission of the terms of a written agreement entered into by owners of property in the Village providing for the joint use of parking spaces, two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap.

(f) Parking Spaces for Handicapped Persons.

(1) Parking spaces for the handicapped shall meet the requirements of the Ohio Basic Building Code. Each such space may be included in the computation of required number of spaces by use.

(Ord. 2006-13. Passed May 1, 2006.)

**1171.04 REQUIRED NUMBER OF PARKING SPACES BY USE.**

Parking spaces shall be provided according to the following schedule:

(a) Residential Uses.

(1) Single-family detached and semi-detached, two-family, and single-family attached: two (2) per dwelling unit.

(2) Multi-family: two (2) per dwelling unit, plus guest parking at a rate of one (1) space per four (4) units.

(b) Special Residential Uses.

(1) Dormitories, convents and monasteries: one (1) space per six (6) residents plus one (1) space per employee.

(2) Bed & Breakfast: two (2) spaces plus one (1) space per guest room.

(3) Corporate guest houses: one (1) space per two (2) bedrooms, plus one (1) space per employee.

(4) Family and group care homes: one (1) space per four (4) residents plus one (1) space per employee.

(5) Retirement villages and senior citizen housing: three-fourths (3/4) space per dwelling unit, plus one (1) space per employee.

(c) Institutional and Recreational Uses. All such uses shall provide the total number of spaces required for the specific combination of recreation facilities provided, based on the following:

(1) Cemeteries: one (1) space per employee, plus one (1) space per four (4) seats in the chapels.

- (2) Community centers, libraries, museums, art galleries, botanical gardens and other establishments of historical, education and cultural interest; one (1) space per two hundred fifty (250) square feet of gross floor area, plus one (1) space per employee on the largest work shift.
- (3) Daycare centers and nursery schools: one (1) space per employee, plus one (1) space per five (5) children at capacity, plus a drop-off area at the main entrance sufficient to accommodate four (4) automobiles with 20 or fewer children plus one additional vehicle for each additional 10 children served. The drop-off area may either be in the form of spaces parallel to an access drive adjacent to the building or additional parking spaces beyond code requirements.
- (4) Elementary and junior high schools: one (1) space per employee, plus one (1) space per two (2) classrooms.
- (5) High schools: one (1) space per employee, plus one (1) space per five (5) students at capacity.
- (6) Hospitals and medical centers: one (1) space for every two (2) beds, plus one (1) space for every staff and employee on the largest work shift.
- (7) Junior colleges, colleges and universities: one (1) space for every three (3) students, plus one (1) space per employee.
- (8) Places of worship: one (1) space per four (4) seats at maximum capacity.
- (9) Public offices and buildings: one (1) space for every two hundred fifty (250) square feet of gross floor area.
- (10) Nursing and personal care facilities, including nursing homes, extended care facilities, rest homes and convalescent homes: one (1) space per six (6) beds, plus one (1) space for each staff and employee on the largest work shift.
- (11) Recreation uses, indoor and outdoor:
  - A. Auditoriums, arenas, stadiums, gymnasiums, and playing fields with stands: one (1) space for every four (4) seats at capacity.
  - B. Golf courses: ten (10) spaces per hole, plus fifty percent (50%) of the spaces otherwise required for any accessory use (e.g., restaurants, pro shops).
  - C. Parks, playgrounds, nature areas and other open space: one (1) space for every five (5) users at maximum capacity, except that the Planning Commission may waive the parking requirements for neighborhood parks under five (5) acres in size.
  - D. Recreation centers: one (1) space for every two hundred fifty (250) square feet of floor area, except those designed for use exclusively by senior citizens or youth under age 16, in which case there shall be one (1) space for every seven hundred fifty (750) square feet.
  - E. Skating rinks: one (1) space per three hundred (300) square feet of gross floor area.
  - F. Swimming pools: one (1) space for every seventy-five (75) square feet of water surface area.
  - G. Tennis, racquetball and handball courts: indoor - four (4) spaces for each playing court; outdoor tennis courts - two (2) spaces for each court.

In addition to the above requirements, all recreational uses shall provide one (1) space for every two (2) employees on the largest work shift.

- (d) Business and Professional Offices.

- (1) Business and professional offices and associations: one (1) space per three hundred (300) square feet of gross floor area, but not less than two (2) spaces per office.
  - (2) Medical offices and clinics: three (3) spaces per treatment or examination room or chair, plus one (1) space per staff and employee, but not less than five (5) spaces per office.
- (e) Retail Commercial and Service Uses.
- (1) Animal hospitals and veterinary clinics: three (3) spaces for each treatment area, plus one (1) space for each staff and employee, except that pet stores shall provide parking as retail commercial space.
  - (2) Commercial schools and studios: one (1) space for every three (3) students at capacity and one (1) space for each employee.
  - (3) Financial establishments, banks and savings and loan associations: one (1) space per two hundred (200) square feet of gross floor area, plus one (1) space per employee on the largest work shift, plus five (5) off-street waiting spaces per drive-in window or drive-through teller machine.
  - (4) Funeral homes and mortuaries: one (1) space per every fifty (50) square feet of public floor area, plus one (1) space for each employee, plus one (1) space for each business vehicle.
  - (5) General merchandise stores and supermarkets: one (1) space for each one hundred fifty (150) square feet of gross floor area used for sales and display and one (1) space for every two hundred fifty (250) square feet of storage, warehouse and office area.
  - (6) Home furnishings, home improvements and equipment stores: one (1) space for each four hundred (400) square feet of indoor and outdoor sales and display area and one (1) space for each eight hundred (800) square feet of office, storage and warehouse area.
  - (7) Nurseries and garden supply stores: one (1) space for each employee on the largest shift, one (1) space for each two hundred (200) square feet of gross floor area of inside sales or display and one (1) space for each one thousand (1,000) square feet of exterior sales and display area.
  - (8) Restaurant, standard: one (1) space per one hundred (100) square feet of gross floor area, plus one (1) space per employee on the largest work shift.
  - (9) Specialty retail commercial, specialty food stores, personal services and commercial centers: one (1) space for every two hundred (200) square feet of gross floor area less than two thousand (2,000) and one (1) space for every two hundred fifty (250) square feet of gross floor area greater than two thousand (2,000) square feet, and no use shall have less than five (5) spaces.
  - (10) Business and cleaning services: one (1) space for every three hundred (300) square feet of sales and office area, plus one (1) space for every employee on the largest work shift, plus one (1) space for every company or service vehicle regularly stored on the premises.
- (f) Road Service and Commercial Entertainment Uses.
- (1) Automobile accessories sale and installation: two (2) spaces for every service bay, plus one (1) space for each employee, plus one (1) space for every four hundred (400) square feet of sales area.
  - (2) Automobile service stations and auto repair, painting and body shops: two (2) spaces for each service bay, plus one (1) space for each employee and service vehicle, with a minimum of six (6) spaces.
  - (3) Automobile washing facilities: one (1) space for each employee with a minimum of four (4) spaces, plus four (4) off-street waiting spaces for

- each car washing device or stall, or eight (8) off-street waiting spaces for an assembly line type washing establishment, and two (2) parking spaces at the end of each washing bay for drying and hand-finishing vehicles.
- (4) Commercial Entertainment:
- A. Bowling alleys: five (5) spaces for each alley, plus any additional spaces required for a bar, restaurant or other accessory use.
  - B. Dance halls, bingo halls, assembly and exhibition halls: one (1) space for every fifty (50) square feet of floor area.
  - C. Drive-in theatre: one (1) space for each automobile station, plus one (1) space per employee.
  - D. Game rooms and pool halls: one (1) space for every two (2) patrons at maximum capacity, plus one (1) space for every two (2) employees on the largest work shift.
  - E. Golf driving range: one (1) space per tee, plus one (1) space per employee on the largest work shift.
  - F. Miniature golf: one and one-half (1-1/2) spaces per hole, plus one (1) space per employee on the largest work shift.
  - G. Other outdoor commercial entertainment: one (1) space for every four (4) patrons at maximum capacity, plus one (1) space for every two (2) employees on the largest work shift.
  - H. Theatres, concert halls and meeting and banquet halls: one (1) space for every two and one-half (2-1/2) seats of capacity.
- (5) Convenience food stores, mini-markets and carry-outs: one and one-half (1-1/2) spaces for every two hundred (200) square feet of floor area, plus one (1) space for each employee.
- (6) Drive-through stores, including photo kiosks and freestanding automatic teller machines: one (1) space for each employee, plus off-street stacking space for five (5) vehicles, plus one (1) space for each two hundred (200) square feet of sales area open to the public.
- (7) Fraternal and social associations and private clubs: one (1) space for every fifty (50) square feet of floor area in assembly or meeting rooms, plus one (1) space for every two hundred (200) square feet of other floor area.
- (8) Hotels and motels: one (1) space per room or suite, plus one (1) space for every three (3) employees on the largest work shift, plus one (1) space for three (3) persons to the maximum capacity of each public meeting and/or banquet room, plus fifty percent (50%) of the spaces otherwise required for accessory uses (e.g., restaurants).
- (9) Restaurants, fast food: one (1) space per fifty (50) gross square feet of floor area, plus one (1) space per employee on the largest shift with a minimum of fifteen (15) total spaces and with off-street stacking space for five (5) vehicles for each drive-in window, with such stacking spaces to be located behind the point where a drive-in order is placed.
- (10) Vehicle sales and service: one (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) space for each three thousand (3,000) square feet of open lot area devoted to the sale and display of motor vehicles.
- (g) Industrial.
- (1) Construction trades and contractor offices and industrial craft shops: one space for every 300 square feet of floor area, plus one space for every business vehicle.

- (2) Lumberyards and buildings materials sales: one parking space for each 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the storage and display of building materials.
- (3) Manufacturing, printing and publishing establishments and laundry and dry cleaning plants: one space for each employee on the largest work shift, plus one visitor parking space for every 10,000 square feet of floor area, plus one space for every company vehicle regularly stored on the premises.
- (4) Recycling centers: one space for each employee or volunteer on the largest work shift, plus one parking space for each collection vehicle and two drop-off spaces for each bay and/or collection vehicle and container.
- (5) Warehouses and mini-warehouses: one space for every 4,000 square feet of gross floor area, plus one space per employee on the largest work shift.
- (6) Wholesaling facilities: one space for every 300 square feet of office and sales area, plus one space for every 4,000 square feet of warehouse and storage area, plus one space per employee on the largest work shift.  
(Ord. 2006-13. Passed May 1, 2006.)

**1171.05 REQUIRED NUMBER OF LOADING SPACES BY USE.**

(a) Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

- (b) Loading spaces shall conform to the following minimum dimensions:
- (1) Class A space - (for semi-truck vehicles) fourteen feet minimum width, fifty-five feet minimum length, fifteen feet height clearance. The space shall not inhibit service access to neighboring facilities or loading areas.
  - (2) Class B space - twelve feet minimum width, thirty feet minimum length, fifteen feet height clearance, and arranged so as not to inhibit other service traffic.

(c) Number of Spaces Required.

COMMERCIAL AND INDUSTRIAL BUILDINGS:

<u>Gross Floor Area</u>	<u>Number and Type of Loading Space</u>
Less than 5,000 square feet	0
Equal to or greater than 5,000 sq. ft. but less than 15,000 sq. ft.	One Type B
Equal to or greater than 15,000 sq. ft. but less than 30,000 sq. ft.	One Type A
Equal to or greater than 30,000 sq. ft.	One Type A and one Type B
For each additional 50,000 sq. ft. or fraction thereof	One Type A

OFFICE INSTITUTIONAL BUILDINGS  
(excluding churches):

<u>Gross Floor Area</u>	<u>Number and Type of Loading Space</u>
Less than 20,000 sq. ft.	0
Equal to or greater than 20,000 sq. ft. but less than 100,000 sq. ft.	One Type A
Equal to or greater than 100,000 sq. ft. but less than 350,000 sq. ft.	Two Type A
350,000 sq. ft or more	Two Type A plus one for each additional 300,000 sq. ft. or fraction thereof

(d) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, and complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(e) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(f) Whenever there exists a lot with one or more structures on it constructed before the effective date of this chapter, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of this section cannot be

satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.

(g) A loading space may occupy all or any part of any required side or rear yard. No loading or unloading shall occur in a front yard, except for structures less than 15,000 square feet.

(h) No loading space shall be located closer than fifty feet to any residential district. (Ord. 2006-13. Passed May 1, 2006.)

**CHAPTER 1173  
Landscaping**

<b>1173.01</b>	<b>Intent and purpose.</b>	<b>1173.06</b>	<b>Landscaping and screening standards.</b>
<b>1173.02</b>	<b>Definitions.</b>	<b>1173.07</b>	<b>Plant material specifications (for bufferyards, landscaping and screening).</b>
<b>1173.03</b>	<b>Preservation of trees and wooded areas.</b>	<b>1173.08</b>	<b>Maintenance and replacement Requirement</b>
<b>1173.04</b>	<b>Tree replacement.</b>		
<b>1173.05</b>	<b>Procedure.</b>		

CROSS REFERENCES  
Landscaping defined - see P. & Z. 1105.5300

---

**1173.01 INTENT AND PURPOSE.**

The intent of landscaping regulations is to promote and protect the public health, safety and welfare through the preservation, protection and enhancement of the environment, by recognizing the vital importance of tree growth in the ecological system. It is further the purpose of this chapter to:

- (a) Promote the preservation, replacement and augmentation of major trees removed in the course of land development, so as to mitigate the impact of development.
- (b) Promote the proper utilization of landscaping as a buffer between certain land uses and to minimize the possibility of nuisances including potential noise, glare, litter and visual clutter of parking and service areas.
- (c) Protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods.
- (d) Offer a minimum standard for the consistent appearance of plant material in the community landscape.
- (e) Soften the appearance of building masses and paved areas and reduce generation of heat and stormwater runoff.  
(Ord. 2006-13. Passed May 1, 2006.)

**1173.02 DEFINITIONS.**

The following words and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

- (a) "Landscaping" means the use of natural plant materials including, but not limited to, groundcovers, shrubs, and trees (deciduous and evergreen). Landscaping also involves the placement, preservation and maintenance of said plant materials and includes such elements as fences, walls, lighting and earth mounding.
- (b) "Major tree" means a living tree with a trunk diameter of at least six inches, measured 24 inches above ground level.
- (c) "Bufferyard" means a unit of land, together with a specified type and amount of planting thereon, intended to eliminate or minimize conflicts between land uses.
- (d) "Canopy Tree" means a large tree which provides canopy over streets and other areas, both paved and unpaved. At maturity, such a canopy tree will achieve a canopy spread of forty or more feet in diameter.
- (e) "Crown" means the upper mass or head of a tree.
- (f) "Cultivar" means a cultivated variety of plant material grown for its special form and characteristics.

- (g) “Deciduous” means plant material which normally sheds its foliage at the end of the growing season.
- (h) “Evergreen” means plant material that has foliage that remains green throughout the year.
- (i) “Heavily Wooded Site” means a site which has an existing tree canopy coverage prior to development of sixty percent (60%) or greater.
- (j) “Opacity” means the degree to which a structure, use or view is screened from adjacent properties.
- (k) “Parking Area” means any part of a site used by vehicles not totally enclosed within a structure. This includes parking space and aisles, drives, loading areas and vehicle storage areas. This does not include driveways and permitted off street parking spaces for single and two-family residential uses.
- (l) “Registered Professional” means a registered landscape architect or other allied landscape professional, such as an arborist, horticulturist, nurseryman, or forester, certified in their respective field and with experience in plant materials and proper planting design.
- (m) “Two Growing Seasons” means two full summer seasons, with summer ending on September 30 of every year.  
(Ord. 2006-13. Passed May 1, 2006.)

#### **1173.03 PRESERVATION OF TREES AND WOODED AREAS.**

(a) All major trees shall be preserved unless exempted, as follows: The Zoning Administrator may approve the cutting down, removal or destruction of a major tree when the tree interferes with the proper development of a lot, provided that the lot is the subject of application for approval of a zoning certificate, a site plan, a development plan, a variance, or a conditional use permit and one of the following applies:

- (1) The tree will be located within a public right-of-way or easement.
- (2) The tree is located within the area to be covered by proposed structures or within twelve feet from the perimeter of structures, and the proposed structures cannot be located in a manner to avoid removal of the tree at the same time permitting desirable and logical development of the lot.
- (3) The tree will be located within a proposed driveway designed to service a single-family home.
- (4) The tree is damaged, diseased or a safety hazard.
- (5) The tree is an undesirable species in its present location.

(b) Preservation of Wooded Areas. When preparing and reviewing subdivision plans and landscaping plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas shall be laid out to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. Developers of land are encouraged to designate heavily wooded areas as park reserves.  
(Ord. 2006-13. Passed May 1, 2006.)

#### **1173.04 TREE REPLACEMENT.**

(a) During the course of development of a single lot or a subdivision, excepting for heavily wooded sites, the developer or owner shall be required to replace major trees removed pursuant to Section 1173.03 in accordance with the following schedule with trees having a trunk diameter of at least two and one-half inches, measured twenty-four inches above the ground level:

- (1) Major trees having a trunk diameter up to twelve inches are to be replaced on a one-for-one basis;
- (2) Major trees having a trunk diameter of twelve inches up to eighteen inches are to be replaced on a two-for-one basis;

- (3) Major trees having a trunk diameter of eighteen inches up to twenty-four inches are to be replaced on a three-for-one basis;
- (4) Major trees having a trunk diameter of twenty-four inches up to thirty inches are to be replaced on a four-for-one basis; and
- (5) Major trees having a trunk diameter of thirty inches and over are to be replaced on a five-for-one basis; and

(b) Replacement Schedule for Heavily Wooded Sites. In lieu of the provisions in Section 1173.04(a) above, the developer or owner of a heavily wooded site shall, during the course of development, be required to retain or replace major trees pursuant to Section 1173.03 in accordance with the following provisions:

- (1) A minimum of forty percent (40%) of the development site shall remain under canopy coverage.
- (2) At the conclusion of development and installation of landscaping, a sufficient number of large canopy trees shall have been planted or retained so as to return the development site to the percentage of canopy coverage existing prior to development. The canopy coverage shall be achieved over a thirty year period.
  - A. For calculation purposes, a canopy tree will achieve a canopy spread at maturity of forty feet (40') or more in diameter--a radius of twenty feet (20') or more. The canopy coverage for one mature tree will be  $\pi r^2$  or  $3.1416(20)^2 = 1,257$  square feet. Total canopy coverage on one acre is equal to  $43,560/1257 = 35$  large canopy trees per acre.
  - B. The requirement for tree canopy coverage shall be considered as being in addition to any other landscaping required by Section 1173.07.
- (3) Replacement canopy trees shall have a trunk diameter at planting of at least two and one-half inches, measured twenty-four inches above the ground level.
- (4) In the event that the developer or owner of a heavily wooded site is unable to plant the number of trees required to achieve the canopy outlined above, said developer or owner shall replace such trees in compliance with (c) below.

(c) Where it is impractical or not feasible to replace all of the trees on the affected lot or within the affected subdivision, staff may approve one, or any combination of, the following alternatives as a means of meeting the tree replacement requirements:

- (1) Replace as many trees as is practical on the affected lot;
- (2) Replace as many trees as is practical within this affected subdivision phase;
- (3) Replace as many trees as is practical within the affected subdivision;
- (4) For those trees that cannot be replaced through steps one through three above, the developer or owner shall be required to replace the trees elsewhere in the Village; or
- (5) Pay a fee per tree in accordance with the fee schedule adopted and approved by the Village Council to support the Village's effort to replace the trees.
- (6) Use larger caliper replacement trees to achieve a planting of equal or greater value with fewer numbers. This option would require approval of the Planning Commission or Board of Zoning Appeals.

(d) Failure to replace a major tree as required by subsection (a) or a canopy tree as required by subsection (b) hereof within one year of the approval of the application referred to in Section 1173.03 is a violation of the Zoning Ordinance, subject to the penalties described in Chapter 1107.99 or bond forfeiture provisions of Section 1173.05 below.  
(Ord. 2006-13. Passed May 1, 2006.)

**1173.05 PROCEDURE.**

(a) Any person seeking a zoning certificate, a variance, a conditional use permit, subdivision plat approval, development plan approval or site plan approval, shall file with his application a landscaping plan prepared by a registered professional, which, by plot plan and description shall include:

- (1) The present location and size of all major trees, with a designation of major trees sought to be removed. In the case of a heavily wooded site, a recent aerial photo, or other format acceptable to the Zoning Administrator, delineating the existing canopy coverage and the canopy coverage to be removed may be required in lieu of the above.
- (2) The location, size and description of landscaping materials proposed to be placed on the lot in order to comply with this chapter.
- (3) The location and size of any structures presently on the lot, and those proposed to be placed on the lot.
- (4) The proposed location and description of screening proposed to be placed on the lot in order to comply with this chapter.

(b) The Planning Commission shall consider a landscape plan as part of its review of any conditional use permit, subdivision plat, development plan or site plan application. The Board of Zoning Appeals shall consider a landscape plan as part of the action on a variance application.

(c) The Zoning Administrator shall either approve or disapprove all landscaping plans submitted as part of a Zoning Certificate application within 30 days of their filing. On reviewing the application and receiving suggestions or recommendations from the Zoning Administrator, the applicant may agree to modify his application including the plans and specifications submitted. The Zoning Certificate will not be issued until plans reflecting the agreed upon changes are submitted to the Zoning Administrator. An applicant may appeal a decision of the Zoning Administrator disapproving his landscaping plan to the Board of Zoning Appeals. Notice of appeal must be filed with the Zoning Administrator within 15 days after the decision of the Zoning Administrator is mailed to the applicant at the address listed on his application.

(d) No variance, zoning certificate, development plan approval, site plan approval or conditional use permit shall be granted or issued until final approval of the landscaping plan.

(e) Zoning Certificate. No Zoning Certificate shall be issued until the installation of the landscaping as shown on the approved plan is complete and accepted by the Zoning Enforcement Officer unless a performance bond, cash bond or irrevocable letter of credit is posted at the time the Zoning Certificate is issued.

- (1) Posting of bond or letter of credit. The bond or letter of credit shall be in an amount equal to one hundred percent (100%) of the estimated cost of landscaping and installation as specified in the approved landscape plan and in a form acceptable to the Village. The property owner shall provide the landscape contract for completion of the approved landscaping plan, upon which the required amount of bond or letter of credit shall be based.

- (2) The bond or letter of credit shall remain in effect until such time as the installation of the landscaping is completed and has been determined by the Village to be in accordance with the final approved landscaping plan.
- (3) Forfeiture proceedings shall be brought against the bond or letter of credit if the required landscaping has not been installed within six (6) months of the approval of the zoning certificate.

In the event of failure to install the required landscaping, written notice shall be served upon the holder of the performance guarantee. Such notice shall state that the failure to install the landscaping as required shall result in the forfeiture of the performance guarantee and that such failure shall be deemed an implied consent for the Village to cause said landscape to be installed.

(Ord. 2006-13. Passed May 1, 2006.)

#### **1173.06 LANDSCAPING AND SCREENING STANDARDS.**

Consistent with the objectives established in the Intent and Purpose section of this chapter, landscaping shall be provided in the following areas: At the perimeter of sites to buffer, separate and/or screen adjacent land uses; at the perimeter of parking lots to shade, separate and/or screen the view of parked cars from adjacent streets and adjacent land uses; in the interior of parking lots to shade and beautify the paved surface; around the perimeter of buildings to soften, shade and enhance the appearance of structures.

Screening is required to block the view of trash dumpsters, loading areas, service courts and storage areas. Screening is also required between residential and non-residential land uses. Parking lots shall be screened to minimize the view of cars from adjacent streets and adjacent residential uses. It is not necessary to screen, but only to separate adjacent non-residential parking areas.

- (a) Bufferyards (perimeter lot landscaping). The bufferyard is a designated unit of yard or open area together with any plant materials, barriers, or fences required thereon. Both the amount of land and the type and amount of landscaping specified are designated to lessen impacts between adjoining land uses. By using both distance and landscaping, the impact of such items as noise, glare, activity, dirt, and unsightly parking areas will be minimized. It is a further intent of the following provisions to provide flexibility to the property owner through the manipulation of four basic elements -distance, plant material type, plant material density, and structural or land forms.

- (1) Location of bufferyards. Bufferyards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Bufferyards shall not extend into or be located within any portion of an existing street right-of-way.
- (2) Determination of bufferyard requirements. To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed:
  - A. Identify the land use class of the proposed use by referring to Table I.
  - B. Identify the land use class of each adjoining use by referring to Table I.
  - C. Determine the bufferyard requirements for those side and rear lot lines or portion thereof on the subject parcel by referring to Table II. Existing plant material or fences may be counted as contributing to the total bufferyard requirement. The bufferyards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining bufferyards.

- D. Should a developed use increase in intensity from a given land use class to a higher one (e.g., Class III to Class IV), the Planning Commission shall, during the site plan or development plan review process, determine if additional bufferyard is needed and, if so, to what extent and type.
  - E. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per 100 linear feet of bufferyard. The requirements may be satisfied by any of the options indicated in Table III and illustrated in Exhibit I.
- (3) Bufferyard requirements for non-conforming structures or sites. If a non-conforming site is unable to comply with the minimum bufferyard requirements of this chapter, the applicant shall not be entitled to the permit for which application has been made unless a variance is granted. Existing paved areas beyond the minimum code requirements for number of spaces, maneuvering/access aisles or loading areas, shall be removed if necessary to provide the required buffer.

**TABLE I LAND USE**

**CLASSIFICATION**

Class I:

- Agriculture
- Single-Family Detached Residences
- Two Family Dwellings

Class II:

- Office Institutional:
  - Administrative and Business Offices
  - Professional Offices
  - Institutions, religious, social, cultural, educational, health & public
- Multi-Family Dwellings

Class III:

- Commercial:
  - General retail, entertainment, restaurants, specialty retail, business services

Class IV:

- Light Industrial:
  - Light manufacturing, wholesaling, research, and development

**TABLE II BUFFERYARD REQUIREMENTS**

Land Use Class	Adjacent Existing Land Use Class			
	I	II	III	IV
I	*	E	E	E
II	E	A	C	D
III	E	C	A	B
IV	E	D	B	A

\*No bufferyard required.

**TABLE III QUANTITY OF PLANT MATERIAL**

Bufferyard	Width	Deciduous(1) Trees	Deciduous (1) Trees	Evergreens (1)	Berm(2)	Fence(2)
A	15'	2	-	2		
	10'	2	2	2		
B	20'	2	-	2		
	15'	2	2	2		
	10'	2	4	4		
C	25'	2	2	2		
	20'	2	4	2		
	15'	3	4	4		
D	30'	2	2	2		
	25'	2	2	4		
	20'	3	4	4		
	10'	3	4	4		
E	30'	2	2	2		
	25'	3	4	4		
	20'	3	4	4		
	15'	3	4	4		

- (1) Required minimum plant units per 100'.
- (2) Entire length of bufferyard, 3'-4' berm or 4'-6' opaque fence.

EXHIBIT 1 PAGE 1

# Required Plants Per 100'



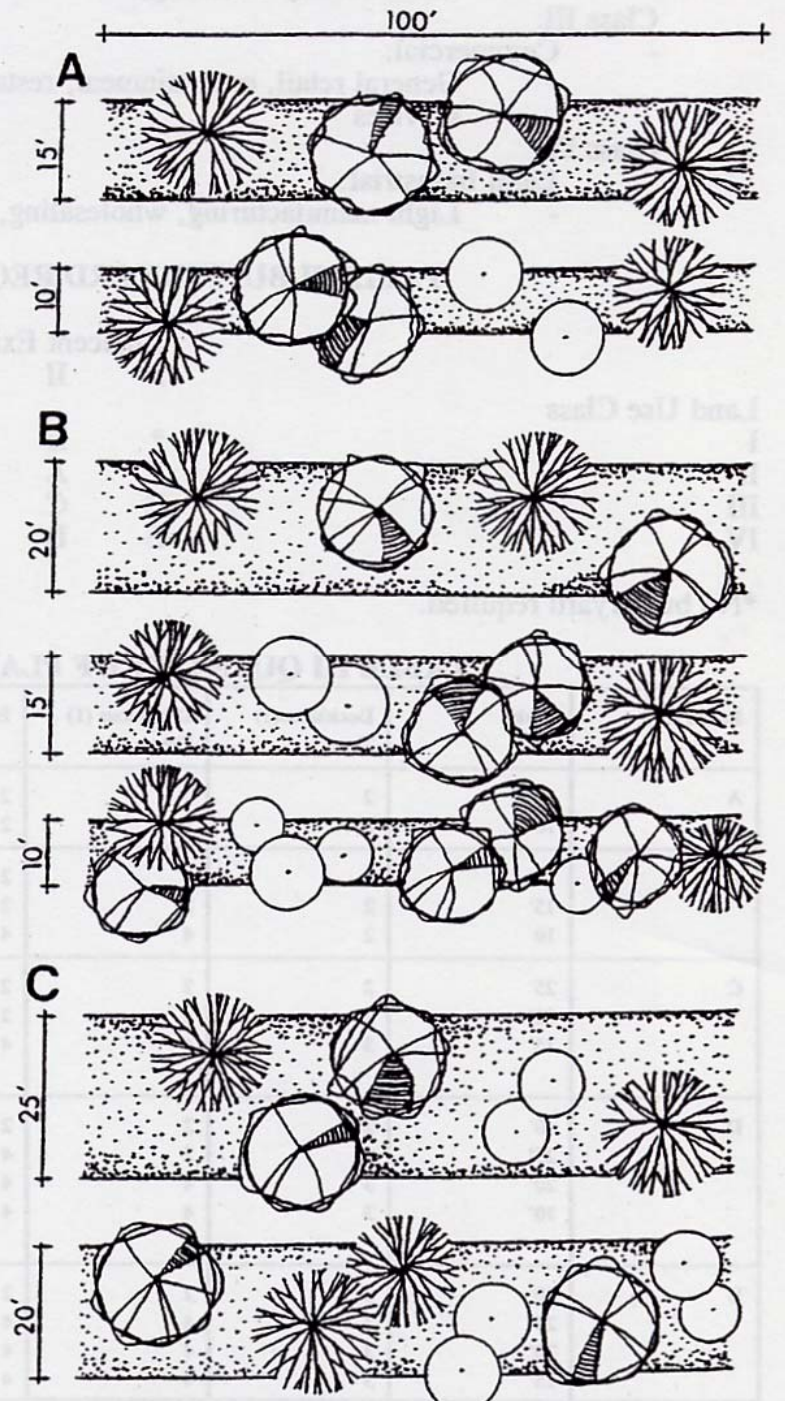
Deciduous Shrub



Evergreen




Deciduous Tree





203


# Required Plants Per 100'

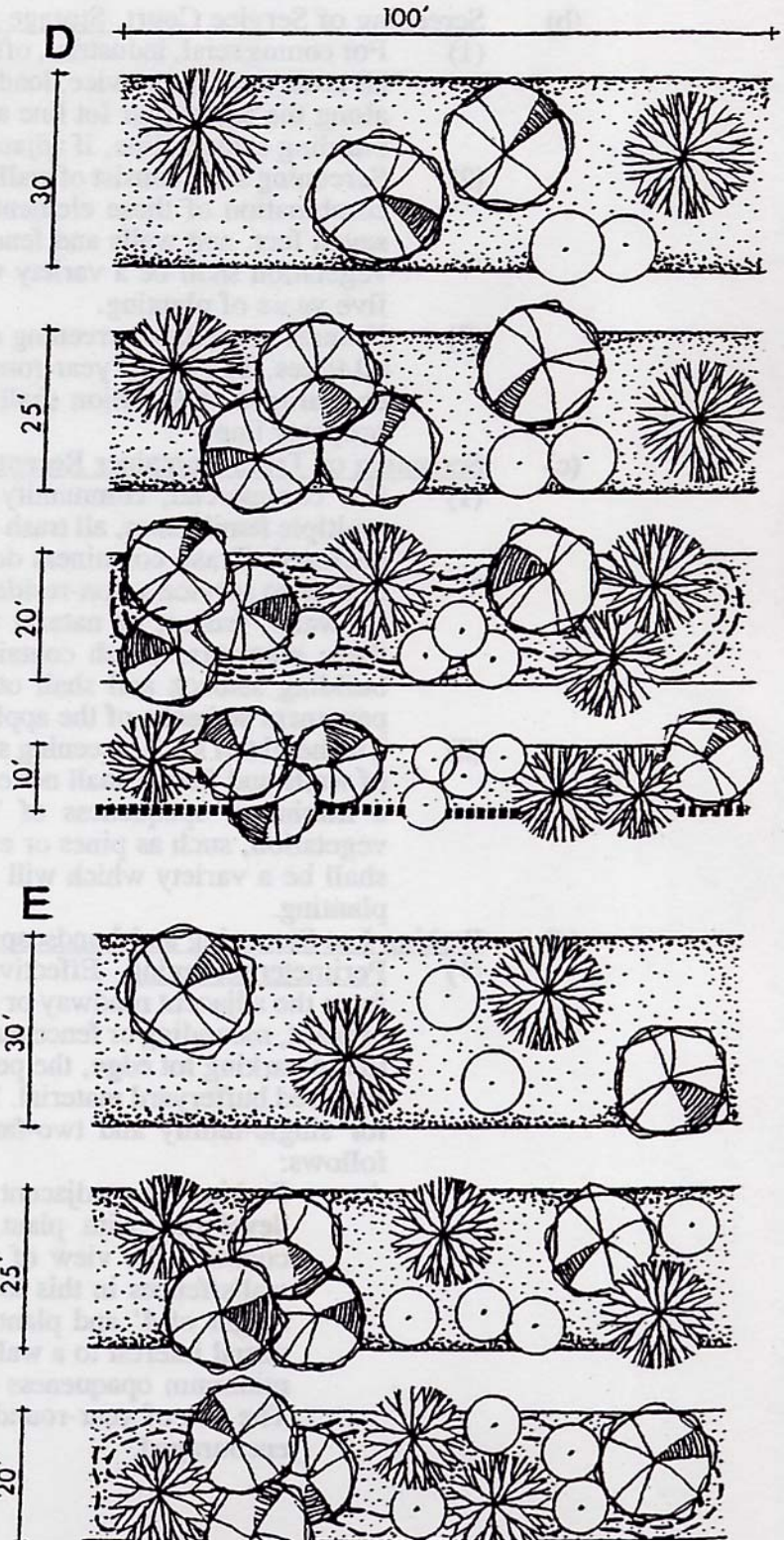
 Deciduous Shrub

 Evergreen

 Deciduous Tree

 Fence

 Berm



- (b) Screening of Service Court, Storage Areas and Loading Dock Areas.
- (1) For commercial, industrial, office-institutional and community service uses, all areas used for service, loading and unloading activities shall be screened along the entire rear lot line and side lot lines from the rear lot line to the building setback line, if adjacent to or abutting a residential district.
  - (2) Screening shall consist of walls, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least seven feet, and walls and fencing no more than 12 feet in height. Natural vegetation shall be a variety which will attain seven feet in height within five years of planting.
  - (3) Natural vegetation screening shall have a minimum opaqueness of 75% at all times. The use of year-round vegetation, such as pines or evergreens is encouraged. Vegetation shall be planted no closer than three feet to any property line.
- (c) Screening of Trash Container Receptacles.
- (1) For commercial, community service, industrial, office-institutional and multiple family uses, all trash containers or receptacles shall be screened or enclosed. Trash containers designed to service more than one residential unit or to service a non-residential structure shall be screened on all sides by walls, fences, or natural vegetation or an acceptable combination of these elements. Trash containers shall not be located in the front yard building setback and shall otherwise conform to the side and rear yard pavement setbacks of the applicable zoning district.
  - (2) The height of such screening shall be at least six feet. The maximum height of walls and fences shall not exceed ten feet. Natural vegetation shall have a minimum opaqueness of 75% at all times. The use of year-round vegetation, such as pines or evergreens is encouraged. Natural vegetation shall be a variety which will attain six feet in height within five years of planting.
- (d) Parking Lot Screening and Landscaping.
- (1) Perimeter screening. Effectively concealing vehicles within a parking area from the adjacent roadway or adjoining property requires the selective use of plant, mounding or fence material for visual separation. Located adjacent to the parking lot edge, the perimeter screening is designed to supplement required bufferyard material. The perimeter of parking areas, except those for single-family and two-family residential uses, shall be screened as follows:
    - A. Parking areas adjacent to a public street or private roadway shall be developed with plant, mounding or fence/wall material which conceals the view of parked cars from the street. The height of walls/fences in this location shall be minimized with a maximum height of 4' and plant material should be used to soften and add visual interest to a wall/fence. A plant material screen shall have a minimum opaqueness of seventy-five percent (75%) at all times. The use of year-round vegetation, such as pines or evergreens is encouraged.
    - B. Parking areas for non-residential uses and for residential uses such as churches, schools, parks and public facilities adjacent to residentially zoned or used land shall be developed with plant, mounding or fence/wall material which conceals the view of parked cars from the residential property. The height of wall/fences located in front of the building line should be minimized with a

maximum height of 4'. Plant material should be used to soften and add visual interest to a wall/fence. A plant material screen shall have a minimum opaqueness of seventy-five percent (75%) at all times. The use of year round vegetation, such as pines or evergreens is encouraged.

- C. The separation and landscaping of the required bufferyard will provide adequate screening for all other parking lot perimeters.
- (2) Interior parking area landscaping. Landscaping within parking areas, whether ground cover or other upright plant material, is necessary not only to reduce the generation of heat and runoff, but to break up visually the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is one of the most effective ways to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged. Any open parking area (including loading areas) containing more than 6,000 square feet of area or 15 or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:
- A. An area equal to five percent (5%) of the total size in square feet of parking areas smaller than 15,000 square feet shall be landscaped and permeable. For lots between 15,000 and 29,999 square feet, the landscaped area shall equal seven and one half percent (7.5%). For lots larger than 30,000 square feet, the landscaped area shall be ten percent (10%).
  - B. Whenever possible, large parking areas of 30,000 square feet or larger shall be designed so as to break up their visual expanse and create the appearance of smaller parking lots. This distinction or separation can be achieved by interspersing yard space and buildings in strategic areas and by taking advantage of natural features such as slope, existing woodland or vegetation, drainage courses and retention areas.
  - C. Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. Minimum island or peninsula size shall be 200 square feet, with a 2' minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang and a minimum width of 10'.
  - D. The Planning Commission, as part of the site plan review process, may vary the requirements for minimum and maximum size of parking islands and peninsulas if situations including, but not limited to, the following exist:
    - 1. The need to concentrate landscape areas for the purpose of stormwater detention;
    - 2. The need to relocate required landscaping on the perimeter of a parking area in the case of a small or unusually shaped lot or where additional screening is desired.
- (3) Required plant materials for the interior of parking areas:
- A. One deciduous tree shall be required for every 3,000 square feet of parking area or for every 10 parking spaces.
  - B. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five feet above the ground, and the remaining required landscape areas shall be planted with shrubs or groundcover not to exceed two feet in height.
- (e) General Landscaping For Lots and Building Foundations. To visually soften the building mass or help define exterior spaces, the following landscaping shall be

required for all lots in addition to the landscaping for bufferyards and parking areas. All required planting shall be located in areas which do not include any bufferyard or right-of-way. If the lot consists primarily of impervious surface, such trees may be placed close to the building or may be used to add to required parking area landscaping. Existing plant materials which meet the requirements of this Ordinance may be counted as contributing to the landscaping required of this section.

- (1) Lot interior landscaping. Three deciduous trees shall be required for each 100 linear feet of building perimeter of non-residential uses or per dwelling unit of single-family residential uses and one deciduous tree for each multi-family unit.
- (2) Building foundation planting requirements.
  - A. Foundation plantings are intended to soften building edges and screen foundations, and shall be placed within five feet of the building perimeter if feasible. If the Zoning Administrator determines that, because of site design considerations such as the location of sidewalks, plazas or service areas, this is not feasible, such plant materials may be located in planter boxes or in other areas of the site in a manner that enhances the overall landscape plan for the development.
  - B. Five shrubs shall be required per dwelling unit.
  - C. Foundation shrubbery for non-residential uses shall be used to enhance and highlight building architecture. The use of foundation plantings is particularly important on blank walls (i.e. to window or door openings).
  - D. Ten shrubs shall be required for every one hundred linear feet of building perimeter for non-residential uses.  
(Ord. 2006-13. Passed May 1, 2006.)

#### **1173.07 PLANT MATERIAL SPECIFICATIONS (FOR BUFFERYARDS, LANDSCAPING AND SCREENING).**

The following sections include specifications for plant materials. Alternatives to these materials which can be demonstrated to meet both the intent and requirements of this Ordinance may be approved as part of a Landscape Plan.

- (a) Deciduous Trees. Size at planting: A minimum caliper of at least two and one-half inches measured 24 inches above ground level.
- (b) Evergreen Trees. Size at planting: A minimum of five feet high and a minimum spread of three feet.
- (c) Shrubs. Shrubs shall be at least 24 inches average height and spread at the time of planting and, where required for screening, shall form a continuous, year-round solid visual screen within five years after planting.
- (d) Groundcover and Grass.
  - (1) Groundcover. Groundcover shall be planted a maximum of eight inches on center and shall be planted in such a manner so as to present a finished appearance and 75% coverage after one complete growing season. If approved as part of a Landscape Plan, groundcover may also consist of rocks, pebbles, sand, wood chips and other material.
  - (2) Grass. Grass shall be planted in species normally grown as permanent lawns in Centerburg, Ohio, and may be sodded or seeded, except in swales or other areas subject to erosion, where solid sod, erosion-reducing net, or suitable mulch shall be used. Grass sod shall be clean and free of weeds and noxious pests or disease.  
(Ord. 2006-13. Passed May 1, 2006.)

**1173.08 MAINTENANCE AND REPLACEMENT REQUIREMENTS.**

The owner shall be responsible for the maintenance of all landscaping in good condition so as to present a healthy, neat and orderly appearance. This should be accomplished by the following standards:

- (a) All plant growth in landscaped areas shall be controlled by pruning, trimming or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
- (b) All planted areas shall be maintained in a relatively weed-free condition, clear of undergrowth and free from refuse and debris.
- (c) All landscaping materials contained on a landscape plan approved by the Planning Commission, Board of Zoning Appeals, or Zoning Administrator or his designee must be properly maintained. All plant materials shall be replaced if they die or become unhealthy because of accidents, drainage problems, disease or other causes. Replacement plants shall conform to the size standards that govern original installation. Deciduous trees must be replaced with deciduous trees, coniferous trees must be placed with coniferous trees and shrubbery must be replaced with shrubbery. Plants intended for screening must maintain the required minimum opacity. Dead or unhealthy plants shall be replaced within the next planting season, or within six (6) months, whichever comes first. Other defective landscape material shall be replaced within three (3) months.  
(Ord. 2006-13. Passed May 1, 2006.)

**CHAPTER 1174  
Swimming Pools**

<b>1174.01</b>	<b>Definitions and purpose.</b>		
<b>1174.02</b>	<b>Application of requirements.</b>	<b>1174.05</b>	<b>Fences.</b>
<b>1174.03</b>	<b>Permits and operation.</b>	<b>1174.06</b>	<b>Lights.</b>
<b>1174.04</b>	<b>Location, height and area requirements.</b>	<b>1178.07</b>	<b>Drainage.</b>

CROSS REFERENCES

Swimming pool defined - see P. & Z. 1105.10200

---

**1174.01 DEFINITIONS AND PURPOSE.**

This chapter is enacted to provide regulations for the construction and operation of swimming pools. It is applicable to bodies of water used for swimming or recreational bathing and is not applicable to storm drainage retention or detention ponds authorized by the Village Engineer.

- (a) "In-ground pool" means a swimming pool including its decks, walks and sidewalls, which project less than two feet above the average finished grade of the pool site or portion of the lot immediately surrounding the pool to a distance of twenty feet beyond the pool.
- (b) "Above-ground pool" means a swimming pool including its decks, walks and sidewalls, which project more than two feet above the average finished grade of the pool site or portion of the lot immediately surrounding the pool to a distance of twenty feet beyond the boundary of the pool.  
(Ord. 2006-13. Passed May 1, 2006.)

**1174.02 APPLICATION OF REQUIREMENTS.**

All of the provisions of this chapter shall apply to private swimming pools. The provisions of Section 1174.04 to 1174.07, inclusive, shall apply to all swimming pools.  
(Ord. 2006-13. Passed May 1, 2006.)

**1174.03 PERMITS AND OPERATION.**

(a) Permit Required. No person, firm or corporation shall locate, construct, or install any swimming pool or make any alterations thereto without first having submitted an application and plans therefor and having obtained a permit from the Zoning Administrator.

(b) A permit shall not be issued unless and until the plans and specifications have been approved as to structural safety and compliance with this chapter and such pools shall not be used until the construction thereof has been approved by the Zoning Administrator.

(c) Every swimming pool shall be provided with a filtration system approved by the Board of Health.

(d) No person shall use, operate, repair or maintain any swimming pool in violation of any of the provisions of this chapter or of any lawful order of the Zoning Administrator, or in violation of any regulations of the Board of Health.  
(Ord. 2006-13. Passed May 1, 2006.)

**1174.04 LOCATION, HEIGHT AND AREA REQUIREMENTS.**

(a) Location. No in-ground or above-ground swimming pool and the decks, walks and appurtenances thereto, shall be located nearer than ten feet from the side or rear property line of the lot or parcel upon which it is situated or nearer to any street on which the lot or parcel abuts than a distance of ten feet greater than the front building setback line as established by Part Eleven of the Codified Ordinances.

Pumps and/or filtering systems shall be located not less than ten feet from any property line and not less than ten feet from the building setback line established by Part Eleven of the Codified Ordinances.

(b) Area Limitations. The area of a swimming pool exclusive of decks, walks and other appurtenances shall not exceed ten percent (10%) of the area of the lot or parcel on which the pool is located. The area of a swimming pool is not counted in the calculation of total lot coverage contained in each zoning district. The area of decks, walks and appurtenances is included in lot coverage calculations.

(c) Height Limitations. Lights, diving boards, slides or other accessories shall not project more than ten feet above the average grade of the pool site.  
(Ord. 2006-13. Passed May 1, 2006.)

**1174.05 FENCES.**

Every swimming pool, or the entire property on which is it located shall be completely enclosed by a fence or other barrier at least 48 inches in height consistent with the height and material specifications prescribed by the standards set forth in the Building Code for the City of Columbus and designed and constructed in order to prevent uncontrolled access to the swimming pool from public rights-of-way or from adjacent properties. Each gate in the fence shall be secured as prescribed in said Building Code.  
(Ord. 2006-13. Passed May 1, 2006.)

**1174.06 LIGHTS.**

All lights used for the illumination of the swimming pool and the swimming pool area shall be designed, located and installed to confine the direct beams thereof to the lot or parcel on which the pool is located.  
(Ord. 2006-13. Passed May 1, 2006.)

**1174.07 DRAINAGE.**

All swimming pools shall be provided with drainage into a public storm sewer or natural watercourse of sufficient size and grade to provide for the drainage of the pool. A pool shall be drained in whole or in part with a drainage flow which exceeds the capacity of the storm sewer or natural watercourse. The chlorine level in pool water shall be reduced prior to release into a public storm sewer or natural watercourse to a concentration no greater than 1 part per million or less such that the pool water shall not cause harm to the receiving waters.  
(Ord. 2006-13. Passed May 1, 2006.)

CHAPTER 1175  
Supplementary District Regulations

1175.01	Purpose.	1175.03	Nuisance control.
1175.02	Supplemental yard and height requirements.	1175.04	Satellite dish antennas.
		1175.05	Residential accessory structures.

---

**1175.01 PURPOSE.**

The purpose of these supplementary district regulations is to set specific regulations for frequently encountered problem areas, for exceptions to regulations established by this Zoning Ordinance and for establishing criteria for acceptability of certain uses.  
(Ord. 2006-13. Passed May 1, 2006.)

**1175.02 SUPPLEMENTAL YARD AND HEIGHT REQUIREMENTS.**

(a) Setback Requirements for Corner Lots. On a corner lot, the principal building and accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

(b) Setback Requirements for Alleys. Setbacks from property lines abutting an alley shall meet the appropriate side or rear yard setback for the applicable district.

(c) Visibility of Intersections. No use of structures, signs or landscaping shall materially impede vision at the intersection of two public streets or the intersection of a private street with a public street, such determination to be made by the Village Administrator or his designee.

(d) Architectural Projections. Any permanent architectural projections, including but not limited to, open structures such as porches, decks, bay windows, fireplaces, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which such projections are attached and shall not project into the required minimum set backs for front, side or rear yards.

(e) Exceptions to Height Regulations. The height limitations of this Zoning Ordinance shall not apply to silos, spires, flag poles, cupolas, antennas, chimneys, or other appurtenances usually required to be placed above the roof level, but shall not be erected beyond a safe height as determined by the Village Administrator or his designee.  
(Ord. 2006-13. Passed May 1, 2006.)

**1175.03 NUISANCE CONTROL.**

(a) Nuisance Control Required. No person, whether the owner, lessee, agent, tenant or other person or entity having charge or care of land in the Village, shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance outside of any building within the Village. These requirements are not intended to restrict any use permitted by this Zoning Ordinance provided all regulations pertaining to that use are followed.

(b) Public Nuisance Defined. As used in this Ordinance, a public nuisance shall mean any act, thing, occupation or use of property which shall be of such a nature and shall continue for such length of time as to do any of the following:

- (1) Substantially annoy, injure or endanger the public health and safety of the public.
- (2) Cause conditions which adversely affect the legitimate use and enjoyment of surrounding areas.
- (3) Unlawfully and/or substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

(c) Illustrative Enumeration. Public nuisances shall include but not be limited to the following acts, conduct, omissions, conditions or things:

- (1) Any accumulation of garbage, refuse, rubbish, trash, junk or accumulation of metals, plumbing fixtures, appliances, auto parts, lumber, furniture, clothing, household items or other materials, such as to create an unsightly appearance or in a manner in which flies, mosquitos, disease-carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed.
- (2) Abandoned unlicensed or inoperable motor vehicles and equipment including inoperable, disabled, obsolete, cannibalized and/or incomplete contractor equipment, construction equipment or farming equipment.
- (3) Any concentration of building materials including concrete, wood, steel or masonry which are not suitable for building construction, alterations or repairs, and which are in open places.
- (4) Any improper or inadequate drainage on property which causes flooding, interferes with the use of, or endangers in any way the streets, sidewalks, parks or other Village-owned property of any kind; or any unauthorized condition which blocks, hinders or obstructs, in any way, the natural flow of branches, streams, creeks, surface waters, ditches or drains; or any collection of water not dedicated as a wetland for which no adequate natural drainage is provided and which is or is likely to become a nuisance and a menace to health; or any storm water retention or impoundment device which is operating improperly.
- (5) Any use of property, substances or things within the Village, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical sense of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- (6) All exterior lighting that is not shaded or inwardly directed so that no direct lighting is cast upon adjacent property. All outdoor recreational/sports facility lighting will be reviewed for compliance with regard to the intent to minimize the impact of light trespass and glare on all surrounding properties and public rights of way.
- (7) Such other actions, conduct, omissions, conditions or things defined or specified in the Codified Ordinances as nuisances or as public nuisances.
- (8) Any well, hole or similar excavation which is left uncovered or in such a condition as to constitute a hazard to any child or any person coming on the premises where it is located.
- (9) Any accumulation of materials, structure or condition which is capable of being a fire hazard or contributes to the spread of fire in the sole discretion of the Fire Chief.

(10) Any other condition specifically declared by ordinance to be a danger to the public health, safety, morals, and general welfare of inhabitants of the Village and public nuisance by Council.

(d) Filing Complaints, Inspections.

- (1) All complaints alleging the existence of a public nuisance shall be filed with the Zoning Administrator or his/her designee.
- (2) The Zoning Administrator or his/her designee shall promptly inspect the premises or cause them to be inspected and shall make a written report of the findings of the inspection. Whenever practical, photographs of the premises shall be attached to the written report. The Zoning Administrator shall keep all such written reports on file for at least three years.

(e) Notice to Abate. Upon determining that a public nuisance exists on a property and that there is a great and immediate danger to the public health and safety, the Zoning Administrator or his/her designee shall cause written notice to be served upon the owners, in accordance with this subsection (e). The notice shall state that unless such nuisance is so abated or removed, the cost thereof will be charged to the owner, occupant or person causing, permitting or maintaining the nuisance and such cost shall be a lien on the real property where the nuisance was abated or removed. Such notice shall also state that the failure of such owner, occupant or person to abate the nuisance as required by such notice shall be deemed an implied consent for the Village to abate or remove such nuisance. Such implied consent shall be deemed to form a contract between such owner, occupant or person and the Village. If the public nuisance does not constitute a great and immediate danger to the public health, safety or welfare, the Zoning Administrator or his designee may serve the owner or occupant of such premises or the person in whose name such real estate was last billed for property tax purposes a notice to demand the abatement or removal of the violation within fifteen days. Service may be had by certified mail or personal service; or by posting the notice on the property and mailing the notice by first class mail. The notice to abate shall contain a statement as to the right to request an opinion.

(f) Request for Opinion. The person upon whom a notice to abate a nuisance is served, the property owner, lessee, agent, tenant or person having charge or care of the subject land may request an opinion from the Board of Zoning Appeals as to the determination of nuisance as provided in Section 1107.02(e). The written appeal must be made within the time period in which to abate the nuisance given in the notice. The Board of Zoning Appeals may extend the time in which the nuisance must be abated, determine that a nuisance does not or no longer exists, or that the nuisance must be abated within the time period set out in the notice or immediately if the period set out in the notice has run. Provided, however, that if the nuisance was determined to be an emergency and that the opportunity for an appeal was not available due to the short period of time to abate the nuisance, an appeal may be heard after the abatement of the nuisance by the Village. In that event, the Board of Zoning Appeals may determine that the appellant is not liable for the costs, or that, upon good cause shown, the appellant is not liable for the costs that a lien shall not be filed by the Village upon the property.

(g) Procedure When Owner Fails to Comply. The Zoning Administrator may determine that the public nuisance for which a notice has been issued under subsection (e) hereof constitutes a public nuisance pursuant to subsection (b) hereof and that the person having charge or care of the land has failed to comply with the notice within the time specified in the notice. The Zoning Administrator or his designee may cause the abatement of such public nuisance by use of Village force and equipment or by the hiring of private contractors. The reasonable cost thereof shall be a lien on the real property where the nuisance was abated or removed less any monies accruing to the Village from disposal of abated nuisances.

(h) Statement of Cost. Upon completion of abatement of the nuisance, the Zoning Administrator shall determine the cost of abatement and shall cause a statement thereof to be mailed to the owner of the land. Such statement of costs shall include:

- (1) Village equipment charge;
- (2) Village equipment operator charge;
- (3) Equipment transportation charge;
- (4) Administration and supervision charge;
- (5) Removal charge;
- (6) Contractual charges; and
- (7) Any attorneys' fees or other costs.

(i) Payment of Cost. The owner shall pay such costs as are charged in accordance with this section to the Clerk-Treasurer within thirty days after the statement of charges has been mailed to the owner at the address of record in the office of the County Treasurer. Such payments shall be credited to the appropriation from which such cost was paid by the Village. If the charge is not paid within thirty days after mailing, the Clerk-Treasurer shall certify the charges for services as provided in subsection (g) hereof to the County Auditor, together with a proper description of the premises. Such amounts shall be entered upon the tax duplication, shall be a lien upon such lands from the date of the entry, and shall be collected as other taxes and returned to the Village with the General Fund pursuant to Ohio R.C. 731.54.  
(Ord. 2006-13. Passed May 1, 2006.)

#### **1175.04 SATELLITE DISH ANTENNAS.**

(a) Purpose. The purpose of these regulations is to regulate the proper development and use of satellite dish antenna systems. In addition to protecting from distractions and obstructions, it is the intent of these regulations that satellite dish antennas are as much subject to control as noise, odors, debris and like characteristics of a use that, if not controlled and regulated, can become a nuisance factor to adjacent properties or the community in general. To protect the general health, safety and welfare, and to protect and encourage a more attractive economic, business and overall physical appearance of the community, all satellite dish antennas are subject to the regulations set forth in this section.

(b) Definitions. "Satellite dish antenna" means an antenna of any size, shape, material or description, which receives or transmits microwave signals, either directly or indirectly, to or from satellites.

(c) Permit Required.

- (1) No satellite dish antenna shall be erected in the Village unless a permit has first been issued by the Zoning Administrator.
- (2) Written application for a satellite dish antenna permit shall be made to the Zoning Administrator. The application shall include:
  - A. The address of the property, and the name, address and telephone number of the owner and occupant of the property.
  - B. A site plan of the property showing the exact location of the proposed satellite dish antenna and all other structures on the premises.
  - C. A description of the proposed satellite dish antenna, including information regarding its construction, method of assembly and installation.
  - D. Plans showing the specifications and elevations of the proposed satellite dish antennas.

- E. A landscaping plan showing the size, quantity and types of landscaping materials to be used for screening.
- F. If the applicant is not the owner of the premises, the application shall include a statement by the owner giving the applicant written consent to install the satellite dish antenna on the premises.

(d) Regulations. No satellite dish antenna permit shall be issued, and no satellite dish antenna shall be installed or maintained, unless the satellite dish antenna complies with the following regulations:

(1) Residential uses.

- A. Satellite dish antennas shall not be permanently mounted or located in front yards. Rooftop installations on side or rear of buildings or mobile satellite dish antennas mounted on trailers or vehicles are permitted.
- B. Satellite dish antennas shall be located not closer than five feet to the rear lot line and five feet to the side lot line.
- C. The maximum diameter of a satellite dish antenna shall not exceed six feet. The maximum height of the satellite dish antenna shall not exceed eight feet from grade level.
- D. The satellite dish antenna foundation shall be concrete. The satellite dish antenna shall consist of metal supports and/or galvanized construction. The structure, including foundation, shall be designed to withstand wind forces in conformance with generally accepted engineering practices and shall comply with all requirements of the National Electric Code.

(2) Nonresidential uses. Except as to the following, the regulations set forth for residential uses in subsection (d) above shall apply:

- A. Rooftop installations shall be permitted, provided that the satellite dish antenna, including mounting hardware and guywires, are permanently screened so as not to be visible from the street level.
- B. When adjacent to a residential district, a satellite dish antenna shall be located not closer than fifty feet to the rear and/or side lot line.
- C. Whenever the Village Engineer determines that good engineering practice has not been used in the preparation of the construction plans, he may require that the plans be sealed by a registered engineer of the State.
- D. The maximum diameter of a satellite dish antenna shall not exceed twelve meters.

(e) Compliance with this section shall be made by and subject to reasonable inspection of the Zoning Administrator.

(Ord. 2006-13. Passed May 1, 2006.)

**1175.05 RESIDENTIAL ACCESSORY STRUCTURES.**

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

(b) Intent. Unless otherwise specified, accessory structures and uses shall be permitted on a lot in a residential zoning district in association with a principal use or structure provided the accessory use or structure meets the requirements of this section and the

development standards, in particular, lot coverage of the applicable residential zoning district. In the event of a conflict between the development standards in this section and the development standards in the applicable use district, the standards of this section are to be used.

(c) Definitions.

(1) An accessory use or structure shall be defined as a use of land or of a structure or building or portion thereof, customary, incidental and subordinate to the principal use of land or structure, and located on the same lot with such principal use or structure. For the purposes of this section, a fence and a storage building equal to or less than 100 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 1175.06 and shall be subject to the regulations of 1175.06. Storage buildings equal to or under 100 square feet shall be located completely to the rear of the principal structure.

(2) Accessory structures shall be detached from and subordinate to the principal structure. Examples of accessory structures include, but are not limited to, garages, workshops, studios, greenhouses, picnic shelters, gazebos, pool houses, storage buildings, decks, patios, swimming pools (above or below ground), satellite dish antennas, and athletic/recreational facilities (tennis courts, basketball courts, soccer goals, baseball batting cages and skateboard ramps).

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

(d) Development Standards for Accessory Structures. The following development standards shall apply to all accessory structures:

(1) Location. Accessory structures shall be located completely to the rear of the principal structure and shall be no closer than 10 feet from any part of the principal structure.

(2) Setbacks. Accessory structures shall meet the rear and side yard setback requirements of the applicable zoning district.

(3) Area. Any accessory structure covered by an impervious roof or consisting of an impervious or paved surface shall meet the lot coverage requirement of the applicable zoning district. In addition, the maximum permitted area of an accessory structure placed on a lot in a residential zoning district shall be based on the following lot size categories.

A. Lot size of less than 20,000 square feet: An accessory structure shall be no larger than 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.

C. Agricultural land in the RR, Rural Residential District (minimum lot size three acres): Accessory buildings used for agricultural purposes in the RR, Rural Residential District where the lot size is greater than three acres and the land is used for agricultural purposes, do not have a maximum structure size other than the limitations defined by the lot coverage requirements of that zoning district. The height limit for these agricultural structures is forty feet. Residential accessory structures in this district shall meet the requirement of subsection (d)(3)B. hereof.

(4) Height. Except as otherwise provided in this chapter, no accessory structures shall exceed fifteen (15) feet in height.

(5) Compatibility. In order to protect property values and encourage neighborhood stability, an accessory structure shall have an exterior which meets the intent of this subsection and which is compatible in appearance, design, siting, architectural character, color and building materials to the principal building on the parcel or lot. For the purposes of this chapter, compatibility shall be defined as capable of existing or operating together in harmony.

(6) Maintenance. Accessory structures shall be maintained in good condition and kept secure from the deteriorating affects of natural elements.

(7) Special requirements.

A. Garages: Garage space on a residential lot shall be limited to parking for four vehicles. Four additional spaces may be permitted as a Conditional Use. The Planning Commission, in evaluating the Conditional Use application, shall consider lot size, impact on adjacent properties and future use.

B. Swimming pools: See Chapter 1174.

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

(1) Home Child Care. Consistent with the licensing requirements of the State of Ohio for a Type B home in a Single Family Residential District, a resident may provide day care services for one to six children, including the provider's own children under the age of six, and including no more than three children under the age of two. Any numbers or combinations of ages beyond these limitations would be considered a child care center and in a Single Family Residential District would require a Conditional Use Permit.

(2) Home Occupation. See Chapter 1177.

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

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

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

C. The second unit is part of the principal structure and not located in an accessory structure. The use of an

accessory structure would require a Conditional Use Permit from the Planning Commission.

(4) Storage.

A. No outdoor storage is permitted in any residential district other than wood, intended for the personal use of household residents in a fireplace or wood stove, and not more than two vehicles for personal use, such as, but not limited to, boats, campers, recreational vehicles, travel trailers or motor homes. These vehicles shall be stored behind the front building line.

B. Not more than one inoperable or unlicensed motor vehicle shall be parked on any residential lot. Such vehicle may be parked only for a period not to exceed thirty (30) days unless the vehicle is kept in an enclosed structure.

C. For the purpose of this section, storage means retention on the site for more than thirty (30) days.

(5) Yard/garage sales. Yard or garage sales are limited to one occasion within a six month period for up to three consecutive days. (Ord. 2006-13. Passed May 1, 2006.)

**CHAPTER 1177  
Home Occupation**

<b>1177.01 Purpose.</b>	<b>1177.04 Violation of regulations;</b>
<b>1177.02 Permitted use.</b>	<b>permit revocations;</b>
<b>1177.03 Conditional use.</b>	<b>appeal.</b>

**CROSS REFERENCES**

Home occupation defined - see P. & Z. 1105.4600

---

**1177.01 PURPOSE.**

The purpose of this Chapter is to define and regulate those occupations which may be carried on in residential districts. Certain limited nonresidential activities may be appropriate in residential districts and structures because they are compatible with the character of those districts. The standards provided for herein are intended to insure compatibility of home occupations with other permitted uses and with the residential character of the neighborhood. Some types of home occupations can be conducted without any impacts to adjacent residences and therefore are permitted uses. Other home occupations are more intensive and require conditions or limitations to insure compatibility. Uses with these characteristics require a Conditional Use Permit.

(Ord. 2006-13. Passed May 1, 2006.)

**1177.02 PERMITTED USE.**

Any home occupation meeting all of the following requirements shall be permitted in a dwelling unit.

- (a) The home occupation shall only be conducted within a principal structure and shall not be conducted within an accessory structure.
- (b) No structural changes to the residence or changes to the external appearance of the principal structure shall be made to accommodate the home occupation.
- (c) Only members of the family residing on the premises shall be engaged in such occupation.
- (d) The home occupation shall be incidental and subordinate to the residential use of the premises. Not more than the lesser of twenty percent (20%) or four hundred square feet of heated square footage of the premises shall be used in conducting a home occupation. Unheated square footage shall not be used in conducting a home occupation or in determining square footage allowed.
- (e) Signage indicating the non-residential use of the premises is prohibited. In addition, no site features of a nonresidential nature shall be incorporated.
- (f) Any vehicle which is used in conjunction with the home occupation, except for noncommercial personal vehicles bearing no advertising of the home occupation, must be garaged.
- (g) No goods may be sold on the premises.
- (h) The home occupation may not generate traffic in greater volume than normal for a residential neighborhood. The number of deliveries, pickups, or general destination trips or customer/client visits relating to the non-residential use of

the premises shall not exceed two per day. Uses which are dependent on customer/client traffic to the residents require a Conditional Use Permit.

- (i) If the occupation is conducted in a single family residence, no equipment or process may be used in the home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. If the occupation is conducted in other than a single family residence, such noise, vibration, glare, fumes, odors or electrical interference shall not be detectable to the normal senses outside of the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line of voltage off the premises. There shall be no increased burden placed upon existing Village services provided to the residence as a result of a home occupation.  
(Ord. 2006-13. Passed May 1, 2006.)

### **1177.03 CONDITIONAL USE.**

It is recognized that there may exist certain home occupations that fail to meet the criteria of 1177.02, but which may be appropriate for a residential area provided additional criteria are met through the Conditional Use procedure of Chapter 1111 including the requirements therein.

- (a) Any home occupation, with the exception of a “Bed and Breakfast” as outlined in Section 1177.03(b), which fails to meet the criteria established in 1177.02 must obtain a Conditional Use permit and shall be limited by the following criteria and/or any other conditions as determined by the Planning Commission in order to protect the residential character of the subject area.
  - (1) Only members of the family residing on the premises shall be engaged in such occupation.
  - (2) The home occupation shall be incidental and subordinate to the residential use of the premises. Not more than the lesser of twenty percent (20%) or 400 square feet of the heated square footage of the premises shall be used in conducting the home occupation. Unheated square footage shall not be used in conducting the home occupation or in determining square footage allowed.
  - (3) Signage indicating the non-residential use of the premises is prohibited. The residential character of the dwelling shall be preserved and no structural alterations, construction features or site features of a nonresidential nature shall be incorporated. Any vehicle which is used in conjunction with the home occupation or profession, except for noncommercial personal vehicles bearing no advertising of the home occupation or profession must be garaged. No accessory buildings shall be used for the home occupation or profession.
  - (4) Only goods and services produced or provided on the premises may be sold on the premises. The nature and extent of compliance with this requirement shall be determined by the Planning Commission.
  - (5) The home occupation may not generate traffic in greater volume than normal for a residential neighborhood. The number of deliveries, pick-ups, origin or destination trips, or customer/client visits relating to the non-residential use of the premises shall not exceed five per day. Any need for parking generated by the home occupation shall conform to the off-street parking requirements of this zoning ordinance, and shall not be located in a required front yard.

- (6) If the occupation is conducted in a single-family residence, no equipment or process may be used in the home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. If the occupation is conducted in other than a single-family residence, such noise, vibration, glare, fumes, odors, or electrical interference shall not be detectable to the normal senses outside of the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. There shall be no increased burden placed upon existing Village services provided to the residence as a result of a home occupation.
- (b) A “Bed and Breakfast” is a home occupation in an owner-occupied residence wherein lodging and breakfast are provided to transient guests for compensation; such provision is subordinate to the principal residential use of the structure. A Bed and Breakfast facility must obtain a Conditional Use permit and shall be limited by the following criteria and/or any other conditions as determined by the Planning Commission in order to protect the residential character of the subject area.
- (1) Single-family, detached dwelling. A Bed and Breakfast shall only be permitted as a conditional use in a single-family, detached dwelling.
  - (2) Residential character. The residential character of the dwelling shall be preserved and no structural alterations, construction features, or site features of a nonresidential nature shall be incorporated. No accessory buildings shall be used for Bed and Breakfast activities.
  - (3) Owner/operator. The owner/operator of the Bed and Breakfast shall live full-time on the premises.
  - (4) Employees. Only members of the family residing on the premises shall be engaged in such occupation.
  - (5) Guest rooms. A Bed and Breakfast shall have a maximum of three guest rooms with no more than two guest rooms sharing a single bath and no more than six (6) adult guests at one time. For the purpose of this section, “adult” means any person over the age of eighteen (18).
  - (6) Consecutive nights. The maximum length of stay for any guest is fourteen (14) consecutive days.
  - (7) Parking. Two (2) spaces plus one (1) space for each guest room shall be provided; the location and screening of said places shall be determined by the Planning Commission.
  - (8) Exterior appearance/signage. There shall be no change in the outside appearance of the building or premises that detracts from the residential character of the residence or from the residential character of the neighborhood, or other visible evidence of the conduct of such Bed and Breakfast residence other than one sign, not to exceed two feet square in area and not internally illuminated. Said sign shall be mounted flat against the wall of the principal building or attached to a residential lamp post; the lamp post shall not exceed seven (7) feet in height nor be located closer than five (5) feet to any property line.  
(Ord. 2006-13. Passed May 1, 2006.)

**1177.04 VIOLATION OF REGULATIONS; PERMIT REVOCATIONS;  
APPEAL.**

- (a) If one or more of the regulations of Section 1177.03 are violated, the Planning Commission may revoke the home occupation permit.
- (b) Revocation of a home occupation permit may be appealed to Council as per 1107.06.
- (c) A home occupation Conditional Use ceases to be valid once the premises used for the home occupation is no longer occupied by the original applicant to whom the Conditional Use Permit was granted.

(Ord. 2006-13. Passed May 1, 2006.).

**CHAPTER 1179  
Fences and Hedges**

<b>1179.01</b>	<b>Definitions and application.</b>	<b>1179.04</b>	<b>Shrubby and hedges.</b>
<b>1179.02</b>	<b>Regulations.</b>	<b>1179.05</b>	<b>Construction on embankments.</b>
<b>1179.03</b>	<b>Permit and inspection.</b>	<b>1179.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Electric and barbed wire fences - see GEN. OFF. 529.06  
Swimming pool fences - see P. & Z. Ch. 1174

---

**1179.01 DEFINITIONS AND APPLICATION.**

The words “fence” and “wall” mean any structure composed of wood, metal, stone, brick or other material erected in such a manner and position as to enclose, partially enclose or divide any premises or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers or other vegetation when erected in such a position as to enclose, partially enclose or divide any premises or any part of any premises shall also be considered a fence.

The provisions of this chapter shall apply to any single family or two-family residential zoning district and to no other districts. In all other zoning districts, fences shall be approved as part of the site plan or development plan review. (Ord. 2006-13. Passed May 1, 2006.)

**1179.02 REGULATIONS.**

In any residential district no fence or wall shall exceed six feet in height and no fence shall exceed 30 inches in height between the street right-of-way line and the building setback lines. Supporting members for walls and fences shall be installed so as not to be visible from any other property which adjoins or faces the fences or walls being installed. This regulation shall not apply to fences or walls which are designed so that the supporting members are identical in appearance on both sides of the fence or wall. Fences shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort and safety of the public.  
(Ord. 2006-13. Passed May 1, 2006.)

**1179.03 PERMIT AND INSPECTION.**

No fence or wall shall be erected or constructed until a fence permit has been issued by the Zoning Administrator who shall review each request to determine its compliance with this chapter. In order to defray the cost of examination of plans and inspections, an applicant seeking a fence permit shall pay a fee in accordance with the fee schedule adopted and approved by Village Council. Each property owner shall determine property lines and ascertain that the fence or wall does not encroach upon another lot or parcel of land. The Village shall furnish such inspection as is deemed necessary. An inspection by the Village shall not be construed to mean that the Village has determined that the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him herein or otherwise. (Ord. 2006-13. Passed May 1, 2006.)

**1179.04 SHRUBBERY AND HEDGES.**

No shrubbery or hedge shall be planted beyond the property lines. The owner or occupant of realty on which there is shrubbery, hedges or trees so located as to affect the vision of drivers on the public streets shall keep shrubbery and hedges trimmed to a maximum of thirty inches in height, and keep trees trimmed in order to avoid creating traffic hazards. Where trimming is not done within ten days after notice by the Zoning Administrator, the employees of the Village shall enter upon the property and trim the shrubbery, hedges or trees at the expense of

the property owner. Any shrub, hedge or tree found to be located upon public property may be removed by the Village at any time.  
(Ord. 2006-13. Passed May 1, 2006.)

**1179.05 CONSTRUCTION ON EMBANKMENTS.**

Where a fence or wall is constructed on an embankment, or where the ground under a fence has been graded to a higher level than the surrounding ground, the permissible height of the fence, as set forth in this chapter, shall be reduced by the height of the embankment or grading.  
(Ord. 2006-13. Passed May 1, 2006.)

**1179.99 PENALTY.**

If any provision of this chapter is violated, the Zoning Administrator may order that the fence, wall or hedge be removed. If the fence, wall or hedge is not removed within ten days of the order, the owner shall be fined \$100.00 each day the violation exists.  
(Ord. 2006-13. Passed May 1, 2006.)

**CHAPTER 1181**  
**Signs**

<b>1181.01</b>	<b>Purpose and intent.</b>	<b>1181.08</b>	<b>Temporary signs and temporary sign permits.</b>
<b>1181.02</b>	<b>Definitions.</b>	<b>1181.09</b>	<b>Permanent signs.</b>
<b>1181.03</b>	<b>Permit required</b>	<b>1181.10</b>	<b>Nonconforming signs.</b>
<b>1181.04</b>	<b>Administration.</b>	<b>1181.11</b>	<b>Street numbers required.</b>
<b>1181.05</b>	<b>Variances.</b>	<b>1181.99</b>	<b>Penalty</b>
<b>1181.06</b>	<b>Measurement.</b>		
<b>1181.07</b>	<b>Signs which do not require a permit.</b>		

CROSS REFERENCES

Power to regulate advertising - see Ohio R.C. 715.65

Unauthorized traffic control signs or signals - see TRAF. 313.07

---

**1181.01 PURPOSE AND INTENT.**

The purpose of these sign regulations is to encourage the proper development and use of planned graphic signing systems and to permit and regulate signs in such a way as to support and complement land-use objectives set forth in the Zoning Ordinance. In addition to protecting from distractions and obstructions that can contribute to traffic and pedestrian accidents, it is the intent of these regulations that signs are as much subject to control as noise, odors, debris and like characteristics of a use that, if not controlled and regulated, can become a nuisance factor to adjacent properties or the community in general. To protect the general health, safety and welfare, and to protect and encourage a more attractive economic, business and overall physical appearance of the community, all signs and signing systems are subject to the regulations that follow in this chapter. (Ord. 2006-13. Passed May 1, 2006.)

**1181.02 DEFINITIONS.**

As used in this chapter, the following words and phrases shall have the meanings herein.

- (a) "Awning" means a hood or cover that projects from the wall of a building and which can be retracted, folded or collapsed against the face of the supporting building.
- (b) "Banner" means a nonrigid cloth, plastic or canvas sign typically related to a special event or promotion. National flags, state or municipal flags shall not be considered banners. The official flag of any institution or business shall not be considered a banner.
- (c) "Billboard" means an off-premise outdoor ground sign exceeding 60 square feet in area.
- (d) "Canopy" means a projection from a building made from any material, which is cantilevered, suspended or supported on columns intended only for shelter or ornamentation.
- (e) "Changeable copy sign (manual)" means a sign, or portion thereof, on which characters, letters, or illustrations are changed manually in the field without altering the face or surface of the sign, including without limitation, a readerboard with changeable letters.
- (f) "Changeable copy sign (mechanical or electronic)" means a sign, or portion thereof, on which characters, letters, or illustrations are changed mechanically or electronically in the field without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.
- (g) "Clear Sight Triangle" means the triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of

access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines and extending vertically from a height of three (3) feet above grade to ten (10) feet above grade.

- (h) “Flag” means any fabric or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or political subdivision.
- (i) “Flashing” means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.
- (j) “Ground sign” means a free standing detached sign whose support structure is imbedded in the ground.
- (k) “Joint identification sign” means a sign intended to provide the identity or name, whether through logo, type, graphics or other symbols, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses.
- (l) “Informational window sign” means window signage with a total area of two square feet or less and bearing only information about entry and exit, business hours, authorized service representative information and/or discount and credit systems accepted in that establishment (e.g., American Express, MasterCard, Visa, Golden Buckeye Card, etc.).
- (m) “Marquee” means a canopy that provides additional loading for graphics.
- (n) “Menu board” means a permanently mounted sign displaying the bill of fare for a restaurant, drive-in or drive-thru restaurant or instructions or services for other drive-thru establishments.
- (o) “Moving sign” means any sign, all or any part of which physically moves up or down or sideways, revolves, or is animated so as to give the appearance of movement.
- (p) “Pennant” means a triangular shaped banner.
- (q) “Permanent residential subdivision identification signage” means those signage features specifically relating to the denotation of a major entrance or entrances to a residential subdivision.
- (r) “Permanent sign” means a sign intended to be erected and used or in fact which is used for a time period in excess of one year.
- (s) “Portable sign” means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.
- (t) “Projecting nameplate” means a sign indicating only the name and/or address of an occupant which extends outward perpendicular to the building face.
- (u) “Private traffic and on site directional signs” means a temporary or permanent sign that provides information regarding location, instructions for use, or functional/directional data.
- (v) “Roof line” means the lowest point of a roof which is closest to the ground.
- (w) “Roof sign” means a sign erected upon the roof of a building, any portion of which is above the roof line of the building.
- (w1) “Sandwich Board Sign” means any sign temporarily placed in the right-of-way of the zoned lot or on the land between the building and the right-of-way as a freestanding sign, which may include chalk and dry erase boards, also known as “A” or “T” frame signs.
- (x) “Sign” means a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization or business. The word “sign(s)” as used throughout this chapter means sign(s) that are externally visible from adjacent properties or streets. Signage that is placed internally within a structure or building that is not externally visible shall be excluded from sign regulations.

- (y) “Streamer” means any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, string or cord, usually in series, designed to move in the wind. A streamer may have pennants and/or banners attached.
- (z) “Temporary sign” means a sign intended to be used and in fact used for a time period of one year or less.
- (aa) “Wall sign” means a sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted on buildings and any extensions thereon.
- (bb) “Window sign” means a sign, graphic, poster, symbol or other identification or information about the use or premises which is physically affixed to or painted on the glass or other structural component of the window or a sign, graphic, poster, symbols, or other identification or information about the use or premises erected on the inside of the building within 2 feet of the window and intended to be viewed through the window from the exterior of the premises.  
(Ord. 2006-13. Passed May 1, 2006.)

#### **1181.03 PERMIT REQUIRED.**

All temporary and permanent signs to be erected, placed, constructed or modified within the Village limits, except those specifically excluded herein, shall require a permit before work is initiated. (Ord. 2006-13. Passed May 1, 2006.)

#### **1181.04 ADMINISTRATION.**

- (a) Application and Permit Procedure.
  - (1) Applications for sign permits shall contain the following information:
    - A. Two copies of plans and/or blueprints to scale of signage including details of fastenings, lighting and any lettering, symbols or other identification which will be on the sign.
    - B. A site plan of a proposed ground sign location showing the distance from the public right-of-way and relationship to access drives, parking areas and buildings or a facade elevation of proposed wall or window signs showing the height and proportions of the sign.
    - C. Any information peculiar to a particular sign application, which is necessary to uphold the provisions of this chapter.
  - (2) Except as otherwise provided above, all applications for sign permits shall be submitted to the Zoning Administrator, who shall act on the application within 30 days of receipt of the completed application.
- (b) Zoning Administrator.
  - (1) The Zoning Administrator shall regulate and enforce the requirements of this chapter, and shall be in charge of issuing all sign permits.
  - (2) The Zoning Administrator shall have the power to approve or disapprove all requests for temporary sign permits.
  - (3) No sign, except for municipally owned signs and signs authorized by the Village Administrator for community events and programs which are sponsored by nonprofit, public, educational, religious and charitable organizations, shall be placed in, on or above the public right-of-way including on utility poles. The Zoning Administrator or his designee may effect removal of any sign illegally placed within the right of way of any road within the Municipality. The Zoning Administrator shall maintain said sign for 5 days. If the owner fails to contact the Zoning

Administrator or claim the same sign within 5 days, said sign may be destroyed.

(c) Sign Fees. In order to defray the cost of examination of plans and inspections, an applicant for a sign permit and/or a variance shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.

(d) Abandoned Signs. Except as otherwise provided in Section 1181.04(a)(2), the Board of Zoning Appeals shall determine at public hearing when a sign is abandoned as is provided for in Section 1181.10. (Ord. 2006-13. Passed May 1, 2006.)

#### **1181.05 VARIANCES.**

Variations to this chapter may be granted pursuant to the procedure and criteria set forth in Chapter 1113 or Chapter 1108.  
(Ord. 2006-13. Passed May 1, 2006.)

#### **1181.06 MEASUREMENT.**

(a) Measurement.

- (1) Sign area shall include the face of all the display area of the sign not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign or are determined by the Zoning Administrator to be intended solely to make the sign more visible rather than serving any aesthetic or structural purpose. For internally illuminated signs or internally illuminated awnings, canopies or marquees, the entire lighted surface shall be considered the sign area. The lighted surface area of internally illuminated canopies, awnings or marquees is counted as signage regardless of whether it contains graphics.
- (2) Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless two display faces join back to back, are parallel to each other and not more than 24 inches apart, or form a V-angle of less than 45 degrees. For spherical signs, the sphere shall be dissected by an imaginary line through the center of the sphere and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign. See illustration on following page.
- (3) The area of letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter around the letters, numbers or emblems and determining its area.
- (4) The term frontage as used in calculating ground signs shall refer to the dimension of the lot along the street. The term frontage as used in calculating wall signs shall refer to the building wall dimension facing the street or parking lot.
- (5) For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the intersection of the building line onto adjacent drives or parking areas.  
(Ord. 2006-13. Passed May 1, 2006.)

#### **1181.07 SIGNS WHICH DO NOT REQUIRE A PERMIT.**

The following signs may be erected without a permit:

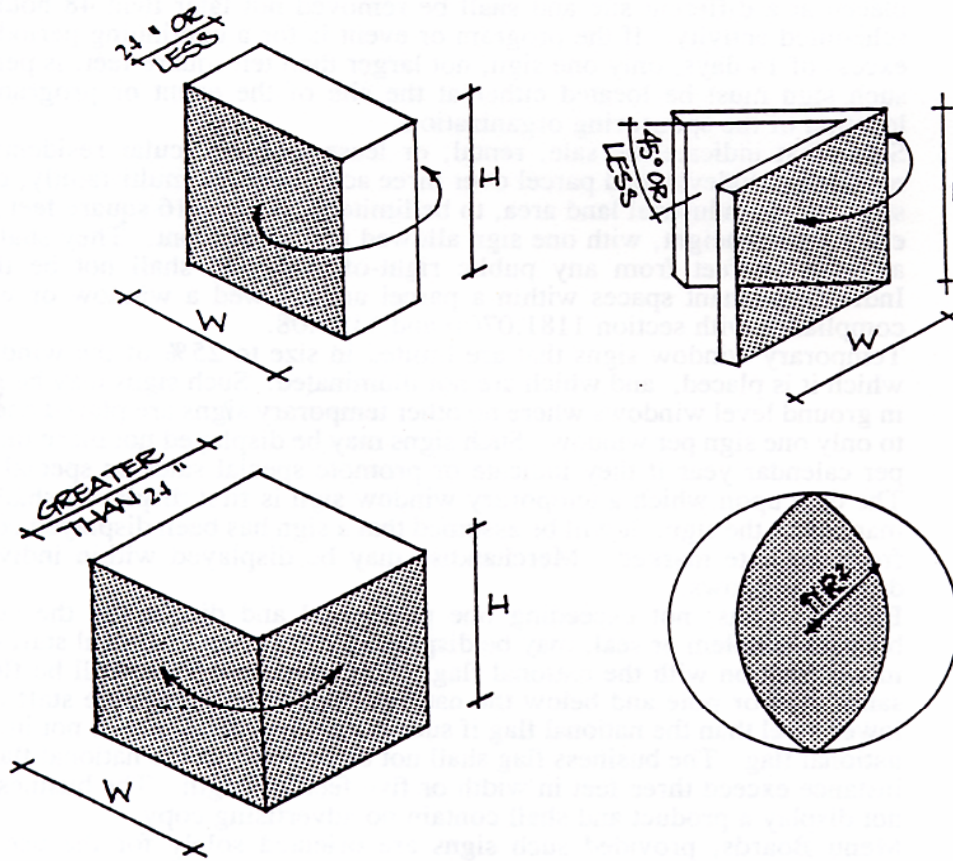
- (a) Address and name of occupant of premises for a residential structure, not include designations as to employment or home occupation and to be limited in size to two square feet.
- (b) Signs required or authorized for a public purpose by any law, statute or ordinance, such signs to include traffic control devices provided that such signs contain no supplementary advertising.
- (c) On site directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to a maximum of two square feet in area and three feet in height and do not interfere with safe vehicular or pedestrian traffic circulation and are not located within the clear sight distance triangle. No more than two such signs are allowed per vehicular access point. Such signs may contain information such as "in", "enter", "entrance", "out", "exit", "do not enter" or similar language as approved by the Planning Administrator or his designee or arrows indicating desired traffic movement. Such signs may contain no advertising, including logos and must be of a rectangular shape. Such signs must be on the property to which they refer and may not be placed within a public right-of-way. Private Traffic and on site Directional Signs are excluded from total sign count.
- (d) Signs that are in the nature of cornerstones, commemorative tables and historical signs, provided that such signs are less than nine square feet in size and not illuminated.
- (e) Signs clearly in the nature of decorations customarily associated with any national, local or religious holiday, to be limited to 60 days in any one year and to be displayed not more than 60 consecutive days. Such signs must meet the sign area limitations of the applicable zoning district. Such signs may be illuminated or animated provided that safety and visibility hazards are not created.
- (f) Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, to be displayed beginning no more than 45 days prior to election and to be removed no later than three days after such election, subject to penalty. Such signs shall not exceed six square feet in area, shall not be illuminated, and shall not create a safety or visibility hazard, nor be affixed to any public utility pole or tree or be located within a public right-of-way. This section is not applicable to political campaign headquarters signs which shall require a temporary sign permit pursuant to Section 1181.08.
- (g) Signs that indicate the sale, rental or lease of a particular one or two family residential structure or one or two family residential land area, to be limited in size to six square feet, with one sign allowed per street front of the zoned property being sold. Such signs shall not be located in a public right-of-way, and shall not be illuminated. Signs advertising a one or two family residential structure or land area must be removed within 14 days after the sale, rental, or lease has occurred. In addition to the above sign(s) permitted under this section (g), said zoned property can also have two directional signs, to be limited in size to six square feet, for the purpose of directing traffic to said zoned property, which directional signs can be located in the right-of-way at up to two intersections (only one sign per intersection), provided that the property owner in whose property the directional sign is placed at said intersection approves the sign being placed at said location.
- (h) Informational window signs are limited in size to two square ft. per sign.
- (i) Signs which are less than two square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building which denotes the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.

- (j) A sign which advertises the sale of personal property such as a garage, yard, porch or moving sale sign provided that it is limited to one sign, not greater than four square feet in size and which sign is located on the sale premises for a time period not greater than two consecutive days. Such signs shall not be located in a public right-of-way.
- (k) Construction signs which display the identification of the contractors, architects and other construction principals and temporary development signs which shall include signs indicating or promoting the development of land, facilities, or structures. Construction and/or development signs shall not be illuminated. No more than one such sign shall be permitted per street frontage and such signs shall be installed on the property to which they refer. For sites having at least 100 feet of frontage on each of two public rights-of-way, a second sign may be permitted facing the second right-of-way if both signs comply with Code requirements. The two signs shall be no closer than 75 feet. The distance shall be measured by drawing two straight lines from the edge of each sign, forming a 90 degree angle. Such signs shall be limited to 32 square feet and 8 feet in height. They shall be placed at least 10 feet from any public right-of-way. In residential subdivisions, development signs must be removed when 75% of the lots in the first subdivision phase have received any certificate of occupancy or the permanent subdivision sign has been erected. For other than single family residential development, development signs must be removed when more than 50% of the space is rented, sold or leased. For construction signs in developed residential neighborhoods, such sign shall conform to the size requirements of the zoning district in which they are located and must be removed upon completion of construction or the commencement of occupancy, whichever event occurs first.
- (l) Signs for community events and programs which last for a time period of 14 days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations. Four signs may be displayed during the event for a period of 14 days immediately preceding the commencement of the event. One sign may be located at the site of the event provided it does not exceed 24 square feet in size. All off-site signs shall not exceed 24 square feet in size and must be located on private property with the permission of the property owner. Each sign shall be placed at a different site and shall be removed not later than 48 hours after the scheduled activity. If the program or event is for a continuing period of time in excess of 14 days, only one sign, not larger than ten square feet, is permitted and such sign must be located either at the site of the event or program or at the location of the sponsoring organization.
- (m) Signs that indicate the sale, rental, or lease of a particular residential or non-residential undeveloped parcel over three acres in area, multi-family, commercial structure or industrial land area, to be limited in size to 16 square feet in area and eight feet in height, with one sign allowed per street front. They shall be placed at least ten feet from any public right-of-way, and shall not be illuminated. Individual tenant spaces within a parcel are allowed a window or wall sign in compliance with section 1181.07(n) and 1181.08.
- (n) Temporary window signs that are limited in size to 25% of the window area in which it is placed, and which are not illuminated. Such signs may be placed only in ground level windows where no other temporary signs are placed and be limited to only one sign per window. Such signs may be displayed not more than 120 days per calendar year if they indicate or promote special sales or special occasions. The date upon which a temporary window sign is first displayed shall be legibly marked on the sign. It will be assumed that a sign has been displayed continuously from the date marked. Merchandise may be displayed within individual store display windows.

- (o) Business flags, not exceeding one per parcel and displaying the corporate or business emblem or seal, may be displayed if flown on a vertical staff or pole and in conjunction with the national flag. Such business flags shall be flown on the same staff or pole and below the national flag or on a separate staff or pole at a lower level than the national flag if such separate staff or pole is not in front of the national flag. The business flag shall not be larger than the national flag and in no instance exceed three feet in width or five feet in length. The business flag shall not display a product and shall contain no advertising copy.
- (p) Menu Boards, provided such signs are oriented solely for the use of patrons utilizing the drive-thru and are not intended to be visible from adjacent property or the right-of-way.
- (q) Messages displayed upon approved Manual Changeable Copy Signs provided for in Section 1181.09(b)(3) may be changed without permit.  
(Ord. 2006-13. Passed May 1, 2006.)

SIGN FACES PAGE TO BE DRAWN AND INSERTED HERE.

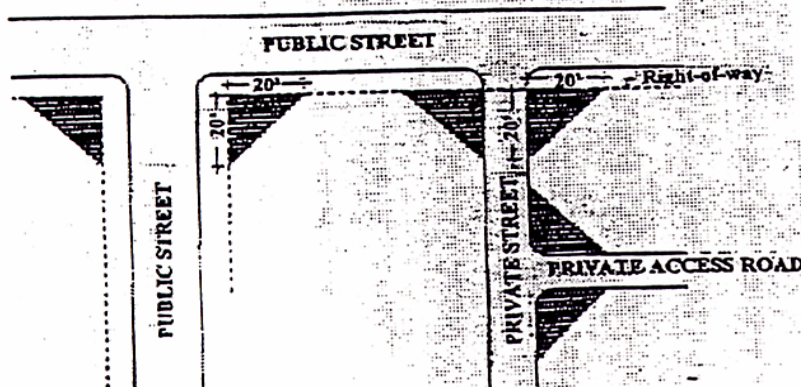
Two faces count as one sign face



Each display counts as a separate sign face.

Sign area to be calculated as the projection of a spherical sign to a flat plane (as if cut in half).

**CLEAR SIGHT TRIANGLE**



**1181.08 TEMPORARY SIGNS AND TEMPORARY SIGN PERMITS.**

(a) General Restrictions for Temporary Signs.

- (1) All signs not previously exempted by Section 1181.07 and which are not permanent signs as provided in Section 1181.09 shall require a temporary sign permit as provided in Section 1181.04.
- (2) All temporary signs shall be issued permits subject to the restrictions set forth in the schedule of sign regulations of this chapter and the regulations required for permanent signs as is set forth in Section 1181.09 except as otherwise provided herein.
- (3) Banners, temporary wall signs and pennants less than 16 square feet are permitted provided that they are attached at each corner, point and/or end so as to prevent movement. Banners may be attached to ground signs within the frame provided that they are attached at each corner, point and/or end so as to prevent movement. Streamers are prohibited. Only 1 banner is permitted per establishment. No business shall display such signs for more than 90 days per calendar year or for more than 30 continuous days. The date each sign is first displayed and the time period for which the sign will be displayed shall be legibly marked on the sign. The area of each banner shall not count toward the minimum sign area as specified in the Schedule of Sign Regulations.
- (4) Portable signs, "A" or "T" frame signs, and sandwich board signs which can be moved from one location to another without any change in its structural components or members, including trailer signs, are prohibited. Sandwich board signs, however, are permitted in the Village Center District provided such signs comply with the provisions in this Chapter.
- (5) All temporary signs shall be located at the site or location of the event being promoted or of the headquarters for the sponsoring organization except as otherwise provided for community events in Section 1181.07(l).
- (6) The date upon which a temporary sign is first displayed shall be legibly marked on the sign.
- (7) The construction requirement set forth in Section 1181.09(b)(5) shall not be applicable to temporary signs.

(b) Political campaign headquarters signs shall require a temporary sign permit and must meet the requirements of the district in which the headquarters is located.  
(Ord. 2006-13. Passed May 1, 2006.)

**1181.09 PERMANENT SIGNS.**

(a) All permanent signs shall require a permit. Permitted permanent signs shall be classified into one of the three following types: wall signs; window signs; and ground signs.

- (1) Wall signs may be erected on a building wall or extension of a building wall which faces a street, parking lot or service drive, and such sign may not extend beyond any building setback lines. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of ten inches except as follows:
  - A. Signs may be painted on an awning area or attached to a canopy or marquee which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee.
  - B. Projecting nameplates provided that:
    1. The nameplate does not exceed four square feet in size; is placed not less than eight feet above the sidewalk or ground level; projects no more than three feet outward from the building face; and

2. Is used only by a business having its own separate and individual entrance and located in a building having no front yard or is used by a number of businesses which share a common entry way in a building with no front yard and whose nameplate identifies the name and/or street address of the building, and not the names of the individual businesses.
- (2) Ground signs, to include pole signs and other types of free standing signs, may be erected on a lot provided the location, height and other characteristics of the sign meet the regulations of this chapter. Only one ground sign per street front is permitted for any lot in any zoning district.
  - (3) Permanent window signs shall be limited to signs denoting the identification of the occupant, the address of the premises and its use. Except for the Village Center District where a business does not occupy first floor space, such signs shall be limited to use solely on the ground or first floor. Permanent window signs must comply with the Schedule of Sign Regulations.
- (b) The following general requirements shall apply for characteristics of permanent signs:
- (1) Illumination. Illumination of signs shall be permitted in all districts. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate, travel, move or in any manner fail to provide constant illumination and shall not create a hazard or visibility problem or interfere with or impair vehicular movement on any street from which the sign may be viewed. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
  - (2) Animation, mechanical or electronic changeable copy signs and moving signs. Mechanical or electronic changeable copy signs, flashing signs, moving signs and the animation of signs are prohibited.
  - (3) Manual changeable copy signs. Manual changeable copy signs shall be permitted on ground signs only. Manual changeable copy signs shall comprise no more than one third (33.3%) of the total area of the sign per side or ten square feet per side, whichever is more, and shall comply with the maximum height standards specified in the schedule of sign regulations, and shall be an integral part of the sign. In residential districts, manual changeable copy signs shall not be internally illuminated and may be illuminated only between 6:00 a.m. and 11:00 p.m.
  - (4) Pennants, streamers, etc. No sign shall contain or consist of banners, pennants, ribbons, streamers or similar moving devices.
  - (5) Construction. The construction of all signs, including any electrical wiring necessary for the operation of illuminated signs shall conform to the specifications of the Building Code for the City of Columbus, Ohio except for Chapter 1, Section 4101:2-1-35 of the Ohio Basic Building Code. All signs shall be adequately maintained and shall not constitute a safety hazard. The sign faces of a sign shall be kept neatly painted or posted at all times and, where applicable, shall be painted or replaced with blank panel(s) when copy is removed.
  - (6) Location.
    - A. All permanent signs shall be located on the site being promoted, identified or advertised. Off premise signs are prohibited.
    - B. In no case shall any part of a sign be placed in, over, or extend onto any public right-of-way except for projecting nameplates on

lots where no front yard exists and for publicly owned signs such as traffic control and directional signs. In no case shall any part of a sign be placed in, over or extend above the roof line of any structure.

- (7) Maximum number, height, and area of signs. In addition to placement of signs, the heights, area and number of permitted signs allowed per use or lot shall be regulated by districts and uses as listed under the Schedule of Sign Regulations of this chapter, except as specifically regulated elsewhere in this chapter. The height of a ground sign shall be measured from the established grade of the adjacent public street at the proposed sign location.
- (8) Joint identification signs. Joint identification signs shall be limited to wall or ground signs and to premises where there are two or more uses located on a property having frontage on at least one public street. If the property fronts on one street, only one joint identification sign is permitted. A second joint identification sign is permitted, if the property fronts on two streets provided that the frontage for each street is not less than one hundred lineal feet. Additionally, a second joint identification sign is permitted in the Village Center District if the premises has pedestrian access open to the public from parking facilities both in the front and in the rear of the property. The size of a joint identification sign shall not exceed a total of twenty-five square feet nor shall less than four square feet be utilized by any one occupant of the property.
- (9) Billboards. Billboards are prohibited as off-premise signs.
- (10) Roof signs. Roof signs are prohibited.
- (11) Permanent residential subdivision identification signage.
  - A. Such identification shall be limited to wall mounted signs or graphics only, for example, with placement on a brick wall, railroad ties, entrance columns on each side of a street or on a similar architectural or landscaping entrance feature that may be used. The reverse sides of identification features shall be finished to match the fronts. Pole type signage is hereby prohibited. Sign copy shall be limited to the name and logo of the subdivision. One manual changeable copy sign is permitted per entrance. Manual changeable copy signs are to be mounted on the rear of an entrance feature. Maximum area for residential manual changeable copy signs is four square feet.
  - B. Such identification features may not be located in the public right-of-way. Under no circumstances shall such feature be located in the tree lawn nor the clear sight triangle defined in Section 1181.02, nor impair the future utilization or expansion of public streets.
  - C. The maximum area for such identification is 20 square feet at any one entry location. A maximum of one permanent residential subdivision identification sign is permitted on each side of the street at each entry location to a development.
  - D. No part of any such sign shall be closer to any public right-of-way than ten feet.
  - E. The maximum height for such identification is six feet above grade.
  - F. Applications for permanent subdivision identification signs must demonstrate provisions for future maintenance and maintenance easements at the time of final platting. Written consent of the

property owner of each proposed sign location shall be submitted with each permit application. (Ord. 2006-13. Passed May 1, 2006.)

**1181.10 NONCONFORMING SIGNS AND ILLEGAL SIGNS.**

- (a) The continuance of an existing sign which does not meet the regulations and requirements of this chapter shall be deemed a nonconforming sign which shall terminate by abandonment. A sign shall be considered abandoned:
- (1) When the sign is associated with an abandoned use.
  - (2) When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least 90 consecutive days and no active building permit is on file for remodeling or reconstruction. Seasonal businesses are exempt from this determination.
  - (3) When the sign is not maintained or does not conform to the following:
    - A. All signs, together with all supports, braces, guys and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be subject to periodic inspection.
    - B. Every sign and the immediately surrounding premises shall be maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition free and clear of all obnoxious substances, rubbish and weeds.
    5. C. Should any sign be or become unsafe or in danger of falling, the owner thereof or the person responsible for maintaining the sign shall proceed at once to put such sign in a safe and secure condition or shall remove the sign. When the Zoning Administrator or his designee finds, upon investigation, that a sign is unsafe or unsound structurally, he shall notify the owner of said sign, together with the owner of the land on which the sign is located, by certified mail of his findings. Such notice shall advise the owner that the sign has been declared abandoned and/or unsafe and/or structurally unsound and must be removed with ten (10) days for an unsafe or structurally unsound sign. The owner may request an opinion as to the existence of a violation from the Board of Zoning Appeals as provided for in Section 1107.02(e) of this Zoning Code. If an unsafe, or structurally unsound sign is not removed as ordered and the owner has not requested an opinion as to the existence of the violation from the Board of Zoning Appeals, the same may be removed at the expense of the lessee or owner after ten (10) days of notice for an unsafe or structurally unsound sign. If the Municipality is not immediately reimbursed for such costs, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property on which the sign is located.
  - (4) Abandonment shall be determined based upon the above definitions, at a public hearing of the Board of Zoning Appeals. Upon a finding that the signage is abandoned, the right to maintain and use such sign shall terminate immediately.
- (b) A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this chapter. Should any replacement or relocation take place without being brought into compliance, the sign shall be existing illegally.

- (c) A nonconforming sign shall be maintained as required in accordance with the following provisions:
- (1) The size and structural shape shall not be changed or altered. The copy may be changed provided that the change applies to the original nonconforming use associated with the sign and that the change is made by the owner of the sign at the time the sign became nonconforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign into compliance within 30 days.
  - (2) In case damage occurs to the sign to the extent of 50% or more of either the structure or the replacement value of the sign, the sign shall be brought into compliance. Where damage in the sign is less than 50% of the structure or its replacement value, the sign shall be repaired within 60 days.

(d) If any sign is installed, erected, constructed or maintained in violation of any provision of this Chapter, except for nonconforming signs in compliance with Section 1181.10, the Zoning Administrator or his designee shall notify the owner or user thereof to comply with the provisions of this chapter by certified mail. If the owner or user fails to comply with such notice, and the owner has not requested an opinion as to the existence of the violation from the Board of Zoning Appeals, or, after a reasonable search, cannot be found, the Zoning Administrator or his designee shall cause such graphic or such portion thereof as is constructed or maintained in violation of this chapter to be taken down; the expense of which shall be paid by the owner or user. Unless clearly specified otherwise, the property owner will be considered to be the presumptive owner of said sign. However, nothing herein contained shall prevent the Zoning Administrator or his designee from adopting such precautionary measures as may seem to him necessary or advisable in case of imminent danger to place the graphic in safe condition, the expense of which shall be paid by the owner of the premises or recovered against him in the manner as further described in this section.

No owner or person in charge, possession or control of the temporary sign(s) mentioned in Chapter 1181 shall fail to comply with the notices provided in Section 1107.01 within five (5) days of mailing of the notice. No owner or person in charge, possession or control of permanent sign(s) mentioned in Chapter 1181 shall fail to comply with the notices provided in Section 1107.01 within twenty-one (21) days of mailing of the notice.

If a violation of a provision of this Chapter is repeated within 90 days of a previous violation of the same provision of this Chapter by the owner or user subject of the previous violation on the same property as the previous violation, such sign may be seized immediately and a charge assessed for removal without additional notification.

Fees for removal shall be immediately due and payable to the Municipality. Notice of such assessment shall be given to the owner or user by mailing such notice to the address utilized by the County Treasurer for tax billing purposes and by posting a Notice of Assessment at the subject premises where the sign owner and property owner are the same. All assessments not paid within ten (10) days after such mailing and posting, after approval by Council, shall be certified by the Finance Director to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

The Village may also collect such costs together with interest through a civil action in the appropriate court of law having jurisdiction thereof and seek such additional orders from a court of competent jurisdiction as may be necessary from time to time in order to enforce the provisions of this section.

Every owner or occupant of real estate in the Municipality impliedly grants a license to the Zoning Administrator, his designee or Municipal employees to enter upon real property in the Municipality without the consent of the owner or user for the purposes of fulfilling the provisions of this section. (Ord. 2006-13. Passed May 1, 2006.)

**1181.11 STREET NUMBERS REQUIRED.**

An owner, occupant or person having control of a residential, industrial, commercial or public building shall display the numerical address of the building in Arabic numbers not less than four inches in height.

- (a) The color of the numbers shall contrast to the color of the surface on which they are mounted and the numbers shall be clearly visible from the street on which the building is numbered.
- (b) The numbers shall be placed on the front of the building facing the street on which the building is numbered.
- (c) For buildings not having entrance doors facing the street on which the buildings are numbered, numbers of all units within such building shall be placed either on the wall of the building facing the street on which the building is numbered or on a sign in compliance with this chapter.
- (d) The owner of a residential building may post additional sets of address numbers provided that one set complies with the provision of this section.
- (e) Whoever violates this section or any part thereof, upon being notified in writing of such violation by the Zoning Administrator, shall have 30 days in which to comply with the provisions of this section. Upon expiration of the 30 days and failure to comply with the provisions of this section within that period the owner, occupant or person having control of a building shall be deemed in violation. Each subsequent day shall constitute a separate violation. (Ord. 2006-13. Passed May 1, 2006.)

**1181.99 PENALTY.**

- (a) Any person, firm, corporation, partnership, or association violating any provision of this chapter or failing to obey any lawful order issued pursuant to its terms shall be fined subject to penalties consistent with Section 1107.99 of this Planning and Zoning Ordinance.
- (b) An organization may be convicted of a violation of a provision of this Chapter under any of the following circumstances:
  - (1) The offense is a minor misdemeanor committed by an officer, agent or employee of the organization acting in its behalf and within the scope of his office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, such provision shall apply.
  - (2) A purpose to impose organizational liability plainly appears in the section defining the offense, and the offense is committed by an officer, agent or employee of the organization acting in its behalf and within the scope of his office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, such provisions shall apply.
  - (3) The offense consists of an omission to discharge a specific duty imposed by law on the organization.
  - (4) If, acting with the kind of culpability otherwise required for the commission of the offense, its commission was authorized, requested,

commanded, tolerated or performed by the board of directors, trustees, partners or by a high managerial officer, agent or employee acting in behalf of the organization and within the scope of his office or employment.

(c) Regardless of the penalties provided in Section 1107.99, an organization convicted of a violation of a provision of this chapter shall be fined, which fine shall be fixed by the court as follows:

<b><u>Type of Misdemeanor</u></b>	<b><u>Maximum Fine</u></b>
First degree	\$5,000.00
Second degree	\$4,000.00
Third degree	\$3,000.00
Fourth degree	\$2,000.00
Minor	\$1,000.00