



## **Village of Centerburg Planning and Zoning Code**

July 2023

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## Chapter 1101: General Provisions

### 1101.01 Purpose

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It is the purpose of this planning and zoning code to promote and protect the public health, safety, comfort, convenience, and general welfare of the people of Centerburg through the establishment of minimum regulations governing the subdivision, development, and use of land. Furthermore, the more specific purpose of this planning and zoning code is to:

- (a) Implement the plans and policies adopted by the Village as it relates to the development of land;
- (b) Encourage and facilitate orderly, efficient, and appropriate growth and development;
- (c) Protect the character and the values of the residential, business, industrial and recreational areas and to assure the orderly and beneficial development of these areas;
- (d) Provide adequate open spaces for light and air for all residents;
- (e) Protect private investment into properties and the resulting property values;
- (f) Establish appropriate development density and intensity in order to prevent or reduce congestion and to secure the economy in the cost of providing water supply systems, electricity, sewerage systems, streets, and highways, fire and police protection, schools, parks and recreation facilities, and other governmental services;
- (g) Manage congestion on the streets, to improve the public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements;
- (h) Provide for adequate access to all areas of the Village by people of all abilities and by varied modes of transportation;
- (i) Encourage interconnectivity of developments in order to provide multiple access points in and out of developments for safety purposes and traffic dispersion;
- (j) Improve the quality of life through protection of the Village's total environment, including, but not limited to, the prevention of air, water and noise pollution;
- (k) Avoid the inappropriate subdivision or development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage; and
- (l) Foster a more rational pattern of relationship between agricultural, conservation, residential, business, commercial industrial and institutional uses for the mutual benefit of all.

### 1101.02 Short Title

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These regulations shall be known and may be cited as the "Planning and Zoning Code of the Village of Centerburg", or referred to as the "planning and zoning code," "zoning ordinance," or the "code." This code may also be referred to as Part 11 of the Codified Ordinances of the Village of Centerburg, Ohio.

### 1101.03 Scope and Authority

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#### (a) General Authority and Scope

- (1) The authority for the preparation, adoption, and implementation of this code is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permits the adoption of uniform rules and regulations governing the zoning and subdivision of land.
- (2) Nothing in this code shall be construed to limit Village Council in the exercise of all of the powers to zone or redistrict now or hereafter authorized by the Ohio Constitution or Ohio statutes.

**(b) References to the Ohio Revised Code or the Ohio Administrative Code**

Whenever any provision of this code refers to or cites a section of the Ohio Revised Code (as amended) or the Ohio Administrative Code (as amended), and that section is later amended or superseded, this code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

**1101.04 Effective Date**

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This code was originally adopted by Village Council on May 1, 2006 (Ordinance 2006-13), as amended.

**1101.05 Applicability**

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**(a) General Applicability**

- (1) The provisions of this code shall apply to all land, buildings, structures, and uses of land, buildings, and structures, or portions thereof, located within the municipal boundaries of the Village of Centerburg. The provisions of this code are the minimum requirements adopted to meet the purposes of this code as established in Section [1101.01](#).
- (2) The regulations established for each district in this code shall apply uniformly to each class or type of use, land, building, or structure, unless modified, varied or waived as provided herein.
- (3) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

**(b) Public Utilities**

- (1) The erection, construction, alteration, or maintenance by public utilities or municipal departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communications (including wireless telecommunication facilities as regulated in this code), supply or disposal systems, including mains, sanitary sewers, water lines, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department, board, or commission or for the public health, safety, or general welfare, shall comply with the regulations of this code to the extent permitted by Ohio law. To the extent mandated by Ohio law, exemptions for public utilities and facilities shall be construed as narrowly as possible to give as much effect to these regulations as allowed.
- (2) Buildings required in conjunction with an essential service identified in Subsection (1) above shall be subject to the regulations of this code and shall be reviewed as a principal use in accordance with Section [1105.05](#).

**1101.06 Interpretation and Conflict**

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**(a) Interpretation of Provisions**

The provisions of this code shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, morals, convenience, and general welfare.

**(b) Conflict with Other Public Laws, Ordinances, Regulations, or Permits**

This code is intended to complement other Village, State, and Federal regulations that affect land use and the division of land. This code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this code are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of this code shall govern.

**(c) Repeal of Conflicting Ordinance**

All ordinances or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

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**1101.07 Relationship with Third-Party Agreements**

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- (a) This code is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where this code proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this code shall govern.
- (b) Nothing in this code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this code.
- (c) In no case shall the Village be obligated to enforce the provisions of any easements, covenants, or other agreements between private parties, even if the Village is a named party in and has been granted the right to enforce the provisions of such agreement.

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**1101.08 Severability**

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- (a) If any court of competent jurisdiction invalidates any provision of this code, then such judgment shall not affect the validity and continued enforcement of any other provision of this code.
- (b) If any court of competent jurisdiction invalidates the application of any provision of this code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.
- (c) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

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**1101.09 Use of Graphics, Illustrations, Figure, and Cross-References**

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- (a) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- (b) In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.
- (c) A table shall be considered text for the purposes of this code unless specifically identified as a figure.

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**1101.10 Burden of Proof**

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The burden of demonstrating that an application or any development subject to this code complies with applicable review and approval standards is on the applicant. The burden is not on the Village or other parties to show that the standards have not been met by the applicant or person responsible for the development.

**1101.11 Examination and Copying of Application and Other Documents**

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Documents and/or records may be inspected and/or copied as provided for by State law.

**1101.12 Records**

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The Village shall maintain permanent and current records of all applications and the decisions related to those applications in the Village offices in accordance with the Village's records retention policies.

**1101.13 Computation of Time**

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- (a) In computing any period of time prescribed or allowed by this code, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday observed by the Village of Centerburg where the Village offices are closed for the entire day, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.
- (b) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- (c) All days shall be calendar days, including weekends, unless otherwise stated as business days, in which case the time excludes weekends.

**1101.14 General Rules for Interpretation**

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The following rules shall apply for construing or interpreting the terms and provisions of this code.

**(a) Meanings and Intent**

All provisions, terms, phrases, and expressions contained in this code shall be interpreted in accordance with the general purposes set forth in this chapter, and the specific purpose statements set forth throughout this code. When a specific section of this code gives a different meaning than the general definition provided in this code, the specific section's meaning and application of the term shall control.

**(b) Headings, Illustrations, and Text**

In the event of a conflict or inconsistency between the text of this code and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

**(c) Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

**(d) References to Other Regulations or Publications**

Whenever reference is made to a code, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such code, statute, regulation, or document, unless otherwise specifically stated.

**(e) Delegation of Authority**

Any act authorized by this code to be carried out by a specific official of the Village may be carried out by a designee of such official.



**(f) Technical and Nontechnical Terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**(g) Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of the Village of Centerburg, unless otherwise indicated.

**(h) Mandatory and Discretionary Terms**

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

**(i) Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) “And” indicates that all connected items, conditions, provisions or events apply; and
- (2) “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

**(j) Tenses, Plurals, and Genders**

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the a specific gender shall include all genders.

**(k) Terms Not Defined**

If a term used in this code is not defined in this code, the Zoning Administrator shall have the authority to provide a definition based upon the definitions used in accepted sources, including but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association. Zoning Administrator may also rely on Webster’s Dictionary or a similar source for the definition of terms.



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## Chapter 1103: Administration and Enforcement

### 1103.01 Purpose

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The purpose of this chapter is to set forth the powers and duties of the Centerburg Village Council, Planning Commission, and Zoning Administrator with respect to the administration and enforcement of the provisions of this code.

### 1103.02 Review Authority Names, References, and Delegation

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#### (a) Review Authority Names and References

For the purposes of this code, the formal names of the administration and decision-making authorities identified above may also be referred to abbreviated names as identified below:

- (1) The Village of Centerburg Village Council who may be hereafter referred to as “Village Council” or “Council.”
- (2) The Village of Centerburg Planning Commission who may be hereafter referred to as the “Planning Commission.”
- (3) The Village of Centerburg Village Administrator may be hereafter referred to as the “Village Administrator.”
- (4) The Village of Centerburg Zoning Administrator may be hereafter referred to as the “Zoning Administrator.”

#### (b) Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the Village to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise. Such delegation may include delegations of duties to a outside contractor who is under contract with the Village to perform such duties.

### 1103.03 Village Council

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In addition to any other authority granted to the Village Council by ordinance or State law, the Village Council shall have the following powers and duties, as it relates to this code:

- (a) Initiate, hear, review, and make decisions related to amendments to the text of this code or the zoning map;
- (b) Hear, review, and make decisions related to planned developments in accordance with the procedures set forth in [Chapter 1107: Planned Developments](#);
- (c) Review and where Council deems appropriate, accept any proposed dedication of streets, utilities, and other public improvements required by this code;
- (d) In appropriate circumstances, remove a member of Planning Commission in the same manner as provided for their appointment;
- (e) Whether to accept, and if accepted, to hear, review, and make decisions on appeals from any of the following decisions made by the Planning Commission:
  - (1) Decisions on site plan applications;
  - (2) Decisions on conditional use permit applications;
  - (3) Decisions on the revocation of previously issued conditional use permits;
  - (4) Decisions on subdivision plats;
  - (5) Decisions on appeals of the Zoning Administrator’s decision on zoning certificate applications or other administrative certificates or permits approved in the same manner as zoning certificates;

- (6) Advisory opinions on alleged nuisances or violations of this code (See Section [1111.07\(f\)](#) or Section [1123.07.](#));
  - (7) Decisions on variances;
  - (8) Decisions on applications for the expansion, substitution, or reconstruction of a nonconforming use; and
  - (9) Decisions on development plans as part of planned development districts.
- (f) Establish fees for review procedures, certificates, and permits outlined in this code; and
- (g) Perform any other duties related to the administration and enforcement of this code as authorized by this code and the ORC.

## **1103.04 Planning Commission**

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### **(a) Establishment**

The Village of Centerburg Planning Commission is hereby established by Village Council.

### **(b) Membership and Terms**

- (1) The Planning Commission shall be composed of a total of five members that shall include:
- A. The Mayor;
  - B. One member of Village Council to be elected by a majority of Council for the remainder of their term with Council; and
  - C. Three citizens of the Village to be appointed by the Mayor.
- (2) The Planning Commission members shall serve a term of six years each, with terms staggered so that there is an appointment every other year.

### **(3) Alternates**

- A. Village Council may appoint up to one alternate member to the Planning Commission for the same term as other members of the board receive.
- B. An alternate member shall meet the same appointment criteria as a regular member.
- C. The designated alternate member may take the place of an absent regular member at any meeting of the Planning Commission.
- D. The alternate member shall otherwise not be entitled to any rights, privileges, or obligations except when attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.
- E. When a vacancy occurs, alternate members do not automatically become full members of the Planning Commission. Alternate members have to be appointed by the Village Council to fill a vacancy.

### **(c) General Provisions for the Planning Commission:**

The following provisions shall apply to the Planning Commission:

- (1) All members shall be residents and electors of the Village at all times while serving in such capacity.
- (2) Members of the Planning Commission may be removed by Village Council for cause.
- (3) A vacancy occurring during the term of any member of the Planning Commission shall be filled through the same manner as the position was originally filled, for the unexpired term in a manner authorized for the original appointment.
- (4) The Planning Commission may, by a majority vote of its entire membership, adopt written bylaws or rules for the governance of the Planning Commission. Such bylaws or rules shall be filed with the Clerk of Council.

- (5) The Planning Commission shall keep minutes of their meetings and hearings, which shall be a public record.
- (6) All meetings of the Planning Commission shall be open to the public, except for executive sessions in accordance with law.
- (7) The departments, divisions and agencies of the Village shall cooperate with and assist the Planning Commission in implementing the purposes for which they are formed.

**(8) Meetings**

- A. At either the end of the last regular meeting of a calendar year, or the beginning of the first meeting of each year, the Planning Commission shall elect a Chairperson who shall serve for a one-year term. The Planning Commission may also elect a Vice-Chairperson. These officers shall be elected from among the members of the Planning Commission. During the temporary absence of the Chairperson, the Vice-Chairperson, where elected, shall fulfill the duties of the Chairperson. The Planning Commission shall hold such meetings as it may require for conducting its business. Prior to the end of each year, the members shall, by motion, determine the dates of its regular meetings for the succeeding year. Meetings may also be established at the call of the Chairperson, Village Administrator, or a majority of the members of the Planning Commission.
- B. The Chairperson of the Planning Commission may, after consulting with the Zoning Administrator, cancel a meeting if there is no pending business to be conducted.

**(9) Quorums and Decisions**

- A. Any combination of three or more regular or alternate members of the Planning Commission shall constitute a quorum.
- B. A motion made on a decision shall carry when at least three members of the Planning Commission concur.
- C. Non-decision items, such as continuance or approval of minutes, shall only require a majority of the quorum of the Planning Commission to concur.

**(d) Roles and Powers of the Planning Commission**

The Planning Commission shall have the following roles and powers:

- (1) Initiate, hear, review, and make recommendations to Village Council related to amendments to the text of this code or the zoning map;
- (2) Hear, review, and make recommendations or decisions related to planned developments in accordance with [Chapter 1107: Planned Developments](#);
- (3) Hear, review, and make decisions on conditional use permits in the respective zoning district;
- (4) In accordance with the authority granted by ORC Section 713.11(A), the Planning Commission may hear, review, and decide on appeals of any administrative decision where it is alleged there is an error in any administrative order, requirement, decision, or determination made by the Zoning Administrator, or other staff member authorized to make such decisions or orders;
- (5) Issue opinions when requested in accordance with Section [1111.07\(f\)](#) or Section [1123.07](#);
- (6) Hear, review, and decide on variance requests in accordance with the applicable provisions of this code;
- (7) Review and make decisions on temporary use permits when the temporary use is reviewed as part of a site plan review application;
- (8) Revoke previously approved conditional use permits upon a finding of a violation of the terms of such permits;
- (9) Review and make decisions on the preliminary subdivision plats and final subdivision plats for major subdivisions;

- (10) Review and make decisions on site plan applications in accordance with Section [1103.11](#);
- (11) Consider, investigate, and report upon any special matter or question coming within the scope of its work as requested by Village Council, or the administration; and
- (12) Perform any other duties related to the administration and enforcement of this code as authorized by this code, by ordinance of Village Council, and/or the ORC.

## **1103.05 Zoning Administrator**

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### **(a) Establishment**

The position of the Village of Centerburg Zoning Administrator shall be established to aid in the administration and enforcement of this code. The Zoning Administrator shall be the Village Administrator, or any such other person or persons as designated by the Village Administrator.

### **(b) Roles and Powers of the Zoning Administrator**

The Zoning Administrator shall have the following roles and powers to:

- (1) Enforce the provisions of this code. The Zoning Administrator shall have all necessary authority on behalf of the Village to administer and enforce the provisions of this code. Such authority shall include the ability to order, in writing, the remedy of any condition found in violation of this Code and the ability to bring legal action to ensure compliance with the provisions including injunction, abatement, or other appropriate action or proceeding. All officials and employees of the Village may assist the Zoning Administrator by reporting to the Zoning Administrator any new construction, reconstruction, land uses, or violations that are observed;
- (2) Grant temporary use permits unless the temporary use is approved as part of a site plan approval authorized by the Planning Commission;
- (3) Attend all meetings of the Planning Commission;
- (4) Review and make decisions on the issuance of zoning certificates or other permits reviewed in the manner of the zoning certificate as may be allowed by this code;
- (5) Review and make decisions on questions of interpretation related to this code;
- (6) Review and make decisions on minor subdivision applications in accordance with Section [1103.09](#);
- (7) Maintain in current status the "Official Zoning Map" of the Village of Centerburg;
- (8) Receive, review for completeness, review or accept, and respond to questions regarding all review procedure applications established in this code;
- (9) Participate in any pre-application meetings as may be requested by a property owner or potential applicant in accordance with this code;
- (10) Refer requests for appeals of decisions to the Planning Commission;
- (11) Provide such technical and consultation assistance as appropriate to the Planning Commission and Village Council in the exercise of their duties relating to this code;
- (12) Prepare the agenda for the Planning Commission meetings, which includes the right to determine that an application is incomplete and therefore shall not be heard at the next available meeting;
- (13) Prepare all materials for the Planning Commission meetings, and present applications thereat, including preparation of staff reports;
- (14) Review, inspect property, and make decisions on compliance with the provisions of this code;
- (15) Maintain permanent and current records of all applications;
- (16) Investigate complaints and issue citations or other forms of enforcement and penalties for any violations and keep adequate records of all violations;
- (17) Order discontinuance of any illegal work being done;

- (18) Revoke a permit or approval issued contrary to this code or based on a false statement or misrepresentation on the application; and
- (19) Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code.

**(c) Decisions of the Zoning Administrator**

A decision of the Zoning Administrator may be appealed to the Planning Commission in accordance with Section [1103.14: Appeals](#) unless another appeals board is established by this code.

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**1103.06 Common Review Requirements**

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The requirements of this section shall apply to all applications and procedures subject to review procedures established in this code, unless otherwise stated. While most review procedures are established within this chapter, the procedures for the Planned Development review are established in separate chapters.

**(a) Common Application Requirements**

**(1) Authority to File Applications**

- A.** Unless otherwise specified in this code, applications for review procedures defined in this code may be initiated by:
  - i. An owner of the property that is the subject of the application; or
  - ii. An agent authorized in writing by the owner, which may include a lessee of the property, attorney, or other representative.
- B.** Property owners, or their authorized agents, of all the lots subject to the review or submittal shall be required to sign the application or provide written documentation that a property owners wish to proceed with the application.
- C.** The Planning Commission or Village Council may initiate code text and map amendments under this code with or without written authorization or application from the property owner who may be affected.

**(2) Application Contents**

- A.** Applications required under this code shall be submitted to the Zoning Administrator.
- B.** All applications shall be in a form, have such attachments, and be submitted in such numbers as established in writing by the Zoning Administrator, in consultation with the Planning Commission, and made available to the public as part of application forms.
- C.** Applications shall be accompanied by a fee, if required, in accordance with the fee ordinance adopted by Village Council pursuant to Section [1103.06\(a\)\(3\)](#).
- D. Complete Application Determination**
  - i. The Zoning Administrator shall only initiate the review and processing of applications submitted under this code after determining such application is complete.
  - ii. An application shall be determined to be complete if the applicant has submitted all of the forms, maps, and other submittal requirements required for the specified application. The Zoning Administrator may waive the submission of requirements if such requirements are not needed due to the type or scale of development, or are unnecessary for determining compliance with this code. Such waiver shall be provided to the applicant in writing as part of the record.
  - iii. The Zoning Administrator shall make a determination of application completeness within 10 business days of the application filing.

- iv. If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.
- v. If an application is determined to be incomplete, the Zoning Administrator shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the Zoning Administrator determines that the application is complete.
- vi. The Village shall not be required to process an incomplete application, forward an incomplete application to any decision-making body, or be subject to any required timelines of review for incomplete applications.
- vii. If the applicant fails to correct all deficiencies and submit a complete application within 60 days of the notice provided by the Zoning Administrator, the incomplete application shall not receive any further review, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The Zoning Administrator may grant one 60-day extension if just cause is shown, upon written request by the applicant, and may, but shall have no obligation to, return any portion of the filing fee the Zoning Administrator determines was not used or necessary for the review provided.
- viii. No reconsideration of an incomplete application shall occur after expiration of the 60-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements this chapter, submit a new application, and submit a new filing fee.
- ix. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

### **(3) Fees**

- A. Any application subject to review under this code shall be accompanied by such fee as shall be specified from time to time by ordinance of Village Council. There shall be no fee, however, in the case of applications filed by the Village Council, the Planning Commission, or Village Staff.
- B. The fees shall be in addition to any other fees that may be imposed by the Village, State, Knox County, or other agency having jurisdiction.
- C. Such fees are adopted to cover the cost to the Village for investigations, legal advertising, postage, and other expenses resulting from the administration of planning and zoning activities.
- D. Unless otherwise identified in the fee schedule adopted by Village Council, no application shall be processed or determined to be complete until the established fee has been paid.
- E. If the Village determines that the costs on a particular application will exceed the filing fee as established by Village Council as a result of preparation of legal descriptions, maps, studies, or other required information, or as a result of the need for professional expert review, study, or testimony, the Village is authorized to collect such additional costs from the applicant.
- F. Application fees are not refundable, and nontransferable, except where the Zoning Administrator determines that an application was accepted in error, the application was withdrawn and the Zoning Administrator determines a portion of the filing fee was not used or necessary for the review, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.



**(4) Withdrawal of Application**

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

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

**(5) Reapplication after Denial of an Application**

If an application is denied, the applicant may:

- A. Appeal the decision in accordance with the applicable appeals procedure established in this code; or
- B. Make changes to the application that will address all issues and findings identified for the denial and resubmit a new application, including any required fees. Any such resubmission shall contain a supplemental statement that shows how the new application has substantially changed to address each of the findings of the original decision. The Zoning Administrator shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in Section [1103.06\(a\)\(2\)A](#). If it does not, the Zoning Administrator shall return the application, with reasons for their determination in writing, along with any paid fees; or
- C. Submit the same application after a 24-month waiting period; or
- D. Submit a new application if the proposed use and design of the site will be substantially different than the denied application.

**(b) Review Procedures**

**(1) Summary of Review Procedures**

[Table 1103-1](#) provides a list of all review procedures utilized in the administration and enforcement of this code, the applicable review authority, the type of review hearing or meeting, and the decision-making responsibility of each review authority.

<b>TABLE 1103-1: SUMMARY OF REVIEW PROCEDURES AND MEETING/HEARING TYPE</b>				
<b>Review Procedure</b>	<b>See Section</b>	<b>Zoning Administrator</b>	<b>Planning Commission</b>	<b>Village Council</b>
Code Text or Map Amendment	<a href="#">1103.07</a>	CAD	PH/R	PH/D
Conditional Use Permit	<a href="#">1103.08</a>	CAD	AH/D	A
Minor Subdivision	<a href="#">1103.09</a>	D	A	
Major Subdivision: Preliminary Plat	<a href="#">1103.10</a>	CAD	PM/D	A
Major Subdivision: Final Plat and Improvement Plans	<a href="#">1103.10</a>	CAD	PM/D	A
Major Subdivision: Acceptance of Improvements	<a href="#">1103.10</a>	CAD		D
Site Plan	<a href="#">1103.11</a>	CAD	PM/D	A
Variance	<a href="#">1103.12</a>	CAD	AH/D	A
Zoning Certificate	<a href="#">1103.13</a>	D	A	
Appeals to Planning Commission	<a href="#">1103.14</a>		AH/D	A
Appeals to Village Council	<a href="#">1103.15</a>			AH/D
Interpretation of the Code	<a href="#">1103.16</a>	D	A	
<b>Abbreviations:</b>				
<b>PH</b> = Public Hearing		<b>R</b> = Recommendation		
<b>AH</b> = Adjudication Hearing		<b>D</b> = Decision		
<b>PM</b> = Public Meeting		<b>A</b> = Initial Appeal of Application Goes to Noted Board		
<b>CAD</b> = Complete Application Determination Section <a href="#">1103.06(a)(2)D</a> prior to application being		must be made by the Zoning Administrator in accordance with sent to applicable Planning Commission and the start of any time limits.		

**(2) Application Submission Schedule**

- A. The schedule for the submission of applications in relation to scheduled meetings and hearings of the Planning Commission shall be established by the Zoning Administrator, in consultation with the Planning Commission, and made available to the public.
- B. As established in Section [1103.06\(a\)\(2\)D](#), the Zoning Administrator has the authority to determine if an application is complete, and thus should be placed on an upcoming agenda as well as determine the order applications are reviewed or heard at such meetings.

**(3) Simultaneous Processing of Applications**

- A. Whenever two or more forms of review and approval are required by the Planning Commission or Village Council under this code, the Zoning Administrator shall determine the order and timing of review.
- B. The Zoning Administrator may authorize a simultaneous review of applications, so long as all applicable requirements are satisfied for all applications.

**(4) Modifications or Amendments of Approved Applications**

- A. For any review procedure, the Zoning Administrator is authorized to allow minor changes related to design of an approved application where the change is insignificant and has minimal impact to the overall design of the development. This shall not give the Zoning Administrator the authority to vary the requirements of this code or any conditions of approval.
- B. Where the Zoning Administrator determines that the proposed modification, amendment, or change is not minor, the applicant shall be required to resubmit an application and payment of additional fees for the application to be reviewed in accordance with the procedures and standards established for its original approval.

**(c) Notifications**

**(1) Public Notification for Public Meetings**

For all public meetings required by this code, the Village shall comply with this code and all applicable State notice requirements.

**(2) Public Notification for Public Hearings**

- A. Applications for development approval that require public hearings, including all adjudication hearings, shall comply with all applicable State requirements and the public meeting notice requirements established in Section [1103.06\(c\)\(1\): Public Notification for Public Meetings](#), above. Where there is a conflict between the State and Village notification requirements, the more stringent requirements shall apply.
- B. The Village shall be responsible for providing the required notice as specified in [Table 1103-2](#).

**C. Content**

Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

- i. Provide the name of the applicant or the applicant's agent;
- ii. Indicate the date, time, and place of the public hearing;
- iii. Describe the land involved by street address, Knox County parcel identification number, lot size, adjacent right-of-way, or by legal description;
- iv. Describe the nature, scope, and purpose of the application or proposal;
- v. Identify the location (e.g., the offices of the Zoning Administrator) where the public may view the application and related documents;
- vi. Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application; and
- vii. Include a statement describing where written comments will be received prior to the public hearing.

**D. Notice Requirements**

Published and mailed notice for public hearings shall be provided as defined in [Table 1103-2](#).

TABLE 1103-2: NOTICE REQUIREMENTS FOR PUBLIC HEARINGS		
Review Procedure	Published Notice	Written (Mailed) Notice
Code Text Amendment	Published notice required a minimum of 30 days before the initial hearing with Planning Commission and Village Council	No written notice is required for a text amendment.
Zoning Map Amendment		Written notice shall be sent to all owners of property within 100 feet of all lots lines of the area to be rezoned. The notice shall be sent a minimum of 20 days before the initial public hearing of Planning Commission and Village Council.  Written notice shall not be required where the application involves more than 10 separate lots.
Conditional Use Permit, Site Plan Modifications, Variance, or Appeals	Published notice required a minimum of seven days before a public hearing	Written notice shall be sent to all owners of property within 100 feet of all lot lines of the lot on which the activity is proposed that is subject to the application. The notice shall be sent a minimum of 7 days before the initial public hearing of Planning Commission or Village Council.

**E. Published Notice**

- i. Published notice shall be provided in a newspaper of general circulation and the Village may also provide additional published notice by electronic media including, but not limited to, posting online at the Village’s website.
- ii. The content and form of the published notice shall be consistent with the requirements of this section and State law.

**F. Written (Mailed) Notice**

- i. Written notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the Planning Commission or Village Council.
- ii. Written notice shall be postmarked no later than the number of days specified in [Table 1103-2](#) prior to the hearing date at which the item will be considered.
- iii. Written noticed shall be sent by first class mail. Such notice shall be sent to the mailing address for the applicable property owners as established in the Knox County Auditor’s records.

**G. Sign Postings**

- i. In addition to the published and written notice of [Table 1103-2](#), the Zoning Administrator may post a sign at or near the location of the area that is the subject of an application that is to be determined by the Village Administrator, Planning Commission or Village Council.
- ii. Failure of the Zoning Administrator to post a sign or to post a sign in a specific location does not invalidate adoption of the proposed amendment as an amending ordinance.

## **H. Constructive Notice**

- i. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the Zoning Administrator to make a formal finding as to whether there was substantial compliance with the notice requirements of this code, and such finding shall be made available to the decision-making body prior to final action on the request.
- ii. When the records of the Village document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.
- iii. Failure of a newspaper to accurately or timely publish a properly submitted notice does not invalidate adoption of the proposed amendment as an amending ordinance.
- iv. Failure of any property owners to receive mail notice does not invalidate adoption of the proposed amendment as an amending ordinance.
- v. Nothing herein shall prohibit an applicant from amending or supplementing their application after notice has been initiated or delivered but in sufficient time to provide such amendments or supplements to the Planning Commission or Village Council prior to, or at the hearing.

## **(d) Meetings and Hearings**

### **(1) Pre-application Conferences or Meetings**

- A. A prospective applicant may request a pre-application conference with the Zoning Administrator for any review procedure in this chapter. The applicant may request such conference by submitting a written request, along with sufficient plans, descriptions, and other materials for the Zoning Administrator to determine the nature and extent of the proposal.
- B. The purpose of the pre-application conference or meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this code and any Village plans prior to the submission of an application.
- C. After a pre-application conference, the Zoning Administrator may (with consent of the applicant) determine to place the proposal on the agenda of the next regularly scheduled meeting, or any special meeting, that may be called by the applicable board for a pre-application "conceptual review." At a conceptual review, the Planning Commission will not render a decision, but members may voluntarily provide information and non-binding commentary regarding the proposal documents before them.

- D. No action can be taken by the staff and/or Planning Commission until the applicant submits an actual application and/or plan to the Village pursuant to the laws and policies of the Village. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff, and/or the Planning Commission, that occur prior to the date the applicant submits an actual application and/or plan including, but not limited to, any informal meetings with staff, the Planning Commission, any pre-application conferences or meetings, are not binding on the Village and do not constitute official assurances or representations by the Village or its officials regarding any aspects or results of the plan, the procedures, or application discussed.

**(2) Conduct of Public Hearing**

**A. Rights of All Persons at Public Hearings**

Any person may appear at a public hearing and submit information or evidence, either individually or as a duly-authorized representative of a person or an organization. Each person who appears at a public hearing shall be identified, provide their address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

**B. Continuance of a Public Hearing or Deferral of Application Review**

- i. An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Zoning Administrator. Such request will be handled, as follows, based on the timing of receipt of such request:
  - a) A request for deferral of consideration of an application received prior to the publication of notice as required by this code may be granted by the Zoning Administrator. In such cases, the application will be considered at the next regularly scheduled meeting, or at such meeting as the applicant requests and the Zoning Administrator approves.
  - b) A request for deferral of consideration of an application received after publication of notice of the public hearing as required by this code shall be presented to the Planning Commission or Village Council, as applicable. The Planning Commission or Village Council, as applicable shall consider the request for a continuance of the public hearing and make the decision on continuing the hearing to another meeting at a fixed date, time, and place provided the date, time, and place is publicly announced at the time of continuance.
  - c) During the public meeting where there hearing is to be held, the Planning Commission or Village Council, as applicable, or the applicant may request the continuance of the public hearing provided such request is made prior to a call for a vote on the application. Such continuance shall be made to a fixed date, time, and place provided the date, time, and place is publicly announced at the time of continuance.

- ii. The Zoning Administrator, Mayor, or Chairperson of the Planning Commission, as applicable, may relocate the public meeting where a public hearing, with notice, is to be held when an emergency necessitates such relocation or if it is determined that a large number of people are anticipated to attend and the original location cannot safely accommodate such numbers. Such relocation shall be noticed by the posting of a notice at the original location of the public hearing or other notice as required by state law. The Village Administrator or Zoning Administrator shall also endeavor to make use of available electronic communication to further notify the public of any relocation, to the maximum extent practical.

### **(3) Special Provisions for Adjudication Hearings**

Where [1103.06\(b\)\(1\)](#), notes that a public hearing is an adjudication hearing, the Village Council or Planning Commission, as applicable, shall have the following additional powers as part of the review of the subject application:

- A. The Village Council or Planning Commission, as applicable, may issue findings and conclusions which support its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps to administer and enforce the provisions of this code including the application of any review considerations for the subject application.
- B. The Village Council or Planning Commission, as applicable, may subpoena witnesses and require the production of records.
- C. When required by applicable law, the privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the Village Council or Planning Commission, as applicable.

### **(4) Effect of any Approvals**

- A. No approval, decision, or order of the Zoning Administrator or Planning Commission, appealable under this code, shall take effect until the applicable deadline for an appeal has passed.
- B. The issuance of any approval or permit under this code shall authorize only the particular development, alteration, construction, or use approved in the subject application.
- C. All approvals shall run with the land or use and shall not be affected by change in ownership.

### **(5) Subsequent Development**

- A. Development authorized by any approval under this section and this code shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the Village's Codified Ordinances, State law, or County law.
- B. The granting of any approval or permit shall not guarantee the approval of any other required permit or application.
- C. The Village shall not be responsible for reviewing the application for compliance with any permits, certificates, or other approvals that may be required by Knox County, the State, or other agencies having jurisdiction.

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## **1103.07 Code Text and Map Amendments**

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### **(a) Purpose**

The purpose of the code text and zoning map amendment procedure is to provide a process for amending the boundaries of zoning districts on the zoning map and amending the text of this code.

**(b) Applicability**

This section shall apply to requests to amend the text of this code or amend the Official Zoning Map of the Village of Centerburg, Ohio, hereafter referred to as the “zoning map.”

**(c) Initiation**

- (1) For a zoning map amendment of a specific property, any person who has authority to file an application (See Section [1103.06\(a\)\(1\).](#)) for such property may initiate an amendment by filing an application with the Zoning Administrator.
- (2) Only Village Council or the Planning Commission may initiate code text amendments, however, any member of the public may request that the Planning Commission or Village Council consider a text amendment during their respective public meetings.
- (3) Village Council may initiate a code text or map amendment by motion referring a recommendation on an amendment to the Planning Commission.
- (4) The Planning Commission may initiate a code text or map amendment by adopting a motion to make such amendment.

**(d) Code Text or Map Amendment Review Procedure**

The review procedure for a code text or map amendment shall be as follows: **(1) Step 1 – Pre-Application Meeting (Optional)**

An applicant may request a pre-application meeting with the Zoning Administrator or Planning Commission prior to applying for an amendment to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1103.06\(d\)\(1\).](#)

**(2) Step 2 – Application**

- A. For amendments that are not initiated by the Planning Commission or Village Council, the applicant shall submit an application in accordance with Section [1103.06: Common Review Requirements](#), and with the provisions of this section.
- B. Amendments initiated by Village Council shall be referred to the Planning Commission for initiation of review.

**(3) Step 3 – Notice to State Director of Transportation**

- A. The Zoning Administrator shall give notice of the initiation of any proposed zoning map amendment that meets the following criteria to the State Director of Transportation in accordance with ORC 5511.01:
  - i. Amendments that affect any land within 300 feet of a proposed new highway; or
  - ii. Amendments that affect any land within 300 feet of any proposed changes to a highway as described in certification to local officials by the State Director of Transportation; or
  - iii. Amendments that affect any land within 500 feet from a proposed intersection of such a new highway and any existing public road or highway.
- B. If the Director of Transportation's response is negative, the Planning Commission will stay their proceedings until the reason for the negative response is resolved.

**(4) Step 4 – Planning Commission Review and Recommendation**

- A. The Planning Commission shall review the code or map amendment application at a public hearing at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B. Notification of the public hearing shall be provided in accordance with Section [1103.06\(c\)\(2\).](#)
- C. In reviewing the application, Planning Commission shall at a minimum, consider the review considerations of this section.



- D. Within 30 days of the close of the public hearing, the Planning Commission shall make a recommendation to Village Council on the application. In making its recommendation, the Planning Commission may recommend approval, approval with some modification, or denial of the application.

**(5) Step 5 – Village Council Review and Decision**

- A. Following receipt of the recommendation from the Planning Commission (Step 4), the application shall be placed on Village Council’s agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or shall set a special meeting to hear the application. The Village Council shall set a time for a public hearing on the proposed amendment that is no more than 60 days from receipt of the Planning Commission’s recommendation.
- B. Notification of the public hearing shall be provided in accordance with Section [1103.06\(c\)\(2\)](#).
- C. Village Council shall hold a public hearing and review a text or zoning map amendment application during a public meeting. In reviewing the application, Village Council shall at a minimum, consider the recommendation from Planning Commission and the review considerations of this section.
- D. Village Council shall review the recommendation of the Planning Commission and shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission. Such action shall only require concurring vote of a simple majority of Village Council.
- E. If the Village Council fails to make a decision within 180 calendar days, or an extended timeframe approved by the applicant, the application shall be deemed approved.

**(e) Review Considerations**

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

- (1) The proposed amendment is consistent with plans and policies adopted by the Village and the stated purposes of this code;
- (2) The proposed amendment is desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- (3) The proposed amendment will promote the public health, safety, and general welfare;
- (4) The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;
- (5) The proposed amendment will not have a significant impact on available public facilities, general expansion plans of the Village, and the Village's schedule for improvement of capital facilities;
- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- (7) The proposed amendment will not constitute spot zoning where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances. and/or
- (8) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

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## 1103.08 Conditional Use Permit

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### (a) Purpose

The purpose of a conditional use procedure is to allow consideration for certain uses that due to their unique and special nature relative to location, design, size, operations, circulation, and general impact on the surrounding area, may be desirable and appropriate in the applicable zoning districts but need to be evaluated on an individual basis to ensure that potential adverse impacts of such uses are avoided or sufficiently mitigated.

### (b) Applicability

This section shall apply to all applications for establishment of a conditional use as may be identified in this code.

### (c) Conditional Use Review Procedure

The review procedure for a conditional use review shall be as follows:

#### (1) Step 1 – Pre-Application Meeting (Optional)

An applicant may request a pre-application meeting with the Zoning Administrator or Planning Commission prior to applying for a conditional use to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1103.06\(d\)\(1\)](#).

#### (2) Step 2 – Application

The applicant shall submit an application in accordance with Section [1103.06: Common Review Requirements](#), and with the provisions of this section.

#### (3) Step 4 – Planning Commission Review and Decision

- A. The Planning Commission shall hold a public hearing on the conditional use permit application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete. Such hearing shall be required to take place within 45 days from when the public hearing notice is published.
- B. Notification of the public hearing shall be provided in accordance with Section [1103.06\(c\)\(2\)](#).
- C. See Section [1103.06\(d\)\(3\)](#) for special provisions provided to the Planning Commission as part of a conditional use permit review.
- D. In reviewing the application, the Planning Commission shall at a minimum, consider the review considerations of this section.
- E. Within 90 days of the close of the public hearing, the Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application. The Planning Commission may extend this deadline with written agreement from the applicant.
- F. If the Planning Commission fails to make a decision within the 90 days, or an extended timeframe approved by the applicant, the application shall be deemed denied.

### (d) Review Considerations

Decisions on a conditional use application may be based on consideration of the following review considerations. All conditional uses shall be subject to review under the considerations of this section, as applicable, and may be subject to additional use-specific standards.

- (1) The proposed conditional use is established as an allowed conditional use in the applicable zoning district;

- (2) The proposed use is consistent with the spirit, purpose and intent of plans and policies approved or adopted by the Village, the general purpose of this code, and the purpose of the zoning district in which the conditional use will be located;
- (3) The proposed use complies with any use-specific standards as may be established for the use;
- (4) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
- (5) The proposed use will comply with all applicable development standards;
- (6) The proposed use will be harmonious with the existing or intended character of the general vicinity, and such use will not change the essential character of the same area;
- (7) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;
- (8) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, light, glare, or odors;
- (9) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (10) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets; and considering the proximity of access drives to street intersections relative to the anticipated volume of traffic.
- (11) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- (12) The establishment of the conditional use will not be detrimental to the economic welfare of the community, nor shall it create excessive additional requirements at public cost for public utilities or facilities such as police, fire, and schools;
- (13) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible; and
- (14) Wherever no specific areas, frontage, height, or setback requirements are specified for a specific conditional use, then such use shall comply with the lot and site regulations for the applicable zoning district.

**(e) Additional Conditions, Guarantees, and Safeguards**

The Planning Commission may impose such conditions, guarantees, and safeguards as it deems necessary to protect the general welfare and individual property rights, and to ensure that the conditional use will meet the intent and purposes of this code.

**(f) Revocation of a Conditional Use Approval**

- (1) Whenever an approved conditional use is found in violation of any condition, safeguard, or requirement applicable to its approval, the Zoning Administrator shall give notice in the same manner as service of summons in civil cases, or by certified mail to the address of the owner of record at the premises to the address where tax bills are delivered.
- (2) Such notice shall include the reasons the Zoning Administrator finds the conditional use to be in violation of its approval and a statement that the owner shall have 30 days to comply with the conditions, safeguards, or requirements applicable to the conditional use permit approval.
- (3) Upon failure of the owner to comply with the notice, the Zoning Administrator shall notify the Planning Commission of such violations and the stated reasons for the noted violations.

- (4) The Planning Commission shall review the alleged violations of the subject conditional use at their next regularly scheduled meetings and make a decision whether to allow for the continuance of the conditional use approval or to revoke the conditional use approval. If the Planning Commission decides to revoke the approval, such revocation shall be immediate and the conditional use shall cease operation.

**(g) Time Limit**

- (1) A conditional use approval shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six months.
- (2) An approved conditional use permit shall expire after one year unless the applicant submits a completed application for a zoning certificate.
- (3) Upon expiration of a conditional use permit approval, a new application, including all applicable fees, shall be required before a conditional use application will be reviewed.
- (4) Upon written request, one extension of up to one year may be granted by the Zoning Administrator if the applicant can show good cause for a delay.
- (5) As part of the conditional use permit approval, the Planning Commission may authorize alternative time limits for zoning certificate issuance based on the scale of the proposed development.

**(h) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission in respect to the conditional use permit shall have the right to appeal the decision to Village Council in accordance with Section [1103.15: Appeals to Village Council](#).

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**1103.09 Minor Subdivisions**

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**(a) Purpose**

The purposes of the minor subdivision process are to allow for subdivisions of land, consolidation of lots, or transfers of a portion of a lot to an adjacent lot where there will not be the creation of a new street, dedication of right-of-way, or a need for any public improvements. Such purposes are also intended to be in alignment with the platting allowances established in ORC Chapter 711.

**(b) Applicability**

- (1) For the purposes of these regulations, a minor subdivision is a lot split, lot consolidation, or transfer of land between adjacent property owners that complies with all of the following requirements:
  - A. The subdivision shall not result in or create more than five lots, including the remainder of the original lot (e.g., four new lots and the remainder of the original lot);
  - B. The subdivision shall be in compliance with all applicable site development standards in this code or with any approved variance from such standards;
  - C. All lots resulting from the minor subdivision shall have frontage and access on an existing street and shall not require the construction, expansion, or improvement of any street;
  - D. The subdivision shall not require any public improvements or the dedication of rights-of-way; and
  - E. The property has been surveyed and a survey sheet or record plan, in the form provided for in this code, and a full legal description of the changes resulting from the split, are submitted with the application.
  - F.

- (2) A minor subdivision also includes the recombination of land, consolidation of lots, transfer of property from one lot to an adjacent lot, and the dedication of additional land for the widening of existing streets, where no new lots are created.

**(c) Minor Subdivision Review Procedure**

The review procedure for a minor subdivision shall be as follows:

**(1) Step 1 – Application**

- A. The applicant shall submit an application in accordance with Section [1103.06: Common Review Requirements](#), and with the provisions of this section.
- B. The application shall include a draft/proposed deed or other instrument of conveyance in compliance with the forms prescribed by law, and containing an accurate and current legal description based on a boundary survey, of each proposed new lot.
- C. If the minor subdivision involves the transfer of land area from one lot to an adjacent lot, both property owners shall be required to authorize the application and instruments of conveyance shall be submitted for both resulting lots.

**(2) Step 2 – Review and Comment by Applicable Agencies**

- A. Upon determination that the application for a minor subdivision is complete, the Zoning Administrator may transmit copies of the application for review by applicable agencies including, but not limited to, the Village Administrator and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.
- B. Such agencies may supply comments, recommendations, and approvals as applicable, to the Zoning Administrator for consideration prior to the Zoning Administrator's decision (Step 3).

**(3) Step 3 – Review and Decision by the Zoning Administrator**

- A. Within 30 days of the determination that the application (Step 1) is complete, or within an extended timeframe approved by the applicant, the Zoning Administrator shall review the application and approve, approve with modifications that will bring the application into compliance with codes, or deny the application for a minor subdivision based on the review considerations established below. An extension on the decision may be granted with approval from the applicant.
- B. In reviewing the minor subdivision, the Zoning Administrator, on recommendation of the Village Administrator, may require the addition of easements and/or setbacks as part of a transfer of land area between two lots.
- C. If the application is approved with modifications, the applicant shall be required to revise all documents and resubmit for final signing by the Village.
- D. If the Zoning Administrator denies an application for a minor subdivision, the Zoning Administrator shall provide the applicant with written finding for the denial.
- E. No zoning certificate shall be issued by the Village for any activity on lots subject to the minor subdivision unless the revised documents are submitted and signed by the Village and such lots are recorded (Step 4), as approved by the Village.

**(4) Step 4 – Recording Approved Applications**

- A. If the application is approved, the Zoning Administrator shall sign and date all required survey maps or legal descriptions in the minor subdivision, or other forms of conveyance allowed by the Knox County Auditor.

- B. Once signed by the Zoning Administrator, the applicant shall be responsible for obtaining the signed documents and submitting to the Knox County Auditor for the transfer of property and to the Knox County Recorder for the recording of the lots as legal lots of record and providing a copy of said conveyance to the Zoning Administrator, after recording.
- C. In the case of a transfer of land between two adjacent lots, the recording of the revised lots shall take place simultaneously.

**(d) Review Criteria**

In order for a minor subdivision to be approved, the Zoning Administrator must determine the following:

- (1) That the minor subdivision complies with all applicable provisions of this code including, but not limited to, the lot and principal building regulations of Section [1111.01](#);
- (2) That any transfer between lots to be completed is not between two lots of different zoning districts, unless the application has been contemporaneously submitted with an application to amend the zoning map for the parcel to be transferred, and such amendment has been approved;
- (3) That the minor subdivision complies with all other applicable regulations of the Village; and
- (4) That all valid objections to the minor subdivision raised by Village or County departments have been or will be satisfactorily resolved by the applicant.

**(e) Variances**

If the proposed subdivision requires a variance from the minimum lot or principal building regulations (e.g., lot area, lot width, etc.) or other standards mandated by this code in Section [1111.01](#), the applicant will be required to apply for and receive variance approvals (See Section [1103.12.](#)) prior to approval of the minor subdivision.

**(f) Time Limit**

The minor subdivision approval shall expire six months after the Village Administrator signs and dates the minor subdivision conveyance unless the minor subdivision is recorded in the office of the Knox County Recorder during said period.

**(g) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action with respect to the proposed minor subdivision shall have the right to appeal the decision to the PLANNING COMMISSION as established in Section [1103.14](#).

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**1103.10 Major Subdivisions**

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**(a) Purpose**

The purpose of the major subdivision process is to provide a method of review for any subdivision that exceeds the scope of a minor subdivision.

**(b) Applicability**

Any subdivision of land or replat of an existing subdivision that does not meet the applicability requirements of a minor subdivision in Section [1103.09\(b\)](#), shall be subject to the requirements of this section.

**(c) Major Subdivision Review Procedure**

**(1) Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with the Zoning Administrator and/or Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1103.06\(d\)\(1\)](#).



**(2) Step 2 – Application and Filing of the Preliminary Plat**

- A. The applicant shall submit an application, including a preliminary plat, in accordance with Section [1103.06: Common Review Requirements](#), and with the provisions of this section.
- B. The preliminary plat shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.

**(3) Step 3 – Administrative Staff Review and Transmission to the Planning Commission**

- A. Upon determination that the application for a preliminary plat is complete, the Zoning Administrator shall forward the application to the Planning Commission and may transmit copies of the application for review by applicable agencies including, but not limited to, the Village Administrator and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.
- B. The Zoning Administrator may consolidate any comments from the public received in advance of the meeting and comments from the Zoning Administrator or other departments and agencies into a report for the PC to review as part of Step 4.

**(4) Step 4 – Review and Decision on the Preliminary Plat by the Planning Commission**

- A. The Planning Commission shall review the preliminary plat application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B. In making its decision, the Planning Commission shall approve, approve with conditions, or deny the preliminary plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.
- C. The Planning Commission shall make a decision within 60 days of the filing of the preliminary plat (Step 2) unless the Planning Commission and applicant agree to an extension of this time frame. If the Planning Commission fails to act within the 60 days or there is no agreement for an extension of time, the application for a preliminary plat will be considered approved.
- D. If the Planning Commission denies the preliminary plat, the applicant shall not move forward in the review process until a preliminary plat is approved by the Planning Commission.
- E. If the applicant proposed to construct the subdivision in phases, the Planning Commission may approve a timeframe for filing of improvement plans and final plats for each phase.
- F. Approval of the preliminary plat by the Planning Commission does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat and improvement plans.

**(5) Step 5 – Submission of Improvement Plans and the Final Plat**

- A. The applicant shall submit a final plat and related improvement plans and specifications in accordance with Section [1103.06: Common Review Requirements](#). Such application shall take place within three years following the Planning Commission's approval of the preliminary plat unless the Planning Commission approved an alternative schedule, in which case the applicant shall submit in accordance with the approved schedule. Failure to submit the improvement plans within this time frame shall void the preliminary plat approval and the applicant will be required to submit a new application in accordance with these regulations.

- B. The applicant shall submit the improvement plans and specifications in accordance with any applicable board's procedural rules and regulations and the common application requirements under Section [1103.06: Common Review Requirements](#), and with the provisions of this section.
  - C. If a preliminary plat has been previously approved, the final plat shall have incorporated all changes from the preliminary plat approval.
  - D. In cases where the applicant proposes to develop the subdivision in phases, the final plat and improvement plans shall be submitted for each individual phase.
  - E. If the applicant proposes to provide a financial guarantee for the public improvements in lieu of installing all public improvements prior to approval of the final plat, the applicant shall be required to provide all information required as part of Section [1119.05](#).
  - F. Upon determination by the Zoning Administrator that the final plat has been properly submitted, the final plat shall be accepted as being filed.
  - G. The final plat shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.
- (6) Step 6 – Administrative Staff Review of the Final Plat and Improvement Plans**
- A. Upon determination that the submission of the final plat and improvement plans is complete, the Zoning Administrator may transmit copies of the application for review by applicable agencies including, but not limited to, the Village Administrator and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.
  - B. Such agencies shall supply comments and recommendations to the Zoning Administrator prior to the regularly scheduled Planning Commission meeting where the final plat and improvement plans will be subject to review.
  - C. Construction of Improvements**
    - i. Applicants shall have the choice to construct all public improvements prior to the approval of the final plat, without a financial guarantee, but such public improvements must be completed and then inspected and approved by the Village Administrator before the Village can approve the final plat. The improvements shall be constructed within a reasonable time as determined by the Village Administrator and the Subdivider's Agreement (See Section [1119.04.](#)).
    - ii. All required subdivision improvements shall be maintained in a satisfactory condition by the applicant during any interim period between their construction and final approval and acceptance of the subdivision by the Village. Additionally, such improvements shall be subject to maintenance requirements following acceptance in accordance with this section and Section [1119.05](#).
    - iii. If the applicant requests approval of a final plat prior to installation of the public improvements, the applicant shall be required to provide a financial guarantee in accordance with the regulations of this code at the time the final plat is submitted for review.
- (7) Step 7 – Review and Decision on the Final Plat and Improvement Plans by the Planning Commission**
- A. The Planning Commission shall review the final plat and improvement plans at its next regularly scheduled meeting, or at a special meeting, after the final plat is submitted and determined to be complete.



- B. The Planning Commission shall approve, approve with conditions, or deny the improvement plans and final plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily answered by the applicant.
- C. The Planning Commission shall make a decision within 30 days of the filing of the final plat and improvement plans (Step 5) unless the Planning Commission and applicant agree to an extension of this time frame. If the Planning Commission fails to act within the 30 days or there is no agreement for an extension of time, the application for a final plat will be considered approved.
- D. If the Planning Commission denies the final plat and/or improvement plans, the applicant shall not move forward in the review process until a final plat and the improvement plans are approved by the Planning Commission.
- E. Approval of the final plat and improvement plans by the Planning Commission shall not be an acceptance by the public of the offer of dedication of any street, or other public ways or open space on the final plat unless they are accepted by Village Council in the form of the adoption of an ordinance.
- F. At the completion of construction, and before acceptance of the public improvements, the applicant shall furnish the Village a set of record or “as-built” reproducible drawings as well as a digital copy that is compatible with the Village Administrator’s software showing the locations of all public improvements including the sizes and elevations of all underground utilities.

**(8) Step 8 – Acceptance of Improvements by Village Council**

The Village, through action by the Village Council, shall review the final plat and consider acceptance of public improvements made by a applicant only after meeting the following conditions:

- A. The public improvements have been made in accordance with the requirements of this code, and any other manuals or documents referenced in Section [1119.03](#);
- B. Installation of the public improvements has been completed in accordance with the applicable design standards;
- C. All final inspections required by these regulations and the Village have been carried out by the Village, and said public improvements were found to be acceptable by the Village Administrator.
- D. After all public improvements have been installed to the satisfaction of the Village, the applicant shall submit an original copy of as-built improvement plans (showing how all public improvements were actually installed) to the Village Administrator in a format acceptable to the Village Administrator.
- E. After all public improvements have been installed in accordance with the subdivision approvals and these regulations, and the applicant has complied with this section, the Village Council may, by ordinance, accept the public improvements for maintenance with any applicable financial guarantee.

**(9) Step 9 – Disposition of Approved Plat and Recordation**

- A. All required deeds, agreements, and other required legal instruments shall be submitted to the Zoning Administrator within 60 days from the date of the Planning Commission’s approval or such approval shall thereafter be rendered null and void.
- B. Any recorded plat which has not been approved according to the regulations in this chapter shall be considered invalid.
- C. The applicant shall then be responsible for submitting the signed plat to the Knox County Recorder for the recording of the lots as legal lots of record and providing a copy of said plat to the Village after recording.

- D. The approval of a plat shall expire within 120 days after Village Council approval is effective unless the plat has been duly filed and recorded by the applicant as required by law, and the original tracing of the plat has been filed with the Zoning Administrator.

**(d) Review Considerations**

In order to approve a major subdivision, the Planning Commission shall consider the following:

- (1) That the major subdivision complies with all applicable provisions of this code;
- (2) That the major subdivision does not conflict with other regulations, plans, or policies of the Village;
- (3) That the proposed subdivision is designed to be compatible with the existing immediate or surrounding area or is in keeping with the intended character of such area;
- (4) That the proposed streets are in accordance with approved plans and have been coordinated with existing streets, and that adequate measures have been taken to provide ingress and egress so as to allow for adequate and safe traffic flow and minimize traffic congestion in public streets;
- (5) That the proposed subdivision will not adversely affect the delivery of governmental services;
- (6) That applicable review agencies have no objections that cannot be resolved by the applicant;
- (7) That the final plat and improvement plans conform to the approved preliminary plat, if submitted and approved; and
- (8) That proposed street names and addresses are easy to ascertain and communicate for traffic safety and signage.

**(e) Amendments of Application**

- (1) No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the Planning Commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the Planning Commission.
- (2) If the applicant finds, in the process of preparing improvement plans, that the approved preliminary plat, if submitted, is not workable and changes in layout are required, the applicant shall inform the Village Administrator. The Village Administrator may require that a revised preliminary plat be submitted for re-approval following the review procedure in Section [1103.10\(c\)\(4\)](#), above, if the changes significantly alter the design of the subdivision, including changes to the number of lots, modification of street layouts, or other substantial changes. If the proposed changes are technical or minor and do not substantively alter the approved preliminary plat, the Village Administrator may approve the revisions. Failure to submit and receive approval of a revised preliminary plat shall void approval of the preliminary plat and any new submission shall be subject to a new application.
- (3) During the final plat process, the Village Administrator is authorized to allow minor changes related to the public improvements or design where there is minimal impact to the overall design of the subdivision. This limited authority shall not give the Village Administrator the authority to vary the requirements of this code.

- (4) If during the course of construction, any changes or modifications are encountered that are not in conformance with the original approved improvement plans, the applicant shall submit the modified improvement plans (which have now become as-built drawings) to the Village Administrator, who, if in agreement with such modifications, shall sign these drawings to indicate approval of the modifications. If the Village Administrator does not approve the modifications, the applicant shall be required to bring the improvements into compliance with the approved improvement plans or the Village may utilize the financial guarantee to correct the issue.

**(f) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission for decisions on preliminary plats or final plats shall have the right to appeal the decision to the Village Council as established in Section [1103.15: Appeals to Village Council](#).

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**1103.11 Site Plans**

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**(a) Purpose**

The purpose of the site plan review procedure is to ensure that certain types of development comply with the development and design standards of this code. Zoning certificates for any building, structure, expansions, or use of land subject to this section, shall not be issued without an approved site plan.

**(b) Applicability and Review Authority**

- (1) Unless specifically exempted in Section [1103.11\(c\)](#), no construction, expansion, site improvements, or demolition of a building or structure, or use of land, buildings, or structures, shall be permitted without the review and approval of a site plan pursuant to this section.
- (2) The following activities require a major site plan that shall be reviewed by the Planning Commission prior to issuance of a zoning certificate:
  - A. New construction of all principal building unless specifically exempted by Section [1103.11\(c\)](#);
  - B. Any development involving the addition of more than 25 percent of the gross floor area of a structure or more than 5,000 square feet, whichever is less;
  - C. Any site development involving the addition of more than 2,500 square feet of vehicular use areas;
  - D. Any development of a nonresidential use adjacent to a residential zoning district;
  - E. A development that the Zoning Administrator determines conflicts with an adopted Village plan; or
  - F. A development that involves a nonconforming use, nonconforming structure, nonconforming site, or nonconforming lot.
- (3) All other development and activities not identified in Section [1103.11\(b\)\(2\)](#) or exempted in Section [1103.11\(c\)](#) shall require a minor site plan review that shall be reviewed and decided upon by the Zoning Administrator.
- (4) The Zoning Administrator shall have the authority to forward a minor site plan review application, over which they have authority, to the Planning Commission for review as a major site plan review if the Zoning Administrator finds:
  - A. That the proposed use or development could potentially create significant impacts on an adjacent property based on the intensity or proximity of the proposed use or development; or
  - B. There is difficulty in interpreting the application of a standard or regulation as it pertains to the subject site.

**(c) Exemptions**

The following forms of development shall be exempt from the requirements for a major or minor site plan review:

- (1) The construction, enlargement, or other modification of single-family dwellings and two-family dwellings solely for residential uses;
- (2) Any development that has been approved as part of a Planned Development District approval;
- (3) Demolition of a hazardous or nuisance structure;
- (4) Re-occupancy of an existing building or the internal construction or change in the amount of floor area of a building or structure that does not increase the gross floor area, increase the intensity of use, or affect parking, landscaping, or architectural requirements on a site that meets all of the development standards of this code; and
- (5) Accessory and temporary uses as established in [Chapter 1109: Accessory and Temporary Uses](#).

**(d) Minor Site Plan Review Procedure**

The minor site plan review procedures shall proceed as follows:

**(1) Step 1 – Application**

The applicant shall submit an application in accordance with Section [1103.06: Common Review Requirements](#), and with the provisions of this section.

**(2) Step 2 – Zoning Administrator Review and Decision**

- A. The Zoning Administrator may distribute the application to other staff members and other Village departments to solicit comment on the minor site plan application.
- B. Within 15 days after the application is determined to be complete, the Zoning Administrator shall review the minor site plan application in the same manner as a zoning certificate (See Section [1103.13.](#)) and make a decision on the application or forward the application to the Planning Commission as a major site plan review, in which case the Planning Commission shall be responsible for making a final decision on the site plan review. An extension on the decision may be granted with approval from the applicant.
- C. Approval of a minor site plan review shall result in the issuance of a zoning certificate.

**(e) Major Site Plan Review Procedure**

The major site review procedures shall proceed as follows:

**(1) Step 1 – Pre-Application Meeting (Optional)**

An applicant may request a pre-application meeting with the Planning Commission to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1103.06\(d\)\(1\)](#).

**(2) Step 2 – Application**

The applicant shall submit an application in accordance with Section [1103.06: Common Review Requirements](#), and with the provisions of this section.

**(3) Step 3 – Planning Commission Review and Decision**

- A. The Planning Commission shall review the site plan application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete. If the site plan application includes an application for a modification (See Section [1103.11\(f\)](#) below.), then such applications shall be simultaneously reviewed as part of this procedure.

- B. Where a site plan modification is requested, then the major site plan review shall be reviewed as part of a public hearing provided adequate notification is provided pursuant to Section [1103.06\(c\)\(2\)](#).
- C. In reviewing the application, the Planning Commission shall at a minimum, consider the review considerations of this section.
- D. Within 45 days of the Zoning Administrator determining that the application is complete, the Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application. If the application is subject to a public hearing to consider site plan review modifications, then the Planning Commission shall make a decision within 30 days of the close of the public hearing.
- E. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.

**(f) Major Site Plan Review Modifications**

- (1) The Planning Commission may consider modifications from the development standards of this code as it applies to major site plans as part of a separate variance application and review.
- (2) Any modifications to previously approved site plans shall be reviewed in accordance with Section [1103.06\(b\)\(4\)](#).

**(g) Review Considerations**

In order to approve any site plan, the Zoning Administrator or Planning Commission, as applicable, shall consider the following:

- (1) The proposed development is consistent with all the requirements of this code, and other related codes and ordinances of the Village;
- (2) The proposed development is in compliance with the applicable zoning district regulations unless a variance was approved for such regulations;
- (3) The proposed development complies with any established standards or requirements in adopted Village plans;
- (4) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., conditional use permit approvals, variance approvals, etc.);
- (5) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;
- (6) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;
- (7) Adequate provision is made for safe and efficient pedestrian and vehicular travel within the site and to adjacent property;
- (8) The following specific areas shall be preserved to the extent possible as open space:
  - A. Unique and/or fragile areas, including wetlands;
  - B. Significant trees or stands of trees;
  - C. Property within the 100-year floodplain as mapped by the National Flood Insurance Program;
  - D. Poorly drained soils.
  - E. Steep slopes in excess of 20 percent as measured over a 10-foot interval unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken;

F. Habitats of endangered wildlife, as identified by the State of Ohio, Department of Natural Resources, Natural Heritage Program.

G. Historically significant structures, as identified by local officials, Ohio Historic Inventory, or National Register of Historic Places/Districts.

- (9) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;
- (10) Points of ingress/egress to the development shall be controlled and designed in such manner as to minimize conflicts with adjacent properties and developments;
- (11) The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties;
- (12) The design treatment of the site and all proposed structures shall ensure compatibility and sensitivity to adjacent properties and structures;
- (13) Adequate provision is made for emergency vehicle access and circulation; and
- (14) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

**(h) Significance of an Approved Site Plan**

- (1) An approved site plan shall become, for the proposed development, a binding commitment of the specific elements approved for development. The approved site plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit.
- (2) All construction and development under any zoning certificate shall be in accordance with the approved site plan. Any departure from such plan shall be cause for revocation of the zoning certificate and the property owner or other responsible parties are subject to penalties as prescribed by this code.

**(i) Time Limit**

- (1) The applicant shall submit a completed application for a zoning certificate within one year of the date the site plan was approved or the site plan approval shall expire.
- (2) Upon expiration of a site plan approval, a new application, including all applicable fees, shall be required before a new site plan will be reviewed.
- (3) Upon written request, one extension of up to six months may be granted by the Zoning Administrator if the applicant can show good cause for a delay.
- (4) The Planning Commission may authorize alternative time limits for zoning certificate issuance, as part of its approval, based on the scale of the proposed development.

**(j) Appeals**

- (1) Any person or entity claiming to be injured or aggrieved by any final action of the Zoning Administrator for minor site plans shall have the right to appeal the decision to the PLANNING COMMISSION as established in Section [1103.14: Appeals to the Planning Commission](#).
- (2) Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission for major site plans shall have the right to appeal the decision to the Village Council as established in Section [1103.15: Appeals to Village Council](#).



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## 1103.12 Variances

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### (a) Purpose

The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

### (b) Variance Review Procedure

The review procedure for a variance shall be as follows:

#### (1) Step 1 – Application

The applicant shall submit an application in accordance with Section [1103.06: Common Review Requirements](#), and with the provisions of this section.

#### (2) Step 2 – Planning Commission Review and Decision

- A. The Planning Commission shall hold a public hearing within 45 days of the filing of the variance application provided adequate notification is provided pursuant to Section [1103.06\(c\)\(2\)](#).
- B. In reviewing the application, the Planning Commission shall at a minimum, consider the review criteria of this section.
- C. The Planning Commission may request that the applicant supply additional information that the Board deems necessary to review and evaluate the request for a variance.
- D. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application.
- E. In making its decision, the Planning Commission shall make specific findings of fact based directly on the particular evidence presented that the reasons set forth in the application and as presented by the applicant during the public hearing, justify the approval, approval with modifications or supplementary conditions, or denial of the variance application that will make possible a reasonable use of the land, building, or structure.
- F. Within 60 days of the close of the public hearing, the Planning Commission shall render a decision on the variance application unless an extended timeframe is agreed upon by the Planning Commission and the applicant. The Zoning Administrator shall notify the applicant in writing of the decision of the Planning Commission.
- G. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed approved.
- H. In approving a variance, the Planning Commission may impose conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as it determines are required to be ensure compliance with the standards of this section and the purpose of this code. Any conditions established by the Planning Commission shall relate directly to the requested variance.
- I. Any violation of the conditions of approval shall be a violation of this code, subject to the enforcement and penalties of [Chapter 1123: Enforcement and Penalties](#).

**(c) Review Criteria**

Where an applicant is seeking a variance, the following factors shall be considered and weighed by the Planning Commission to determine if a practical difficulty exists that would justify approval of the variance. However, no single factor listed below may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

- (1) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or proximity to non-conforming and inharmonious uses, structures or conditions;
- (2) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (3) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- (4) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- (5) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
- (6) Whether special conditions or circumstances exist as a result of actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);
- (7) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;
- (9) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district; and
- (10) Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

**(d) Time Limit**

- (1) The applicant shall submit a completed application for a zoning certificate and start work within one year of the date the variance was approved or the approval shall expire.
- (2) Upon expiration of a variance approval, a new application, including all applicable fees, shall be required before a variance application will be reviewed.
- (3) Upon written request, one extension of one year may be granted by the Zoning Administrator if the applicant can show good cause for a delay.
- (4) As part of the variance approval, the Planning Commission may authorize alternative time limits for zoning certificate issuance based on the scale of the proposed development.

**(e) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission in regards to a variance application shall have the right to appeal the decision the Village Council as provided in Section [1103.15: Appeals to Village Council](#).



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## 1103.13 Zoning Certificate

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### (a) Purpose

A zoning certificate shall be required in accordance with the provisions of this section in order to ensure that proposed development complies with the standards of this code, and to otherwise protect the public health, safety, and general welfare of the citizens of the Village.

### (b) Applicability

- (1) No building or other structure shall be erected, moved, altered or added to, nor shall any building, structure or land be occupied or used, in part or in whole, without a zoning certificate issued by the Zoning Administrator.
- (2) Any change in use within an existing structure or of land shall require a zoning certificate with the exception that a change in tenancy or ownership of a residential dwelling unit shall not be required to receive a zoning certificate.
- (3) A zoning certificate may be required for the establishment of certain temporary or accessory use as established in [Chapter 1109: Accessory and Temporary Uses](#).
- (4) The use of vacant land shall require the issuance of a zoning certificate.
- (5) Unless otherwise specifically exempted in [Chapter 1117: Signs](#), signs shall require a zoning certificate.
- (6) Zoning certificates shall be issued only in conformity with the provisions of this code unless the application is subject to an approval by the Planning Commission, providing for additional standards, conditions, or modifications, in which case, the zoning certificate shall be issued in conformity with the provisions of those approvals, as applicable.
- (7) Failure to obtain a zoning certificate shall be a violation of this code subject to the provisions of [Chapter 1123: Enforcement and Penalties](#).

### (c) Procedures, Permits, or Certificates Subject to Similar Review

For the purposes of this code, the zoning certificate review shall be an administrative review that may be applied to permits or certificates of other names (e.g., sign permits, temporary use permits, zoning occupancy permit, etc.) if stated in this code. In such cases, the procedure of this section shall still apply.

### (d) Zoning Certificate Review Procedure

The review procedure for a zoning certificate shall be as follows:

#### (1) Step 1 – Application

The applicant shall submit an application in accordance with Section [1103.06: Common Review Requirements](#), and with the provisions of this section.

#### (2) Step 2 – Zoning Administrator Review and Decision

- A. The Zoning Administrator may distribute the application to other staff members and other Village departments to solicit comment on the zoning certificate application.
- B. For any zoning certificate application for seeking or proposing development or applicable activities in a special flood hazard area, the Zoning Administrator shall be required to also review and make a decision on the zoning certificate application as it relates to any flood-related regulations.

- C. Within 15 days after the application is determined to be complete, the Zoning Administrator shall make a decision either approving or denying the zoning certificate application. For applications that include uses, structures, or buildings in a special flood hazard area pursuant to Section [1111.08](#), or for applications that require the submission of a landscaping plan in accordance with [Chapter 1113: Landscaping and Screening](#), the Zoning Administrator shall have 30 days to make a decision on the zoning certificate. An extension on the decision may be granted with approval from the applicant. Where the proposed development is within a special flood hazard area, the Zoning Administrator shall be required to make a decision within the same timeframe.
- D. Prior to finalizing a decision on the application, the Zoning Administrator shall have the authority to provide comments to the applicant regarding necessary revisions to bring the application into full compliance with this code. The Zoning Administrator shall not sign the zoning certificate until the applicant makes all of the appropriate changes and submits all necessary revised forms, maps, and documents to the Zoning Administrator. Failure by the applicant to submit any revised forms, maps, and documents to demonstrate compliance within 90 days of notice from the Zoning Administrator shall be deemed a withdrawal of the application and the applicant shall forfeit all application fees.
- E. If the Zoning Administrator denies the application, such denial shall be accompanied by written explanation of such denial, which shall in no way inhibit or obligate the Zoning Administrator on any future applications. Such decision shall be delivered by certified mail or personal service to the applicant.

**(e) Review Criteria**

- (1) In order to approve any zoning certificate, the Zoning Administrator shall determine the following:
  - A. The application complies with all applicable provisions of this code and the applicable zoning district; and
  - B. The application complies with all approved plans, conditions, or other development approvals that may have been required by this code.
- (2) The Zoning Administrator shall deny any application which they determine contains information which is clearly and demonstrably false. There is no administrative appeal from such denial. Should the applicant file an amended application containing correct information, it shall be treated as a new application and the Zoning Administrator shall collect the filing fee established by this section.

**(f) Time Limit and Abandoned or Suspended Work**

- (1) The applicant shall obtain an approved building permit, where required, and begin construction, within one year of the date the zoning certificate is approved or the approval shall be revoked. The date of approval shall be the date the Zoning Administrator provides a signed copy of the permit to the applicant.
- (2) For activities that do not require a building permit, the activity shall have been substantially begun within one year of approval and is thereafter pursued to completion, as determined by the Zoning Administrator.
- (3) Time limits for permitted temporary uses and structures shall be as authorized in Section [1109.02](#). An approval of a zoning certificate for a temporary use shall include the approved start and end dates for the proposed temporary use.
- (4) Construction shall be completed within 18 months of approval of the zoning certificate or the zoning certificate shall be revoked.

- (5) Upon written request, two extensions of the time limits set forth in (1) and/or (4) above, for up to six months each may be granted by the Zoning Administrator if the applicant can show good cause for a delay. Additionally, the Zoning Administrator shall have the authority to extend the time limits for the start of construction and completion of construction as part of the zoning certificate approval if the scale of the work justifies such extension.
- (6) The Zoning Administrator shall notify the applicant of the revocation of a zoning certificate including notice that further work or use as described in the canceled permit shall not proceed unless and until a new zoning certificate has been obtained or extension granted.
- (7) Upon revocation of a zoning certificate approval, a new application, including all applicable fees, shall be required before a new zoning certificate application will be reviewed.
- (8) The above time limits shall not apply if alternative time limits have been approved by Planning Commission or Village Council as part of a site plan or Planned Development approval.
- (9) For the purposes of this section, construction is deemed to have begun when all necessary excavation and piers or footings for one or more principal buildings included in the plan shall have been completed.

**(g) Revoking a Zoning Certificate**

A zoning certificate shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. The Zoning Administrator shall have the ability to revoke such certificate in accordance with [Chapter 1123: Enforcement and Penalties](#). In the event of the revocation of a zoning certificate, an appeal may be taken to the Planning Commission in accordance with Section [1103.14: Appeals to the Planning Commission](#), of this code.

**(h) Appeals**

Except as provided in Section [1103.13\(e\)\(2\)](#), any person or entity claiming to be injured or aggrieved by any final action of the Zoning Administrator shall have the right to appeal the decision to the Planning Commission as established in Section [1103.14: Appeals to the Planning Commission](#) provided such appeal is made within 15 days after the decision of the Zoning Administrator is mailed by certified letter or personal service to the address listed on the application.

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## **1103.14 Appeals to the Planning Commission**

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**(a) Purpose**

This section sets out the procedures to follow when a person claims to have been aggrieved or affected by an administrative decision of the Zoning Administrator made in the administration or enforcement of this code.

**(b) Applicability**

An appeal may be made regarding any administrative decision made in the administration and enforcement of this code by the Zoning Administrator.

**(c) Initiation**

Appeals may be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the Zoning Administrator, or the appeal may be initiated by the Village Administrator.

**(d) Appeals Review Procedure**

The review procedure for appeals shall be as follows:

**(1) Step 1 – Submission of Appeal**

- A. Within 15 days of the administrative order, decision, determination, or interpretation, the person appealing the decision or their authorized agent shall submit all required information to the Zoning Administrator in accordance Section [1103.06: Common Review Requirements](#).
- B. As part of the submission, the person appealing the decision shall be obligated to submit a statement of how they believe the original decision was incorrect and to provide a basis for the appeal.

**(2) Step 2 – Forwarding of the Record to the Planning Commission**

- A. Upon receiving the written appeal of an administrative decision or determination, the Zoning Administrator shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the Planning Commission. This material shall constitute the record of the appeal.
- B. The Zoning Administrator or person making a decision as the designee of the Zoning Administrator shall have the authority to prepare a report to the Planning Commission summarizing their findings for their decision and providing any supplemental information to assist in the consideration of the appeal.

**(3) Step 3 – Planning Commission Review and Decision**

- A. The Planning Commission shall hold a public hearing within 45 days of the filing of the appeal provided adequate notification is provided pursuant to Section [1103.06\(c\)\(2\)](#).
- B. At the public hearing, the party bringing the appeal shall be provided an opportunity present argument and evidence, and a similar opportunity shall be afforded to those who wish to present additional or opposing arguments or evidence, as well as Village staff, all in accordance with Section [1103.06\(d\)\(2\)](#), with procedural rules as may be established from time to time by the Planning Commission, and/or as announced at the start of the public hearing.
- C. In reviewing the appeal, the Planning Commission shall at a minimum, consider the review considerations of this section.
- D. Within 90 days of the close of the public hearing, the Planning Commission shall render a decision on the appeal. The Zoning Administrator shall notify the appellant in writing of the decision of the Planning Commission.
- E. If the Planning Commission fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.
- F. The decision of the Planning Commission shall become effective immediately.

**(e) Review Considerations**

A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

**(f) Stay**

A properly submitted appeal shall stay all administrative proceedings by the Village in furtherance of the action appealed, unless the Zoning Administrator certifies to the Planning Commission that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the Planning Commission or by a court of competent jurisdiction, for good cause shown.

**(g) Appeals of Planning Commission Decisions**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision the Village Council in accordance with Section [1103.15](#).

**1103.15 Appeals to Village Council**

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**(a) Purpose**

This section sets out the procedures to follow when a person claims to have been aggrieved or affected by a decision of the Planning Commission as established in this chapter.

**(b) Applicability**

An appeal may be made regarding any decision of the Planning Commission as established in Section [1103.03\(e\)](#).

**(c) Initiation**

Appeals to Village Council may be initiated by:

- (1) Any person aggrieved or affected by any order, decision, determination, or interpretation made by the Planning Commission;
- (2) The administrative staff of the Village; or
- (3) A member of Village Council.

**(d) Appeals Review Procedure**

The review procedure for appeals shall be as follows:

**(1) Step 1 – Submission of Appeal**

- A. Within 15 days of the Planning Commission decision of which is being appealed, the person appealing the decision or their authorized agent shall submit all required information to the Zoning Administrator in accordance Section [1103.06: Common Review Requirements](#).
- B. As part of the submission, the person appealing the decision shall be obligated to submit a statement of how they believe the original decision was incorrect and to provide a basis for the appeal.

**(2) Step 2 – Forwarding of the Record to the Village Council**

- A. Upon receiving the written appeal of a decision of the Planning Commission, the Zoning Administrator shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the Village Council This material shall constitute the record of the appeal.
- B. The Zoning Administrator or person making a decision as the designee of the Zoning Administrator shall have the authority to prepare a report summarizing their findings for their decision and providing any supplemental information to assist in the consideration of the appeal.

**(3) Step 3 – Village Council Consideration to Hear Appeal**

- A. The Village Council shall review the application at its next regularly scheduled meeting, provided the appeal was filed a minimum of 10 days prior to the scheduled meeting. If the appeal was filed less than 10 days prior to the next regularly scheduled meeting, the Zoning Administrator shall place the appeal on the agenda for the following regularly scheduled meeting.
- B. Village Council will review the appeal at the meeting to decide if they want to accept and hear the appeal or if the original decision will stand.

- C. In determining whether to hear the appeal, the Village Council may clarify the basis for the appeal by discussing the matter and/or asking questions of the applicant and/or appealing party.
- D. The concurrence of a majority of the Village Council membership is required to hear an appeal. If a majority of Council does not agree to hear the appeal, the original decision will stand and shall be deemed final and binding.
- E. If the Village Council agrees to hear the appeal, the appeal shall move to Step 4 below.

**(4) Step 4 – Village Council Review and Decision**

- A. The Village Council shall hold a public hearing at its next regularly scheduled meeting provided adequate notification is provided pursuant to Section [1103.06\(c\)\(2\)](#).
- B. In reviewing the appeal, the Village Council shall at a minimum, consider the review considerations of this section.
- C. Within 30 days of the close of the public hearing, the Village Council shall render a decision on the appeal. The Zoning Administrator shall notify the appellant in writing of the decision of the Village Council.
- D. The concurrence of two-thirds of the full Village Council membership shall be required to overturn the decision of the Planning Commission.
- E. The decision of the Village Council shall become effective immediately.
- F. If during consideration of such an appeal the Village Council finds that the facts presented by the appealing party differ materially from the written findings of fact issued by the Planning Commission, it may allow for the submission of new facts or the Village Council may remand the matter before it on appeal to the commission or board from which it was appealed for further consideration.

**(e) Review Considerations**

A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

**(f) Stay**

A properly submitted appeal shall stay all administrative proceedings by the Village in furtherance of the action appealed, unless the Zoning Administrator certifies to the Village Council that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the Village Council or by a court of competent jurisdiction, for good cause shown.

**(g) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Village Council shall have the right to appeal the decision the court of common pleas as provided in ORC Chapters 2505 and 2506.

**1103.16 Interpretation of the Code**

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It is the intent of this code that all questions of interpretation related to the administration and enforcement of this code shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Planning Commission only on appeal from the decision of the Zoning Administrator. Such appeals shall be in accordance with Section [1103.14: Appeals](#).





## Chapter 1105: Zoning Districts and Principal Uses

### 1105.01 Purpose

The purpose of this chapter is to set out the individual purpose statements for each of the Village's zoning districts as well as the list of uses that are allowed within each zoning district. The uses are either prohibited or allowed, and where they are allowed, they may be permitted, permitted with additional standards, or conditionally permitted with additional review. Finally, this chapter includes use-specific standards for a variety of uses that apply to the those uses alone in addition to all other applicable standards of this code.

### 1105.02 Establishment of Zoning Districts

#### (a) Districts Established

The Village hereby establishes the following zoning districts to carry out the purposes of this code and to assist in the implementation of plans adopted by the Village.

<b>TABLE 1105-1: ZONING DISTRICTS</b>	
<b>Abbreviation</b>	<b>District Name</b>
<b>Residential Zoning Districts</b>	
ER	Estate Residential District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Multi-Family Residential District
<b>Nonresidential Zoning Districts</b>	
CC	Community Commercial District
VC	Village Center District
RO	Residential Office and Services District
ID	Industrial District
P-I	Public and Institutional District
<b>Special Districts</b>	
PD	Planned Development District



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## 1105.03 Zoning District Map and District Boundaries

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### (a) Zoning District Map

- (1) All land within the Village of Centerburg shall be placed into at least one of the zoning districts established in [Table 1105-1](#), and such zoning shall be shown on the Zoning District Map, which may also be hereafter referred to as the “zoning map”.
- (2) The zoning map, together with all explanatory data thereon, including all changes thereof as hereinafter provided, shall be incorporated, and made a part of this code, thereby having the same force and effect as if fully described in writing.
- (3) The Zoning Administrator shall be responsible for amending the zoning map following approval by the Village Council and the amended map shall be certified by the Clerk of Council.
- (4) This code and the zoning map shall be maintained in the Village offices and shall be available for inspection free of charge during normal business hours.
- (5) A copy of the zoning map and this code may be obtained from the Village Offices. Any person requesting copies shall pay a fee in accordance with the fee schedule adopted and approved by Village Council to defray the cost of reproduction of the materials.

### (b) Interpretation of Zoning District Boundaries

The boundaries of the zoning districts are shown upon the zoning map. When uncertainty exists with respect to the boundaries of zoning districts as shown on the zoning map, the following rules shall apply:

- (1) Where zoning district boundary lines are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.
- (2) Where zoning district boundary lines are indicated as approximately following a centerline of a street or highway, alley, railroad easement, or other right-of-way, or a river, creek, or other watercourse, such centerline shall be the zoning district boundary. In the event of a natural change in the location of such streams, rivers, or other water courses, the zoning district boundary shall be construed as moving with the channel centerline.
- (3) Where zoning district boundary lines are indicated as approximately following Village limits, such Village limits shall be the zoning district boundary.
- (4) When the actual street, right-of-way, property line boundary or other existing ground condition is in conflict with that shown on the zoning map, the Zoning Administrator shall provide the necessary interpretation, with their decision appealable to the Planning Commission.
- (5) The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Village and to submit technical evidence to support their claim.

### (c) Vacation of Public Rights-of-Way

Whenever any street, alley, or other public way is vacated in a manner authorized by law, and where zoning was not already interpreted as to extend to the centerline of such public right-of-way according to Paragraph [1105.03\(b\)\(2\)](#), above, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

### (d) Zoning of Annexed Territory

- (1) All territory annexed to the Village after May 1, 2006, shall immediately upon annexation be classified in the Estate Residential District and shall be subject to the regulations and standards this code, unless otherwise agreed and explicitly rezoned by Village Council in accepting said annexation of property to the Village.

- (2) Within 30 days of the effective date of the ordinance annexing territory to the Village, an applicant may seek a zoning map amendment to another district in accordance with Section [1103.07](#).

#### **1105.04 Zoning District Purpose Statements**

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In addition to the overall purpose of this code as established in Section [1101.01: Purpose](#), the following are the purpose statements for the individual zoning districts in the Village of Centerburg, Ohio. The purpose of Planned Development Districts is set out in Section [1107.01](#).

**(a) Estate Residential District (ER)**

The purpose of the Estate Residential District (ER) is to provide a transition between more rural areas of the Village of Centerburg and adjacent jurisdictions, and more urbanized portions of the Village. These areas may or may not be served by public utilities yet but are still expected to develop at a lower density.

**(b) Single-Family Residential District (R-1)**

The purpose of the Single-Family Residential District (R-1) is to encourage and provide for the orderly development of primarily low-density single-family homes and customary supporting residential facilities, such as schools, churches, parks, and open spaces.

**(c) Single-Family Residential District (R-2)**

The purpose of the Single-Family Residential District (R-2) is to provide for the orderly development of primarily moderate-density single-family homes and customary supporting residential facilities, such as schools, churches, parks, and open spaces.

**(d) Multi-Family Residential District (R-3)**

The purpose of the Multi-Family Residential District (R-3) is to encourage and provide for the orderly development of moderate density detached and attached housing types, with multiple dwelling units per structure, as well as the customary supporting residential facilities, such as schools, churches, parks, and open spaces. It is furthermore the purpose of this district to ensure that the location of such uses are in close proximity to community services and major thoroughfares that lend themselves to effective integration into the neighborhood by location and function.

**(e) Community Commercial District (CC)**

The purpose of the Community Commercial District (CC) is to accommodate primarily commercial business, personal, professional and roadway service uses that cater to the needs of both the regional and local market. Development standards for single, free-standing uses on individual lots and shopping centers are regulated separately to encourage consolidation of lots into shopping centers of five acres or more.

**(f) Village Center District (VC)**

The purpose of the Village Center District (VC) is to preserve, protect, and promote the Village-scale central commercial environment through promotion of and limitation to Village-scale commercial pursuits developed in a manner that is pleasant, safe, and convenient, the promotion of adaptive reuse of older commercial structures, and those constructed originally as residences, for appropriate village-scale commercial purposes, retention of the village scale and character through the limitation of uses, use sizes and characteristics, provision for the realization of a fine-grained intermixture of small-scale residential, office, and retail uses that was the hallmark of village life, and minimization of the impact of provisions for auto parking on loss of community character.

**(g) Residential Office and Services District (RO)**

The purpose of the Residential Office and Services District (RO) is to provide for a transitional area of uses along major thoroughfares that are occupied by older single-family residences, but are subject to development pressure for commercial and office uses. The intent of the district is to provide for small low-intensity administrative and professional offices as an alternative use in such areas, while preserving the area's residential character.

**(h) Industrial District (ID)**

The purpose of the Industrial District (ID) is to provide suitable areas for industrial activities. Uses developed within this district are intended to maintain an environment relative to noise, odor, dust, smoke, light, glare, or vibration that is compatible with adjacent land uses and in compliance with applicable State and Federal environmental regulations. Uses within this district are intended to operate without imposing any unusual burdens upon utility or government services.

**(i) Public and Institutional District (P-I)**

The purpose of the P-I District is to establish sites for various governmental, institutional, educational, recreational, or other public or quasi-public uses that are integral parts of the community while also ensuring compatibility with the surrounding neighborhoods.

**1105.05 Allowed Principal Uses**

**(a)** [Table 1105-2](#) lists the principal uses allowed within the various zoning districts, except for uses allowed in PD Districts, which are established in [Chapter 1107: Planned Developments](#).

**(b) Explanation of Table of Allowed Permitted Uses**

**(1) Permitted Uses**

- A. A "P" in a cell indicates that a use type is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable standards of this code.
- B. Permitted uses are approved administratively by the Planning Commission through the site plan review process or by the Zoning Administrator through the zoning certificate procedure, unless subject to additional reviews (e.g., variance, etc.).

**(2) Permitted Uses with Standards**

- A. A "PS" in a cell indicates that a use type is allowed by-right in the respective zoning district if it meets the additional standards as identified in the last column of [Table 1105-2](#). Permitted uses with standards are subject to all other applicable standards of this code.
- B. Uses permitted with standards are approved administratively by the Planning Commission through the site plan review process or by the Zoning Administrator through the zoning certificate procedure, unless subject to additional review (e.g., variance, etc.).
- C. Where Planning Commission or the Zoning Administrator determine that such standards have not been met, such determinations are subject to appeal in accordance with [Section 1103.14](#), or the applicant may submit the same or substantially similar information under an application for a variance pursuant to [Section 1103.12](#) or a conditional use pursuant to [Section 1103.08](#).

**(3) Conditional Uses**

- A. A "C" in a cell indicates that a use may be permitted if approved by the Planning Commission through the conditional use review procedure. Conditional uses may be subject to use-specific standards as identified in the last column of [Table 1105-2](#). Conditional uses are subject to all other applicable standards of this code.

- B. The existence or lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any conditional use listed in the table shall be subject to the general review standards for all conditional uses established in Section [1103.08\(d\)](#).
- C. Where a use is listed as P/C or PS/C, there may be certain circumstances in which a conditional use approval may be required rather than the use being permitted or permitted with standards. The specific approval required shall be as established in the use-specific standards.

#### **(4) Prohibited Uses**

- A. A blank indicates that a use is prohibited in the respective zoning district.
- B. Any use not specifically listed shall be considered prohibited unless allowed in accordance with Section [1105.05\(d\)](#), below.
- C. The cultivation of medical marijuana, or the processing or retail dispensing of medical marijuana product within the Village is hereby specifically prohibited.
  - i. This section does not prohibit research related to marijuana conducted at a state university academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity, if otherwise permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.
  - ii. Nothing herein is intended to regulate or prohibit a physician from recommending medical marijuana for a qualifying medical condition, or a registered patient from possessing or using medical marijuana as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

#### **(5) Use-Specific Standards**

- A. The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.
- B. Use-specific standards shall only apply if the use is permitted with standards (PS) or a conditional use (C). If the use is permitted with standards in some districts and conditional in other districts, the use-specific standards shall apply to both the districts where it is permitted with standards and where it is conditionally permitted.
- C. This section provides site planning, development, and/or operating standards for certain land uses that are permitted with standards or conditionally permitted in [Table 1105-2](#).
- D. The land uses and activities covered by this section shall comply with the applicable use-specific standards in all districts unless otherwise specified, in addition to all other applicable provisions of this code.

#### **(c) Multiple Uses**

If multiple uses are proposed on a single lot or in a single building then each of the individual uses has to be allowed in the applicable zoning district and reviewed in accordance with how the individual use is allowed in the district (i.e., permitted, permitted with standards, or conditional use).

#### **(d) Use Determination and Unlisted Uses**

- (1) The Zoning Administrator shall make the determination if a proposed use is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section.

- (2) The Zoning Administrator may determine that a proposed use that is not already listed in this code is substantially similar to a use that is permitted, permitted with standards, or a conditional use established in [Table 1105-2](#) based on the proposed use activities, character of the business, similarity to existing uses within the Village, or any other relevant information from reliable sources. If the Zoning Administrator finds that the proposed use is substantially similar to a use established in [Table 1105-2](#), the application shall be processed in the same manner as the similar use.
- (3) In finding that a proposed use is similar to a use established in [Table 1105-2](#), the Zoning Administrator shall make a note of the similar use in the approved application form.
- (4) If the Zoning Administrator makes the determination that a use is prohibited, the application shall not be processed, and the application fee shall be returned.
- (5) If the applicant disagrees with the Zoning Administrator’s determination regarding the proposed use, the applicant may choose to take one of the following actions:
  - A. The applicant may appeal the determination of the Zoning Administrator to the Planning Commission pursuant to Section [1103.14: Appeals](#); or
  - B. The applicant may present their case to the Planning Commission and/or Village Council to request that the Village initiate a text amendment to address the proposed use and applicable standards.

**(e) Table of Allowed Principal Uses**

TABLE 1105-2: ALLOWED PRINCIPAL USES										
Land Uses P=Permitted Use PS=Permitted Use with Standards C=Conditional Use	ER	R-1	R-2	R-3	CC	VC	RO	ID	P-I	Use-Specific Standards See Section:
<b>Agricultural Use Classification</b>										
Agriculture (Raising of Crops)	P									
<b>Residential Use Classification</b>										
Dormitories and Student Housing				C					P	
Dwelling, Single-Family	P	P	P	P			P			
Dwelling, Two-Family				P						
Dwellings, Multi-Family				P						
Permanently Sited Manufactured Housing	PS	PS	PS	PS						<a href="#">1105.06(a)</a>
Residential Facilities	PS	PS	PS	PS/C			PS		PS	<a href="#">1105.06(b)</a>
<b>Public, Institutional, and Recreational Use Classification</b>										
Active Recreational Facilities	C	C	C	C	C	C	P	P	P	
Camps and Campgrounds	C								P	
Cemeteries									P	
Churches and Places of Worship	PS	PS	PS	PS	C	C	C		PS	<a href="#">1105.06(c)</a>
Cultural Facilities					C	C	C		P	
Educational Institutions (Higher Education)					C				P	
Educational Institutions (Preschool and K-12)	C	C	C	C	C				PS	<a href="#">1105.06(d)</a>
Fraternal, Charitable, and Service Oriented Clubs					C	C	C		PS	<a href="#">1105.06(e)</a>
Government Offices and Buildings (No Outdoor Activities)					P	P	C		P	
Hospitals					C				P	<a href="#">1105.06(f)</a>

**TABLE 1105-2: ALLOWED PRINCIPAL USES**

<b>Land Uses</b> P=Permitted Use PS=Permitted Use with Standards C=Conditional Use	<b>ER</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>CC</b>	<b>VC</b>	<b>RO</b>	<b>ID</b>	<b>P-I</b>	<b>Use-Specific Standards</b> See Section:
Nursery Schools and Day Care Centers					C	C	C		P	<a href="#">1105.06(g)</a>
Passive Parks, Open Space, and Natural Areas	P	P	P	P	P	P	P	P	P	
Public Utility Buildings and Facilities	C	C	C	C	C			P	P	
Residential Community Centers	C	C	C	C						<a href="#">1105.06(h)</a>
Skilled Nursing or Personal Care Facilities				C	C		C		PS	<a href="#">1105.06(i)</a>
Substance Abuse Treatment Facilities					C		C		PS	<a href="#">1105.06(j)</a>
Wireless Telecommunication Facilities	C	C	C	C	C		C	C	P	<a href="#">1105.06(k)</a>
<b>Commercial, Office, and Mixed-Use Classification</b>										
Administrative, Business, or Professional Offices					P	P	C	P		
Adult Entertainment Businesses					C			C		<a href="#">1105.06(l)</a>
Animal Boarding, Training, or Daycare Facilities	C							PS		<a href="#">1105.06(m)</a>
Animal Hospital/Clinics and Animal Grooming	C				C	C	C			<a href="#">1105.06(n)</a>
Assembly Halls or Conference Centers					C	C		P		
Automobile, Motorcycle, Recreational Vehicle Sales and Leasing					C					
Automotive Repair and Service (Minor)					PS					<a href="#">1105.06(o)</a>
Automotive Repair and Service (Major)					C			P		<a href="#">1105.06(p)</a>
Bed and Breakfast Establishments	C	C	C				C			<a href="#">1105.06(q)</a>
Commercial and Business Support Services					P	P				
Commercial Recreational Facilities (Indoors)					C	C	C	P		
Commercial Recreational Facilities (Outdoors)					C			C		
Financial Institutions					P	P	P			
Fuel Stations					C					<a href="#">1105.06(o)</a>
Funeral Homes					C		C	P		<a href="#">1105.06(r)</a>
Hotels and Motels					P					
Medical/Dental Clinics and Urgent Care					P	P	C			
Microbrewery, Microdistillery, or Microwinery					PS	PS		PS		<a href="#">1105.06(s)</a>
Mixed Use Buildings					PS	PS				<a href="#">1105.06(t)</a>
Multi-Tenant Uses					P	P		P		<a href="#">1105.06(u)</a>
Parking Lots or Garages					C	C			P	<a href="#">1105.06(v)</a>
Personal Services					P	P	P			
Restaurants					P	P				



**TABLE 1105-2: ALLOWED PRINCIPAL USES**

Land Uses P=Permitted Use PS=Permitted Use with Standards C=Conditional Use	ER	R-1	R-2	R-3	CC	VC	RO	ID	P-I	Use-Specific Standards See Section:
Retail Businesses					P	P				
Short-Term Rentals	C	C	C		PS	PS	C			1105.06(w)
Theaters					C	C				
Vehicle Washing Establishments					C					1105.06(w)(5)
Industrial Use Classification										
Contractor Equipment and Storage Yards								P		
Industrial Service Uses								P		
Industrial Uses, Heavy								C		
Industrial Uses, Light								P		
Research and Development Facilities								P		
Self-Storage Facilities (Indoor)								P		1105.06(y)
Self-Storage Facilities (Outdoor)								C		1105.06(y)
Truck and Heavy Equipment Sales								P		
Warehouses								P		
Wholesale Establishments								P		

**1105.06 Use-Specific Standards**

**(a) Permanently Sited Manufactured Housing**

The following standards shall apply to any permanently sited manufactured housing:

- (1) The housing shall meet the definition of a permanently sited manufactured home as established in the ORC.
- (2) The housing shall comply with all zoning requirements of a single-family dwelling in the applicable zoning district.
- (3) Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, do not qualify as a permanently sited manufactured home and shall be prohibited.

**(b) Residential Facilities**

- (1) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where single-family dwellings are permitted, such use shall be deemed a permitted use in the ER, R-1, R-2, and R-3 Districts. Such facilities must comply with the lot and principal building regulations (See Section [1111.01.](#)) and any other standards in this code that apply to all single-family dwellings within the applicable district.
- (2) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where multi-family dwellings are permitted, such use shall be deemed a conditional use in any the R-3 District. Such facilities shall comply with the lot and principal building regulations (See Section [1111.01.](#)) and any other standards in this code that apply to all multi-family dwellings within the applicable district.

**(c) Churches and Places of Worship**

The minimum lot size shall be three acres.

**(d) Educational Institutions (Preschool and K-12)**

The minimum lot size shall be three acres.

**(e) Fraternal, Charitable, and Service Oriented Clubs**

Accessory uses necessary to the operation of such use, such as clubhouses, restaurants, bars, swimming pools and similar activities, shall be permitted if they comply with the applicable standards in Section [1109.01](#). However, such uses where the conduct of business is the principal activity shall be prohibited.

**(f) Hospitals**

- (1) New hospitals shall be on a lot with primary vehicular access on an arterial street without going through a residential neighborhood to minimize the impact on less intense residential uses.
- (2) Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas.
- (3) The areas devoted to the outdoor storage of such vehicles shall be enclosed with a fence having a minimum height of six feet.
- (4) Access drives shall be located no less than 100 feet from an intersection.
- (5) Helicopter access or traffic is not ancillary, implied, or otherwise considered a part of a hospital use, and any request for a helipad, helicopter landing zone, or similar facility or use may only be allowed if approved as a conditional use in accordance with Section [1103.08](#).

**(g) Nursery Schools and Day Care Centers**

- (1) For day nursery schools and day care centers that provide services to children, there shall be a fenced outdoor play area that complies with the State of Ohio licensing requirements.
- (2) The use of outdoor play areas shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.
- (3) An on-site drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four automobiles for facilities 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) Access from an arterial or collector street shall be provided or the Planning Commission can authorize an alternative access if the applicant can demonstrate that access will be in a manner that does not cause heavy traffic on residential streets.

**(h) Residential Community Centers**

- (1) One residential community center shall be allowed within an individual subdivision or for a multi-family dwelling development with more than 12 dwelling units.
- (2) Additional residential community centers may be approved as part of a development that is approved as a PD District development.
- (3) The residential community center shall only be for the use of residents and their guests.

**(i) Skilled Nursing or Personal Care Facilities**

- (1) Skilled nursing or personal care facilities shall be located so as to provide access from an arterial or collector street.
- (2) Buildings shall be set back a minimum of 40 feet from all street rights-of-way lines.
- (3) Buildings shall be set back 15 feet from all other lot lines unless the adjacent lot is in a residential district, in which case, the minimum setback shall be equal to the minimum yard setbacks of the adjacent residential district.
- (4) All paved areas shall be set back a minimum of 10 feet from all lot lines.
- (5) The maximum lot coverage of all buildings and paved areas shall be 50 percent.



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- (6) The maximum density of these facilities varies based on the specific type of facility as established below:
- A. If the proposed facility includes an independent living component (no skilled or personal care services provided), the independent living component shall be limited to the uses and maximum density permitted by the applicable zoning district. In a nonresidential zoning district, that maximum density shall be six units per acre. In no case shall the independent living component comprise more than 50 percent of the dwelling units or rooms in the proposed development, or the use shall be subject to the maximum lot size and densities established in the zoning district.
  - B. The maximum density of congregate housing or assisted living facilities shall be 12 units per acre in the R-3, CC, VC, and R) Districts and 20 units per acre in the P-I District regardless if the unit is a complete dwelling unit with separate kitchen facilities.
  - C. All other types of skilled nursing or personal care facilities shall comply with the maximum height and setback requirements of the applicable zoning district and any conditions or requirements set forth as part of the conditional use approval.
  - D. The Planning Commission may set maximum density or intensity requirements as part of the conditional use approval based on the density or character of surrounding uses.
- (7) The maximum height of buildings shall be 35 feet. The maximum height may be increased to 50 feet by Planning Commission if the lot is not adjacent to any single- or two-family dwellings. If the building is adjacent to a single-family or two-family dwelling, the building height may be increased to a maximum height of 50 feet by Planning Commission if one foot of additional setback is provided for each additional foot of height over 35 feet, along the affected property line.
- (8) Provision shall be made for an Emergency Medical Service drive or zone.
- (9) The facilities are encouraged to be within reasonable walking distance, generally within two blocks, of major traffic arteries, shopping, community facilities, and other daily activities. If this requirement cannot be met, daily service by shuttle bus for residents to these activities must be available.
- (10) A minimum of 20 percent of the total site shall be designated as common open space for active and/or passive recreational uses. Common open space shall not include required setback and buffer yard areas. Up to 40 percent of the required common open space area may be provided in the form of a common leisure/recreation room.
- (j) Substance Abuse Treatment Facilities**
- (1) Substance abuse treatment facilities shall be located so as to provide access from an arterial or collector street.
  - (2) Buildings shall be set back a minimum of 40 feet from all street rights-of-way lines.
  - (3) Buildings shall be set back 50 feet from all other lot lines unless the adjacent lot is in a residential district, in which case, the minimum setback shall be 250 feet from any adjacent dwelling unit.
  - (4) All paved areas shall be set back a minimum of 10 feet from all lot lines.
  - (5) The maximum density of development shall be the same as skilled nursing or personal care facilities, above.
- (k) Wireless Telecommunication Facilities**
- (1) The minimum lot area shall be that of the applicable zoning district or one acre, whichever is more.

- (2) Setbacks from each lot line shall be equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than 20 feet above the existing structure.
- (3) The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet the accessory building requirements of the applicable zoning district.
- (4) Perimeter landscaping shall be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year-round opacity of 75 percent. The landscaping shall have a minimum height of six feet around the base of a tower. The Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.
- (5) A paved access drive and one paved parking space shall be provided for a service vehicle.
- (6) Lighting on the site shall be limited to cutoff style fixtures for control of light spread. Lighting on the tower shall be prohibited required by the Federal Aviation Administration (FAA).
- (7) The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- (8) Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.
- (9) All approved installations must allow other providers to co-locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.
- (10) All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.
- (11) The applicant or any subsequent owner of the facility will remove it within 90 days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.
- (12) The use of monopole construction for new towers is strongly encouraged. Only monopole construction shall be allowed in residential districts.
- (13) No signage or advertising is to be displayed on the tower structure.

**(I) Adult Entertainment Businesses**

**(1) Purpose and Findings**

- A.** It is the purpose of this section to regulate adult entertainment businesses in order to promote the health, safety, morals and general welfare of the citizens of the Village, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment businesses within the Village. The provisions of this chapter do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment of their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

- B. Village Council has received substantial evidence concerning the adverse secondary effects of adult uses on a community based on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young V. American Mini Theaters*, 426 U.S. 50 (1976) and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities, including, but not limited to Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; St. Paul, Minnesota; New York, New York; Cleveland, Ohio; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington.

## **(2) Classification**

Adult entertainment businesses shall be classified as follows:

- A. Adult arcades;
- B. Adult bookstores, adult novelty stores or adult video stores;
- C. Adult cabarets;
- D. Adult motion picture theaters; and
- E. Adult theaters.

## **(3) Locational Requirements**

All adult entertainment businesses shall meet the following location requirements.

- A. No adult entertainment business shall be established within 250 feet of any area zoned for residential use or any lot on which is located a residential use.
- B. No adult entertainment business shall be established within a radius of 250 feet from any educational institution or cultural institution, whether public or private, governmental or commercial, which educational institution or cultural institution is attended by persons under 18 years of age.
- C. No adult entertainment business shall be established within a radius of 250 feet from any commercial recreational facility (indoor or outdoor) which is primarily advertised for families and/or children where such facility is attended by persons under 18 years of age.
- D. No adult entertainment business shall be established within a radius of 250 feet from any active recreational facility or a passive park, open space, or natural area.
- E. No adult entertainment business shall be established within a radius of 250 feet from any business licensed pursuant to the alcoholic beverage control regulations of the State of Ohio.
- F. No adult entertainment business may be established, operated or enlarged within 250 feet of another adult entertainment business.
- G. Not more than one adult entertainment business shall be established or operated in the same building, structure or portion thereof.
- H. No adult entertainment business shall be established within a radius of 250 feet from any place of worship.
- I. The distances specified in this section shall be measured in a straight line, without regard to intervening structures, from the nearest point of the premises in which the proposed adult entertainment business is to be established to the nearest property line of a use or zoning classification listed above or another adult entertainment business. The presence of a Village, County or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

**(4) Nonconforming Adult Entertainment Business**

Any adult entertainment business lawfully operating before the effective date of this code, that is in violation of any of the provisions of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use.

**(5) Development Standards**

Adult entertainment businesses are subject to the following standards:

- A. No adult entertainment business shall be located in any temporary or portable structure.
- B. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.
- C. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance or exit to the business.
- D. All entrances to an adult entertainment business shall be clearly and legibly posted with a notice indicating that minors are prohibited from entering the premises.
- E. The adult entertainment business shall not conduct or sponsor any activities, which created a demand for parking spaces beyond the number of spaces required by the business.
- F. No adult entertainment business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to specified sexual activities or specified anatomical areas, inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any merchandise, display, decoration, sign, show window or other opening.

**(m) Animal Boarding, Training, or Daycare Facilities**

- (1) Care and boarding of animals shall be limited to domestic animals and may not include cattle, horses, swine, llamas, chickens, or other similarly sized animals, nor shall it include the breeding of such domestic animals.
- (2) All structures and outdoor run areas designed to house or accommodate animals, either permanently or temporarily, shall be set back a minimum of 100 feet from all lot lines. All other structures related to the use of the property shall be set back in accordance with the applicable zoning district.
- (3) Each structure shall be designed and maintained in a manner to prevent the development of unsanitary conditions.
- (4) Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so animal noises will not be audible at any point on the perimeter of the property.
- (5) A solid wood fence or masonry wall with a minimum height of six feet shall be constructed where a kennel or animal boarding facility is located adjacent to a residential zoning district.

**(n) Animal Hospital/Clinics and Animal Grooming**

Animal hospitals, clinics, and animal grooming establishments shall not include any overnight accommodation for animals unless temporary for the purposes of medical care.

**(o) Automotive Repair and Service (Minor) and Fuel Stations**

- (1) Fuel pumps shall be set back a minimum of 40 feet from all lot lines and 100 feet from all adjacent lot lines of lots in residential zoning districts.
- (2) Canopies shall be set back a minimum of 20 feet from all lot lines and 50 feet from all adjacent lot lines of lots in residential zoning districts.
- (3) The maximum lot coverage shall be 60 percent.
- (4) All hydraulic hoists, oil pits, and all lubricants, greasing, vehicle washing, and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.
- (5) Activities shall be limited to:
  - A. The sale of automotive fuel;
  - B. The servicing of motor vehicles with minor repair work such as the changing of oil, other fluids, tires, batteries, etc. but not including any major engine or body work;
  - C. Hand washing of vehicles within an enclosed building (all other forms of vehicle washing shall be classified as a vehicle washing establishment as regulated in this chapter);
  - D. The retail sale of vehicle parts and products relating to minor repair work, such as, but not limited to, oil, grease, tires, antifreeze, batteries, windshield wipers.
- (6) Space for overnight parking, overnight accommodations, or the inclusion of showers within the building shall be prohibited.
- (7) Any major repair work, including but not limited to, automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work shall be classified as “automotive repair and service (major)” and shall be subject to Section [1105.06\(p\)](#).
- (8) Vehicles being serviced or awaiting same shall be stored for no longer than 14 days on the site if in unenclosed areas.
- (9) All repair work must be performed in a fully enclosed building.
- (10) There shall be no more than two driveway openings along any frontage.
- (11) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable Federal, State, and local requirements.
- (12) Outdoor solid waste and recyclable storage areas shall be screened in accordance with Section [1113.07](#).

**(p) Automotive Repair and Service (Major)**

- (1) A major automotive repair and service establishment shall be subject to the same requirements as an automotive repair and service establishment as established in Section [1105.06\(o\)](#).
- (2) The principal structure shall be set back a minimum of 150 feet from any residential zoning district. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 50 feet from any adjacent lot in a residential district.
- (3) The storage of non-operational vehicles for longer 14 days shall be permitted if stored in the rear yard and screened by a solid landscaping wall or fence with a minimum height of six feet.
- (4) The use may be subject to additional screening requirement in accordance with Section [1105.06\(o\)](#).
- (5) Vehicle service and repair shall be done in an enclosed building.
- (6) Vehicles awaiting repair shall be parked in designated parking spaces and shall not encroach on driving aisles, landscaped areas and drive approaches. No part of the street right-of-way shall be used for parking of vehicles awaiting service.

- (7) Damaged or inoperable vehicles shall not be used for storage purposes.

**(q) Bed and Breakfast Establishments**

- (1) The building utilized for the bed and breakfast establishment shall have been originally designed as a single-family dwelling structure prior to the effective date of this code.
- (2) The maximum length of stay for any guest is 14 consecutive days.
- (3) The facility must be operated and managed by the property owner or leaseholder, who must reside on the premises while the bed and breakfast establishment is in operation.
- (4) Only residents of the home may serve as employees at the bed and breakfast.
- (5) Only overnight guests shall be served meals unless otherwise authorized as part of the conditional use approval.
- (6) All activities related to the establishment shall take place within the principal dwelling and not within a garage or accessory building. Furthermore, all access to rooms shall be from within the principal building.
- (7) There shall be a maximum of three guest rooms with no more than two guest rooms sharing a single bath and no more than six adult guests at one time. For the purpose of this section, "adult" means any person over the age of 18 years.
- (8) There shall be no exterior evidence of the use except that the owner may provide one wall-mounted sign in accordance with Section [1117.02\(e\)](#).
- (9) No building additions or alterations may be undertaken for the sole purpose of expanding the bed and breakfast use unless approved as part of the conditional use review.
- (10) All parking shall comply with [Chapter 1115: Parking, Access, and Connectivity](#).

**(r) Funeral Homes**

- (1) Vehicular use areas shall be designed to allow for the queuing of vehicles if funeral processions are intended to originate or terminate at the establishment.
- (2) All funeral homes shall be located so as to provide access from an arterial or collector street.
- (3) Cremation services shall be permitted only in the ID District.

**(s) Microbrewery, Microdistillery, or Microwinery**

- (1) A microbrewery, microdistillery, and microwinery shall be allowed in the CC and VC Districts when the majority of the floor area is dedicated to being used for restaurant service or for the serving of drinks made on site so that the use fits into the retail character of the districts. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.
- (2) A microbrewery, microdistillery, and microwinery in the ID District may include a taproom area to serve customers drinks made on site provided the floor area of the taproom does not exceed 50 percent of the total footprint of the use. Food service may be included within the 50 percent total footprint. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.

**(t) Mixed-Use Buildings**

- (1) Mixed-use buildings may include multi-family dwelling units on all floor so the building except the first floor.
- (2) The maximum density of dwelling units shall be eight units per acre.
- (3) Each dwelling unit shall have a minimum livable area of 400 square feet.
- (4) Mixed-use buildings may include any commercial and office use permitted in the applicable district if reviewed in accordance to how they are allowed (e.g., permitted, permitted with standards, or conditionally permitted).

**(u) Multi-Tenant Uses**

- (1) There shall be a maximum of four tenant spaces permitted in any multi-tenant building.

- (2) The limitation on the number of tenant spaces shall not apply if all tenant spaces are accessed from a common interior area.

**(v) Parking Lot or Garages**

The design of a parking lot that is the principal use of a lot shall comply with the vehicular use design standards of Section [1115.03](#). Such uses shall also be subject to applicable landscaping and screening standards.

**(w) Short-Term Rentals**

- (1) All activities related to the establishment shall take place within the principal dwelling and not within a garage or accessory building. Furthermore, all access to rooms shall be from within the principal building.
- (2) There shall be a maximum of five guest rooms with no more than two guest rooms sharing a single bath and no more than 10 adult guests at one time. For the purpose of this section, “adult” means any person over the age of 18 years.
- (3) Any dwelling unit that is used for a short-term rental shall be constructed to meet the requirements of the International Property Maintenance Code, as adopted by the Village.
- (4) There shall be no exterior evidence of the use except that the owner may provide one wall-mounted sign in accordance with Section [1117.02\(e\)](#).
- (5) No private events or parties shall be hosted at the short-term rental that exceeds the maximum occupancy of the short-term rental unit.
- (5) All parking shall comply with [Chapter 1115: Parking, Access, and Connectivity](#).

**(x) Vehicle Washing Establishments**

- (1) All structures shall be set back a minimum of 50 feet from any adjacent lot lines of lots in residential zoning districts. Any self-service washing establishment or portion of a building used for self-service washing shall be set back a minimum of 100 feet from any adjacent lot lines of lots in residential zoning districts.
- (2) In order to prevent excessive pooling of water in the street right-of-way, the facility must be equipped with a dryer or must demonstrate adequate drainage on-site to accommodate all water used for cleaning.
- (3) There shall be adequate provision for the disposal of wastewater and the prevention of surface runoff.
- (4) Vacuuming and/or steam cleaning equipment may be located outside but shall not be placed in the yard adjoining a residential zoning district. Such areas shall be set back a minimum of 150 feet from any adjacent lot lines of lots in residential zoning districts.
- (5) If at all possible, exit doors shall be oriented away from the street right-of-way. If not possible, a hard surface exit drive not less than forty feet in length shall be provided between the exit doors and the street.
- (6) The use shall be subject to the vehicle stacking space requirements of Section [1115.07](#).

**(y) Self-Storage Facilities – Indoor and Outdoor**

- (1) The leases for all self-storage units shall include clauses related to the following:
  - A. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials is prohibited;
  - B. That the tenant shall be required to provide access to the Fire Department up to three times per calendar year for inspections related to the fire code; and
  - C. The property may not be used for any uses other than dead storage.
- (2) There shall be no retail sales on the property with the exception that the owner or their designee may hold an auction on the site up to four times a year for the purpose of selling goods stored in units.



- (3) The Centerburg Fire Department shall be provided with 24-hour access to the grounds and buildings. A lockbox shall be provided for its use.
- (4) The maximum size of individual storage compartments shall be 500 square feet.
- (5) The outdoor storage of inventory, materials, vehicles or merchandise is prohibited, unless specifically approved by the Planning Commission as part of a conditional use approval for a self-storage facility (outdoor).
- (6) Sale, repair, fabrication or servicing of goods, motor vehicles, appliances, equipment, or materials or similar activities shall be prohibited in or from self-service storage facilities.
- (7) Self-storage facilities may not be used for residential purposes.
- (8) Except for sinks and restroom facilities provided solely for the use of the managers or security personnel of self-storage facilities containing more than ten individual storage units, neither sinks nor restroom facilities shall be permitted within self-storage facilities.
- (9) No storage unit door opening in a self-storage facility (outdoor) shall face a residential district.



## Chapter 1107: Planned Developments

### 1107.01 Purpose

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- (a) The purpose of the Planned Development (PD) District is to provide a means for encouraging ingenuity, imagination, and flexibility in the planning and designing of land areas. The PD provides a controlled flexibility by utilizing objectives and performance standards rather than rigid development standards, the intent being to encourage developments which possess greater amenities than that resulting under standard zoning district requirements.
- (b) It is not the intent of the PD to allow applications to circumvent the intent of this code to permit residential density, housing types, commercial or industrial uses, or street and utility layouts that conflict with adopted village plans and policies or the character of the area.
- (c) It is furthermore the purpose of the PD regulations to:
  - (1) Allow for creative and high-quality developments that are compatible with surrounding land uses and contribute to the overall quality of the Village of Centerburg;
  - (2) Encourage creative transit scenarios oriented towards pedestrians or other alternative forms, which is safe and efficient for both vehicular and pedestrian travel.
  - (3) Protect natural features such as topography, trees, and drainage ways in the existing state as much as possible;
  - (4) Provide for appropriate, adequate and usable open space where there is a residential component to the proposed PD;
  - (5) Ensure that there are adequate services and infrastructure to serve the proposed development and not decrease the services or infrastructure for existing uses; and
  - (6) Promote a harmonious design among the various elements and uses within the development while mitigating any potential negative impact on surrounding properties.

### 1107.02 Intent

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- (a) The intent of the PD regulations is to provide a means for applying comprehensive and flexible planning and design techniques on properties substantially sized to accommodate such a plan. PD proposals shall not be applied to small areas as a means of bypassing traditional district regulations.
- (b) The applicant shall have the burden of demonstrating that the proposed development, development size, and overall approach is reflective of the purpose for PDs, established above, and the review considerations incorporated into this chapter. Furthermore, the applicant shall demonstrate how the proposed development will help implement plans and policies adopted by Village Council.

### 1107.03 Planned Development Review Procedure

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- (a) In order to submit an application for PD review, the lot(s) included within the proposed PD shall be under a single ownership or control, or shall be subject to a joint application by the owners of all property included within the proposal.
- (b) **PD Review Procedure**
  - (1) **Step 1 – PD Preliminary Plan and Zoning Map Amendment**
    - A. The PD Preliminary Plan approval procedure involves a zoning map amendment to rezone the subject property to a PD District with an approved PD Preliminary Plan and a PD Development Standards Document.
    - B. The PD Preliminary Plan shall include all maps and materials as may be established and required by the Zoning Administrator or Planning Commission in accordance with Section [1103.06\(a\)\(2\)](#).

- C. The PD Development Standards Document shall include and information that will demonstrate that the project meets the intent for a PD, as established in Section [1107.02](#), above. Additionally, the PD Development Standards document will establish the zoning standards that shall apply to lots and uses within the PD including minimum lot areas, setbacks, building heights, lot coverages, etc. Additional information may be included based on the requirements of the Zoning Administrator or Planning Commission in accordance with Section [1103.06\(a\)\(2\)](#).
- D. The procedure for this step shall comply with the requirements of Section [1103.07](#).
- E. In accordance with the zoning map amendment review procedure, the Planning Commission shall hold a public hearing to review the PD Preliminary Plan and PD Development Standards Document, and make a recommendation to Village Council to approve, approve with modifications, or deny the application. The recommendation shall be made based on review of the application using the criteria contained in Section [1107.03\(d\)](#).
- F. In accordance with the zoning map amendment review process, the Village Council shall hold a public hearing on the PD Preliminary Plan, PD Development Standards Document, and zoning map amendment and decide to approve, approve with modifications, or deny the application using the criteria contained in Section [1107.03\(d\)](#). If the application is approved, the area of land involved in the application shall be rezoned as an PD with a related, approved PD Preliminary Plan and PD Development Standards Document.
- G. In making its recommendations or decisions, the Planning Commission and/or Village Council may impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards of this code and with approved village plans.

**(2) Step 2 – PD Development Plan Review**

- A. Within two years after the approval of the PD Preliminary Plan and PD Development Standards Document, the applicant shall file a PD Development Plan for the entire development, or when submitting in phases, for the first phase of the development.
- B. Upon determination by the Zoning Administrator that the PD Development Plan application is complete, such plans shall be submitted to the Planning Commission for review at its next regularly scheduled meeting, or at a special meeting.
- C. The Planning Commission will review the PD Development Plan to determine whether it substantially conforms to the previously approved PD Preliminary Plan, PD Development Standards Document, and to all other applicable standards of this code. If the Planning Commission determines that there have been major changes from the PD Preliminary Plan or PD Development Standards Document, then the Planning Commission shall have the authority to forward the PD Preliminary Plan and PD Development Standards Document to Village Council for a decision. Major changes are defined pursuant to Section [1107.03\(e\)](#).

- D. If more than two years passes from the date of approval of the PD Preliminary Plan and PD Development Standards Document, and the PD Development Plan has not been submitted, the PD Preliminary Plan and PD Development Standards Document shall be deemed expired and shall be of no further force and effect. After the PD Preliminary Plan and PD Development Standards Document have expired, the PD zoning designation shall remain in place, but no development shall be authorized unless the property owner, or authorized agent, submits a new application for a PD Preliminary Plan and PD Development Standards Document for review pursuant to this article, or applies for a zoning map amendment to another zoning district. The Planning Commission or Village Council may also initiate a zoning map amendment after the expiration of a PD Preliminary Plan and PD Development Standards Document.
- E. Preliminary subdivision plat review may occur concurrently with the PD Development Plan approval.
- F. An applicant shall submit a PD Development Plan for review. The application shall be subject to the common review requirements of Section [1103.06](#) and the required fee shall be submitted, as established in the Village of Centerburg fee schedule.
- G. The Planning Commission shall hold a public meeting on the PD Development Plan and decide to approve, approve with modifications, or deny the application using the criteria contained in this chapter.
- H. In its decision, the Planning Commission may impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable review considerations and standards. In so doing, the Planning Commission may table any action until the applicant presents revised plans that reflect such conditions. In making a motion to table the action, the Planning Commission may establish a deadline for the submission of such revisions, with a minimum of 60 days provided. Failure to comply with any deadlines shall result in the Planning Commission making a decision to deny the application or allowing for a time extension for good cause shown.

**(c) Time Limits for the PD Final Plan**

- (1) Any PD Development Plan shall be valid for a period of five years after the date of approval by the Planning Commission. If no development has begun (development being defined as the start of construction of the required public/private improvements as shown on the approved PD Development Plan for one or more phases of the project) in the PD within five years from the date of approval, such approval of the PD Final Plan shall lapse and be of no force and effect.
- (2) If an approved PD Development Plan lapses as provided in Paragraph (1) above, the originally approved PD Preliminary Plan shall also be considered void.
- (3) Voiding of the PD Preliminary, PD Development Standards Document, and PD Development Plans shall not rezone the property. After such plans are voided, the Planning Commission, the Village Council, or property owners may initiate a rezoning to another zoning district in accordance with Section [1103.07](#) or the property owner, or their agent, may resubmit a new PD Preliminary Plan and PD Development Standards Document in accordance with the procedures of this chapter.

**(d) PD Review Considerations**

All PD applications shall be reviewed based on the following general considerations and the applicable review body shall consider such considerations in the creation of their recommendations and decisions regarding PD applications:

- (1) The proposed development is in conformity with all applicable, adopted Village plans;
- (2) The proposed development meets the intent and spirit of this code and all other applicable Village ordinances;

- (3) The development provides an environment of stable character that promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development, utilizing adequate buffers where necessary;
- (4) The proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation and natural drainage patterns of the site;
- (5) The proposed development promotes the opportunity for privacy within residential areas and minimizes nuisances between residential areas and other land uses;
- (6) The proposed development does not impose an undue burden on public services and facilities such as fire and police protection, schools, water supply and wastewater disposal due to excessive population densities;
- (7) The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which shall be imposed on them by the proposed development, and the proposed streets and parking areas within the site are adequate to serve the proposed arrangement of land uses;
- (8) The proposed development minimizes pedestrian, bicycle, and vehicle conflicts;
- (9) The proposed development provides a higher quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing requirements in this code;
- (10) The PD plans have been transmitted to all other agencies and departments charged with responsibility of review and any identified issues have been reasonably addressed by the applicant;
- (11) Where common open space is provided, appropriate arrangements with the applicant have been made which will ensure the reservation of common open space as indicated on the PD Development Plan, Adequate provision shall be made for the long-term maintenance and/or operation of the open space and its improvements, as follows:
  - A. The proposed common open space may be conveyed to a public authority which agrees to maintain the common open space and any buildings, structures or improvements which have been placed on it. All land dedicated to the public shall meet the requirements of the appropriate authority as to size, shape and location. Public utility or other similar easements and rights of way for water course, other similar channels or for storm drainage facilities are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the authority to which the land is dedicated;
  - B. The proposed open space may be conveyed to the trustees of a Homeowners Association or similar organization formed for the maintenance of the planned development. The common open space may be conveyed by covenants under such an arrangement subject to approval by the Planning Commission. Such covenants shall restrict the common open space to the uses specified on the final development plan and provide for the maintenance of common open space in a manner which assures its continuing use for its intended purpose.

**(e) Modifications to Approved PDs**

- (1) Where a lot owner on a lot in a PD seeks a variance from the applicable standards for an individual lot that will not apply to any other lot in the PD, the property owner shall request such variance in accordance with Section [1103.12](#).
- (2) Any request to change or otherwise modify the approved PD Development Plan as it applies to more than one lot owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.

**(3) Major Change**

Major changes to a PD require the prior approval of the Planning Commission and the Village Council. The Planning Commission shall have the authority to determine if a proposed change is a major change. Such changes include, but are not limited to:

- A. Expansion of the PD project beyond the original tract coverage;
- B. Removal or subtraction of land from the original tract coverage;
- C. Proposed changes that will result in an increase in residential density;
- D. Changes to the list of uses allowed in the PD;
- E. Changes in the development plan relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the PD; and
- F. Amendments to the conditions that were attached to the PD development plan approval.

**(4) Minor Changes**

- A. Minor changes are those proposed by the applicant/owner which do not disturb or affect the basic design and approved PD Development Plan and which are essentially technical in nature, as determined by the Planning Commission.
- B. Examples of minor changes include, but are not limited to, change in the intensity of lighting, changes in the size and location of water and sewer lines within approved easements and changes in the location and number of fire hydrants.

**1107.04 Enforcement**

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Failure to comply with the approved plan or any prescribed conditions or approval, including failure to comply with the stage development schedule, shall be considered a violation of this code, subject to [Chapter 1123: Enforcement and Penalties](#).

**1107.05 Permitted Uses**

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**(a) Principal Uses**

- (1) The applicant shall include a list of uses that are proposed for the PD as part of the PD Preliminary Plan and PD Development Standards Document review. This list shall include a list of any uses that may be added at a later date (i.e., any use that could replace another if an original use is discontinued). Only those uses listed therein as a permitted use, whether permitted as-of-right, permitted with standards, or permitted as a conditional use, may be considered in the application of a PD. As part of any approval, the Planning Commission and/or Village Council may restrict the uses proposed by the applicant within an individual PD by adopting a revised list of uses permitted within the PD.
- (2) In general, any standards that apply to a specific use in this code shall also apply to those same uses in a PD. However, the Planning Commission and Village Council may adjust or waive any of those use-specific standards (See Section [1105.06.](#)) based on unique circumstances specific to the applicable development such waiver is reviewed based on the review considerations of Section [1107.03\(d\).](#)
- (3) Any changes in uses within an approved PD shall be required to be reviewed as part of a major PD amendment.

**(b) Accessory Uses**

- (1) Unless otherwise allowed for in the approved plans, accessory uses associated with development in a PD shall be allowed in accordance with the following:
  - A. Accessory uses permitted in the ER, R-1, R-2, and R-3 Districts district shall be allowed for any residential use.



- B. Accessory uses allowed in the CC District shall be allowed for nonresidential uses.
- (2) Any allowed accessory uses shall still comply with the applicable accessory use standards established in Section [1109.01](#).
- (3) As part of any approval, the Planning Commission and Village Council may restrict the accessory uses permitted within an individual PD.

## **1107.06 Development Standards**

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### **(a) Minimum Site or Lot Requirements**

- (1) Lot area, yards, setbacks, building heights, frontages, and related limitations contained in other sections of this code may be waived for a PD, provided that the spirit and intent of this code and this section are met as determined by the Planning Commission and Village Council. All of this information must be included in the PD Preliminary Plan and PD Development Standards Document.
- (2) Every principal building in a PD shall have access either to a public street, walkway or other area dedicated to common use.

### **(b) Common Open Spaces**

- (1) A minimum of 20 percent of the total gross area of the PD project site shall be set-aside for public parks and/or common open spaces.
- (2) All common open space shall be in accordance with the following:
  - A. The location, shape, size and character of common open space shall be suitable for the proposed residential uses in relation to the location, number and types of dwelling units it is intended to serve. In any case, it shall be highly accessible to all residents or users of the PD;
  - B. The common open space shall be used for amenity and/or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the PD in relation to its size, density, expected population, topography and the type of dwellings;
  - C. The common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition; and

### **(c) Landscaping and Screening**

- (1) Every effort shall be made to preserve mature stands of trees and other natural features having intrinsic, aesthetic value.
- (2) Outdoor areas or containers holding or storing trash, garbage, recycled or reused materials shall be screened on three sides from adjoining properties, streets and other public areas.
- (3) All nonresidential uses shall be landscaped and screened in accordance with [Chapter 1113: Landscaping and Screening](#).

### **(d) Off-Street Parking and Loading**

Unless alternative standards are approved as part of the PD approval process, adequate off-street parking shall be provided, including provisions for guest parking, in accordance with [Chapter 1115: Parking, Access, and Connectivity](#).

### **(e) Vehicular Access Points**

- (1) The number of ingress and egress points shall be limited in order to reduce the number of potential accident locations with streets.

- (2) Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided.
- (3) The street and thoroughfare network shall be designed to minimize truck and through traffic passing through residential areas of the development, especially where dwelling units with two or more bedrooms are common.

**(f) Signs**

Unless alternative standards are approved as part of the PD approval process, signs shall be allowed in accordance with [Chapter 1117: Signs](#) and shall be integrated into the building and landscaping plans so as to enhance the overall appearance while providing adequate identification of the development.

**(g) Improvement Standards**

- (1) Unless alternative standards are approved as part of the PD approval process, all PDs shall comply with the applicable subdivision improvement and design standards including, but not limited to, sidewalks, street design, drainage, and utilities.
- (2) All streets proposed within a PD shall be public streets, dedicated to the Village, County, or State in accordance with the applicable subdivision regulations, unless otherwise approved by Planning Commission and Village Council as part of the PD development plan approval. In considering the approval of any application that proposes the use of private streets, the Planning Commission and Village Council shall consider the following:
  - A. All private streets shall be designed in accordance with the standards of the subdivision regulations except that curbs and gutters may be waived and street width reduced if adequate provision has been made for storm drainage, guest parking and for access by emergency vehicles and trash collection trucks.
  - B. Private streets shall be oriented and designed to discourage through traffic movement.
  - C. Private streets should not be designed for extension into any adjacent development or provide access to future development which may occur on adjacent undeveloped land; and
  - D. Any development proposed containing private streets shall also contain a description of the method by which such streets are to be maintained.
- (3) In addition to any sidewalk requirements required by the applicable subdivision standards, any PD that contains residential uses shall provide for adequate pedestrian walkways connecting residences to existing and proposed recreational facilities, schools, neighborhood shopping, other residential areas, and adjoining sidewalks.



## Chapter 1109: Accessory and Temporary Uses

### 1109.01 Accessory Use and Structure Regulations

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#### (a) Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

#### (b) General Provisions

- (1) An accessory use or structure shall be secondary and incidental to the primary use of the lot and shall not alter the character of the principal use.
- (2) Accessory uses and structures shall be constructed on the same lot as the principal use that it serves.
- (3) No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced.
- (4) In cases where the principal building is demolished, an existing accessory structure shall be allowed to remain on the lot or property without the principal building to which it is supposed to be an accessory on the following conditions:
  - A. Up to 12 months consistent with that allowed by [Chapter 1121: Nonconformities](#).
  - B. A zoning certificate is obtained for the reconstruction of the principal structure, the construction of which shall take place within 12 months. Failure to complete reconstruction of the principal structure will be an automatic cause for the removal of the accessory structure at the owner's expense unless cause is given, in which case the Zoning Administrator may approve an extension of up to 12 months.
- (5) Small accessory structures such as doghouses, lending libraries, benches, garden decorations, barbecue equipment, etc. that are not otherwise addressed in this chapter, shall be exempt from the provisions of this section provided they do not have a footprint that exceeds 100 square feet and shall not exceed six feet in height. Such structures shall only be permitted in the side or rear yard.
- (6) 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.
- (7) An accessory structure that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the site development standards and all other development standards of the applicable zoning district that apply to the principal building. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by a breezeway or roof.
- (8) All accessory buildings and structures shall be maintained in good condition and kept secure from the deteriorating effects of natural elements.
- (9) No accessory structure may be used for temporary or permanent habitation unless approved as an accessory dwelling unit in accordance with this chapter.

#### (c) Prohibited Structures for Accessory Uses

- (1) Accessory structures that are constructed with fabric, canvas, tarpaulin, or other similar materials shall be prohibited unless approved as a temporary use or unless the accessory structure is permanent but the cover, canopy, etc., is removed for at least one season each calendar year, in which case, such materials must be maintained in good condition. Inflatable garages or storage structures shall also be prohibited.
- (2) Portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any zoning district.

**(d) Permitted Accessory Uses**

The following is an explanation of [Table 1109-1](#).

(1) The symbols for permitted uses with standards (PS), conditional uses (C), and prohibited are defined in the same manner as Section [1105.05\(b\)](#).

(2) A blank cell indicates that a use is prohibited in the respective zoning district.

**(3) Zoning Certificate Required**

A “Yes” in the “Zoning Certificate Required” column shall mean that the applicable accessory structure or use requires a zoning certificate in order to be constructed.

**(4) Use-Specific Standards**

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the listed accessory use or structure. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.

**(5) Similar Use Determination and Unlisted Uses**

The determination of whether a proposed accessory use or structure is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section shall be made in the same manner as principal uses. See Section [1105.05\(d\)](#).

**Table 1109-1: Accessory Uses and Structures**

Accessory Use or Structure	PS=Permitted Use with Standards		C=Conditional Use	
	ER, R-1, R-2, & R-3	CC, VC, RO, P-I, and ID	Zoning Certificate Required	Use-Specific Standards in:
Accessibility Ramps	PS	PS	No	<a href="#">1109.01(e)(1)</a>
Accessory Dwelling Units	PS	C	Yes	<a href="#">1109.01(e)(2)</a>
Amateur Radio Antennas	PS	PS	Yes	<a href="#">1109.01(e)(3)</a>
Athletic Recreational Facilities	PS	PS	Yes	<a href="#">1109.01(e)(4)</a>
Child Care Centers (Nursery Schools or Day Cares)	PS	PS	Yes	<a href="#">1109.01(e)(5)</a>
Detached Accessory Buildings	PS	PS	Yes	<a href="#">1109.01(e)(6)</a>
Drive-Through Facilities		C	Yes	<a href="#">1109.01(e)(7)</a>
Farmers Market		PS	Yes	<a href="#">1109.01(e)(8)</a>
Home Occupations	PS or C	PS or C	See <a href="#">1109.01(e)(9)</a>	<a href="#">1109.01(e)(9)</a>
Outdoor Dining		PS	Yes	<a href="#">1109.01(e)(10)</a>
Outdoor Drop-Off Boxes	PS	PS	Yes	<a href="#">1109.01(e)(11)</a>
Outdoor Sales and Storage		PS	Yes	<a href="#">1109.01(e)(12)</a>
Retail Commercial Uses		PS or C	Yes	<a href="#">1109.01(e)(13)</a>
Roadside Stands	PS		Yes	<a href="#">1109.01(e)(14)</a>
Patios, Porches, and Decks	PS	PS	Yes	<a href="#">1109.01(e)(15)</a>
Satellite Dishes	PS or C	PS or C	See <a href="#">1109.01(e)(16)</a>	<a href="#">1109.01(e)(16)</a>
Solar Panels	PS	PS	Yes	<a href="#">1109.01(e)(17)</a>
Swimming Pools	PS	PS	Yes	<a href="#">1109.01(e)(18)</a>
Type-B Day Care Homes	PS		No	<a href="#">1109.01(e)(19)</a>

**(e) Use-Specific Standards**

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of Section [1109.01\(b\)](#).

**(1) Accessibility Ramps**

The following standards shall apply to all accessibility ramps permitted in the Village: **A.** Accessibility ramps are allowed in the front, side, and rear yards of a lot.

- B.** Ramps may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.
- C.** Such ramps shall be an open structure, without a roof.
- D.** Ramps must comply with American with Disabilities Act (ADA) standards.

**(2) Accessory Dwelling Units**

The following standards shall apply to all accessory dwelling units permitted in the Village:

- A.** Accessory dwelling units are only allowed in the rear yard of a lot.
- B.** Accessory dwelling units shall be set back a minimum of 15 feet from the rear lot line and shall meet the minimum side yard setback for principal buildings in the applicable zoning district.
- C.** There shall be a maximum of one accessory dwelling unit on a lot.
- D.** The accessory dwelling unit may be a detached accessory building or may be attached to the principal building.
- E.** The maximum floor area of accessory dwelling unit shall be 750 square feet unless, upon recommendation from the Planning Commission, a larger floor area is determined to be appropriate due to an existing building being converted to an accessory dwelling unit.
- F.** In residential districts, the owner of the lot shall reside in either the principal dwelling unit or the accessory dwelling unit.
- G.** The accessory dwelling unit shall share utilities with the principal building (no separate utilities or billing).
- H.** The accessory dwelling unit shall be permanently attached to a foundation.
- I.** The accessory dwelling unit shall be constructed to meet the requirements of the International Property Maintenance Code unless development is subject to the Ohio Building Code (e.g., in nonresidential districts).
- J.** Accessory dwelling units shall not exceed the maximum height of principal buildings in the applicable zoning district and in no case shall the accessory dwelling unit exceed the height of the principal building.
- K.** The accessory dwelling unit shall be designed in a similar style, and with similar building materials as the principal dwelling so as to harmonize with other buildings in the neighborhood.
- L.** Off-street parking shall be provided in accordance with [Chapter 1115: Parking, Access, and Connectivity](#), accessible by an unoccupied and unobstructed driveway.

**(3) Amateur Radio Towers and Antenna**

The following standards shall apply to amateur radio towers and antenna permitted in the Village:

- A.** Amateur radio towers and antenna are only allowed in the side and rear yards of a lot.
- B.** No more than one amateur radio tower and/or antenna shall be permitted on each lot.

- C. Ground-mounted amateur radio towers, antennas, and related guy wire anchors must be located in the rear yard.
- D. Building-mounted amateur radio towers and antennas must be located to the rear of the centerline of the principal building.
- E. Such tower shall not exceed 65 feet in height or the maximum height of the applicable zoning district, whichever is greater. The measurement shall be made from the grade directly beneath the tower to the highest point on the antenna or tower, whichever is the tallest point of the structure.
- F. Antennas and guy wire anchors shall not overhang or otherwise be located within required accessory structure setbacks or on adjacent lots.
- G. When an amateur radio tower and antenna is no longer being used by an FCC amateur radio license holder for amateur radio service, the tower and antenna must be removed no more than 180 days after cessation of the FCC license or the transfer or property ownership or lease to an individual without an FCC license.
- H. Amateur radio towers and antennas that do not comply with the provisions of this section shall require a conditional use approval (See Section [1103.08.](#)). The application for a conditional use approval for amateur radio towers and antennas must demonstrate that compliance with the provisions of this section would prevent the amateur radio operator from exercising the rights granted to him or her by the FCC or the State of Ohio by license or law. If the Planning Commission determines that expertise beyond that of Village staff is necessary to determine compliance with this criterion, then the applicant shall reimburse the Village for any expenses necessary for hiring a third-party consultant to make this determination.

#### **(4) Athletic Recreational Facilities**

The following standards shall apply to outdoor athletic recreational facilities in the Village:

- A. Athletic recreational facilities are only allowed in the rear yard of a lot.
- B. All elements of the facility shall be set back a minimum of 10 feet from all lot lines.
- C. The facilities shall be for the personal use of the residents of the property or may be for the use of guests or employees of a nonresidential use. The commercial operation of an athletic recreational facility shall be subject to review as a principal use. See [Chapter 1105: Zoning Districts and Principal Uses.](#)
- D. All fencing shall be subject to the fence regulations in Section [1111.03](#) except that fencing that surrounds a tennis or recreational court may exceed the maximum fence height of this code provided that the fencing is located adjacent to the edge of the court.
- E. Any lighting for the court shall not exceed 20 feet in height and shall be directed downward and only illuminate the court. All outdoor lighting shall comply with Section [1111.05.](#)
- F. Adequate provisions, such as screening, buffering, or other such measures, shall be made to mitigate impact upon neighboring properties from noise, errant sports equipment (e.g., foul balls), or other such nuisances.

#### **(5) Child Care Centers (Nursery Schools or Day Cares)**

Nursery schools or day care centers may only be permitted as accessory uses to permitted and conforming nonresidential uses. Such use shall be located within the principal building.

#### **(6) Detached Accessory Buildings**

The following standards shall apply to all detached accessory buildings permitted in the Village:

- A. Detached accessory buildings are only allowed in the rear yard of a lot.



- B. The building shall be set back a minimum of 10 feet from all lot lines.
- C. The provisions of this section shall apply to any accessory building that has a roof with supporting walls or beams. This includes detached garages and carports, detached yard sheds or storage barns, gazebos, play structures that have roofs, pergolas, and other similar buildings, as determined by the Zoning Administrator.
- D. Detached garages and carports shall be served by a driveway.
- E. Unless otherwise stated, the maximum height of any detached accessory building shall be 15 feet.
- F. No doors (person or vehicle) shall exceed nine feet in height unless the accessory building is in a nonresidential zoning district.
- G. If the separation of the accessory and main structure is less than 10 feet, the accessory structure shall be protected with a fire-resistant material and shall conform to the same yard requirements as the principal building.
- H. 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.
- I. 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 building shall be subject to the following.
  - i. For lots that have a lot area of less than 20,000 square feet, no accessory building shall exceed 720 square feet in size.
  - ii. For lots that have a lot area of 20,000 square feet or greater, no accessory building shall exceed 1,200 square feet. Such buildings shall not exceed 25 feet in height.
- J. Where a proposed detached accessory building is a private garage, such garage shall be limited to four parking bays. Larger garages may be approved as a conditional use, subject to Section [1103.08](#).
- K. There shall be a maximum of two detached accessory buildings permitted on any lot that require a zoning certificate as established in this chapter. One additional accessory building or structure of under 100 square feet in floor area shall also be permitted on the same lot.

#### **(7) Drive-Through Facilities**

The following standards shall apply to drive-through facilities permitted in the Village:

- A. Drive-through facilities are allowed in the front, side, and rear yards of a lot.
- B. Drive-through facilities shall only be allowed in the CC District as a conditional use or as part of an approved PD District where drive-through facilities are allowed.
- C. Any electronic device that creates noise (e.g., speakers, vacuum tubes, service order devices, etc.) shall be set back a minimum of 100 feet of any residential dwelling unit.
- D. All drive-through areas, including but not limited to drive-through signs, waiting lanes, trash receptacles, audio equipment, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

- E. All drive through areas shall be set back a minimum of 50 feet from any adjacent lot in a residential zoning district. A solid privacy fence, hedge, or masonry wall of at least six feet in height shall be required between any drive-through window or drive through cabinet or audio equipment and any adjacent lot in a residential zoning district.
- F. If the drive-through window, drive-through signage, or any audio equipment are located in the front yard, they shall be screened with an opaque, landscaped screen of with a height that will fully screen the window, signage, or audio equipment. Such screening shall not be required for stacking spaces that are located in a front yard.
- G. Drive-through facilities shall be required to include vehicle stacking spaces and aisles as established in [1115.07](#), which shall be designed in a manner that will ensure safe and efficient traffic flow, avoid pedestrian conflict, and shall be established on the site in a manner that creates the most efficient traffic flow. Driveway signage is encouraged where it will assist in the creation of a safe and efficient drive-through facility.

### **(8) Farmers Markets**

The following standards shall apply to farmers markets permitted in the Village:

- A. Farmers markets are allowed in the front, side, and rear yards of a lot.
- B. Farmers markets that are located on vacant lots shall be required to gain site plan review approval prior to the issuance of a zoning certificate.
- C. Farmers markets shall not operate more than one day of each week on any one lot. Farmers markets may operate only during the months of April through October and only between the hours of 9:00 a.m. and 8:00 p.m.
- D. The farmers market operator shall be responsible for cleanup of the farmers market site at the end of each day of operation including removal of trash, temporary structures, stands, tents, signage, and banners.
- E. Sanitary facilities for vendors of the farmers market must be provided by the host property.
- F. The farmers market shall not be operated or conducted in a way that is a nuisance or disturbance to the occupants of neighboring properties.
- G. The farmers market operator or their designated representative authorized to direct the operations of all vendors participating in the market shall be on the site of the market during all hours of operation.
- H. The farmers market and every vendor must comply fully with all applicable federal, state, county and local health codes and be registered with the Ohio Department of Agriculture, Division of Food Safety.
- I. Adequate parking for the farmers market must be provided. Required on-site parking spaces of the host property may be used for the farmers market provided such arrangement does not render the host property deficient in its parking requirement or that there is no parking demand associated with the use of the host property for the same parking spaces during the hours of the farmers market operation.

### **(9) Home Occupations**

The following standards shall apply to home occupations permitted in the

#### **Village: A. General Standards**

- i. Home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by this section.

- ii. No more than 20 percent of the heated floor area of the dwelling unit, or 400 square feet, whichever is greater, shall be devoted to such home occupations. Unheated floor area (i.e., three season rooms, screen rooms, attached garage, unfinished basement, etc.) shall not be used for the home occupation unless specifically approved as a conditional use.
- iii. The home occupation shall be clearly secondary to the full-time use of the property as a residence as it related to floor area, intensity of traffic and number of parked cars, number of deliveries, etc.
- iv. Type B-family day-care homes are not considered home occupations pursuant to this section and are regulated as a separate accessory use.
- v. Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties. The residential building shall not be altered in any manner that is intended to change the residential appearance of the dwelling to a building with a commercial appearance. There shall be no separate entrance created solely for the home occupation unless approved as a conditional use.
- vi. All home occupation activities shall take place in the dwelling unit. A home occupation may take place in an enclosed accessory structure if approved as a conditional use.
- vii. The sale of goods or services shall be limited to products that are produced or processed on the premises; or the sale of goods as part of a mail order, online business, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.) where there is no stock-in-trade on the site. No goods or products shall be stored in an accessory structure or outside.
- viii. No equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances or nuisances upon any neighboring lot.
- ix. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- x. Only residents of the dwelling and up to one additional employee from outside the dwelling shall operate the home occupation.
- xi. There shall be no signs other than the wall signs allowed on a dwelling in [1117.02\(e\)](#). Where a conditional use has been granted for a home occupation with a separate entrance or an enclosed accessory structure, the Planning Commission may, as part of the conditional use process, allow for additional directional signage to such entrance or structure.
- xii. No additional driveways shall be established for the use of the home occupation. No additional off-street parking or loading facilities shall be provided beyond that traditionally used for residential uses except for type B family day care homes.
- xiii. Where a home occupation is a permitted use, vehicular traffic shall not be generated by such home occupation in a greater volume than would normally be expected in the residential neighborhood. Where additional traffic is generated, such traffic may be approved as part of a conditional use for such home occupation.
- xiv. There shall be no window display or outdoor storage or display of equipment, inventory, materials, or supplies associated with the home occupation.
- xv. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation may be revoked by the Zoning Administrator.

**B. Prohibited Home Occupations**

The following are business activities that are prohibited as home occupations:

- i. Animal hospitals and boarding facilities;
- ii. Automotive and other vehicle repair and service, except when such repair or service is within an attached garage and the vehicle is owned or leased by the occupant of the dwelling units or when authorized through the conditional use approval as provided for in Section [1103.08](#);
- iii. Construction, landscaping, or similar contractor facilities and storage (an office-only use is allowed in compliance with the above section) and other outdoor storage;
- iv. Fitness/health facilities that provide group activities or services;
- v. Medical clinics, laboratories, or doctor's offices;
- vi. Parking on, or dispatching from the site, any vehicle used in conjunction with the home occupation (e.g., landscaping services, taxi services, construction, etc.) with the exception of a vehicle owned and operated by the home owner or tenant;
- vii. Uses that require explosives or highly combustible or toxic materials;
- viii. Uses that involve extensive shipping, inventory, or delivery of goods and supplies that are beyond those of a typical residential use;
- ix. Welding and machine shop operations;
- x. Wood cutting businesses; or
- xi. Other similar uses as determined by the Zoning Administrator.

**C. Home Occupations Permitted without a Zoning Certificate**

The following home occupations are examples of those that are permitted without a Zoning Certificate provided they comply with this code:

- i. Handcrafts as well as arts and craft work including, but not limited to baking, ceramics, soap making, candy or snack making, jewelry making, pottery, artistic painting, photography, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, and sculpting;
- ii. Office-only uses, including, but not limited to, an office for an architect, financial advisor, attorney, realtor, consultant, counselor, insurance agent, planner, tutor, or writer provided no clients meet at the dwelling; and
- iii. Other similar uses as determined by the Zoning Administrator.

**D. Home Occupations Permitted with a Conditional Permit**

The following home occupations are examples of those that may be allowed with a conditional use approval provided they comply with this code:

- i. Any home occupation that provides services where members of the public visit if designed to accommodate one customer at a time and which meets all other applicable requirements for home occupations including, but not limited to, fitness/health training, beauty parlors, barber shops, animal grooming (no overnight boarding), or licensed massage or physical therapy;
- ii. Automotive and other vehicle repair and service may be permitted through a conditional use review if such repair or service is within an attached garage and only one vehicle is being repaired at any given time, with no storage of additional vehicles for repair or service in the driveway or on the street;

- iii. Mail order, online businesses, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.); and
- iv. Other similar uses as determined by the Zoning Administrator.

#### **(10) Outdoor Dining**

The following standards shall apply to outdoor dining areas permitted in the Village:

- A. Outdoor dining areas are allowed in the front, side, and rear yards of a lot.
- B. Outdoor dining areas shall be located along a sidewalk adjacent to the principal building the dining is connected with or between the principal building the dining is connected with and an adjacent parking area. If the sidewalk is a public sidewalk, the applicant will also be required to receive authorization for outside dining through approval of a right-of-way permit.
- C. Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the outdoor dining area and the principal building.
- D. Outdoor dining areas shall not be located within 10 feet of a fire hydrant, fire department standpipe connection, fire escape, bus stop, loading zone, mail boxes, or traffic signal stanchions.
- E. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.
- F. Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device shall be prohibited in any outside dining area if amplified. The addition of this activity to an existing use shall require approval through site plan review.
- G. If the outdoor dining area is located on a sidewalk, the area shall be designed so there is a minimum of five feet of clearance adjacent, or more if required by ADA, to the dining area to allow for safe pedestrian circulation. Furniture or elements of the outdoor dining shall also not block any areas of ingress or egress from the principal building.
- H. Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- I. Enclosing outdoor dining areas either by a permanent roof, temporary tent or structure, or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new zoning certificate.
- J. Where an outdoor dining area is located in a right-of-way, the permittee shall hold harmless, indemnify, and defend the Village of Centerburg from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorneys' fees, which may in any way arise out of or be connected with the granting of a zoning certificate which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees.

#### **(11) Outdoor Drop-Off-Boxes**

The following standards shall apply to all outdoor drop-off boxes permitted in the Village.

- A. Outdoor drop-off boxes are allowed in the front, side, and rear yards of a lot.

- B. No such use or facility shall be placed within the street right-of-way, within an interior drive, within required landscaping, or in a location which will interfere with required intersection visibility requirements of Section [1111.04](#).
- C. Outdoor drop-off boxes must be placed in a parking space or in on a paved surface in an area designated for such use or facility where it will not impede vehicular or pedestrian traffic.
- D. The facility or equipment shall be maintained in good operating order and appearance.
- E. Drop-off boxes shall only be permitted in the nonresidential zoning districts. They may be permitted in residential districts only when accessory to a permitted nonresidential use.
- F. Containers that result in the overflow of donated goods shall be declared a nuisance and shall be removed immediately upon notification by the Zoning Administrator at the expense of the property owner or business owner. At the same time, the Zoning Administrator has the authority to revoke the zoning certificate authorizing the outdoor drop-off box in accordance with the provisions of [Chapter 1123: Enforcement and Penalties](#).
- G. Drop-off boxes shall include the name and contact information of the person who owns or maintains the box.
- H. The Village shall have the authority to place more than one drop-off box on a single lot when providing recycling services to the general public.
- I. Drop-off boxes shall be screened in accordance with Section [1113.07](#).

**(12) Outdoor Sales and Storage**

The following standards shall apply to permanent areas of outdoor sales and storage permitted in the Village:

- A. Permanent areas for outdoor sales and storage are allowed in the front, side, and rear yards of a lot.
- B. Any areas that will be used for outdoor sales and storage shall be identified on a site plan.
- C. Temporary sales and storage are regulated in Section [1109.02](#).
- D. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with the vision clearance requirements.
- E. Outdoor sales and storage shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor sales and storage shall be prohibited when the principal building is vacant.
- F. Outdoor sales and storage areas shall not cover an area more than 20 percent of the lot area.
- G. Outdoor sales and storage areas may be permitted in the front yard provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building. If the sidewalk is a public sidewalk, the applicant will also be required to receive authorization for outside dining through approval of a right-of-way permit.
- H. Outdoor sales and storage areas may also be permitted in the side or rear yard without being located adjacent to the building. In all cases, the displays and sales areas shall be spaced a sufficient distance from the building, as dictated by the Fire Department, to satisfy all fire safety requirements.

- I. The placement of the merchandise, signage, or other operations (such as queuing, loading, etc.) shall not interfere with vehicular movement or pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway, or more if required by ADA, shall be clear of merchandise to allow for safe pedestrian movement.
- J. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- K. The outdoor sales and storage areas shall be maintained in good order and appearance.

### **(13) Retail Commercial Uses**

The following standards shall apply to retail commercial uses accessory to other, non-retail uses, permitted in the Village:

- A. Such retail uses are only permitted when located completely within a principal building of a nonresidential use;
- B. Retail commercial uses are permitted as an accessory use only in the P-I and ID Districts.
- C. Such uses shall only be permitted if the Zoning Administrator makes a determination that such uses are incidental to the principal use. The Zoning Administrator shall have the authority to require the applicant to submit for a conditional use approval if they find that the use is more extensive than an incidental use in relation to the principal use.
- D. Such uses are an accessory use to an approved principal use;
- E. The total floor area of accessory uses shall not exceed 10 percent of the total gross floor area of the principal building.
- F. In the ID District, retail commercial uses shall be limited primarily to the retail sale of goods manufactured on-site, and goods affiliated therewith.

### **(14) Roadside Stands**

The following standards shall apply to all roadside stands permitted in the

Village: **A.** Roadside stands are allowed in the front, side, and rear yards of a lot.

- B. Roadside stands may be permitted in the ER District on lots where the produce is grown.
- C. All merchandise, trucks, trailers, etc. shall be set back a minimum of 35 feet from all property lines or the minimum required setback for that district for a principally permitted use, whichever is greater.
- D. The area of operation shall not exceed 800 square feet and no dimension shall exceed 40 linear feet.

### **(15) Patios, Porches, and Decks**

The following standards shall apply to all patios, porches, and decks permitted in the Village:

- A. Patios without a roof, building, or structure are permitted in any front, side, or rear yard. Where a building or structure is placed on a patio, such building or structure may only be located in the yards where an accessory building or detached accessory structure are permitted.
  - B. Porches and decks are permitted in any front, side, or rear yard. When located in the front yard, the porches and decks shall be attached to the front facade of the principal building.
  - C. Patios shall be set back a minimum of four feet from all lot lines.
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- D. Porches and decks shall be set back a minimum of 20 feet from all lines provided the height of the floor of any of such structures is 30 inches in height or less. All others shall comply with the principal building setbacks for the applicable district.
- E. Patios, decks, and porches may have built-in grills, kitchen areas, living areas, or dining areas (e.g., table, chairs, umbrellas, etc.) but such activities shall only be permitted in the rear yard only and provided such use complies with any applicable building code requirements.
- F. Patios, decks, and porches may have seating areas in any yard the patio, deck, or porch is permitted and located.
- G. Rooftop decks in nonresidential districts shall be regulated as part of the principal building.

**(16) Satellite Dishes**

The following standards shall apply to all satellite dishes permitted in the Village of Centerburg:

- A. Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section and shall not require a zoning certificate.
- B. The dish should be located in the side or rear yard unless reception is not available in those yards.
- C. Mounting brackets shall be removed whenever a satellite dish is removed.
- D. Satellite dishes larger than one meter in diameter may be permitted if approved by the Planning Commission as a conditional use that is accessory to a permitted nonresidential use. Such larger satellite dishes shall be set back a minimum of 10 feet from all lot lines.

**(17) Solar Panels**

The following standards shall apply to all types of solar panels permitted in the Village:

- A. Freestanding solar panels are prohibited.
- B. Roof-mounted solar panels shall be flush-mounted to the roof.
- C. Roof-mounted solar panels shall require a zoning certificate or may be reviewed as part of the zoning certificate for the principal building if constructed at the same time.

**(18) Swimming Pools**

The following standards shall apply to all types of swimming pools permitted in the Village:

- A. Swimming pools, spas, and hot tubs are only permitted in the rear yard of a lot.
- B. A spa or hot tub with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.
- C. Public swimming pools, as defined by the Ohio Revised Code, shall be subject to the standards of this section unless there is a conflict, in which case, the Ohio Revised Code shall control.
- D. Every swimming pool shall be provided with a filtration system approved by the Board of Health.
- E. The top edge of a swimming pool shall not exceed 54 inches in height, above ground. Lights, diving boards, slides or other accessories shall not project more than ten feet above the average grade of the pool site.
- F. Private swimming pools are those pools used solely by the residents and guests of the principal use.

- G. The swimming pool, including any concrete sides or decks, shall be set back a minimum of 10 feet from all lot lines, as measured from the edge of the water. All pump and filtering equipment shall be set back a minimum of 10 feet from all lot lines.
- H. The area of a swimming pool exclusive of decks, walks and other appurtenances shall not exceed 10 percent 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.
- I. Any outdoor swimming pool, as defined in this subsection, shall be surrounded by a fence or barrier that complies with the International Property Maintenance Code, as adopted by the Village. Additionally:
  - i. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access.
  - ii. The required barrier must be installed prior to filling the pool with water.
- J. 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.
- K. 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.
- L. 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.

**(19) Type B Family Day Care Home (1-6 Children)**

The following standards shall apply to type B family day care homes permitted in the Village:

- A. Type B family day care homes are permitted when accessory to any residential dwelling unit.
- B. Type B family day care homes shall have at least two off-street parking spaces.

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**1109.02 Temporary Use Regulations**

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**(a) Purpose**

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

**(b) General Standards for Temporary Uses and Structures**

Temporary uses or structures shall:

- (1) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (2) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (3) Not include permanent alterations to the site;
- (4) Not violate the applicable conditions of approval that apply to a site or use on the site;

- (5) Not interfere with the normal operations of any permanent use located on the property; and
- (6) Contain sufficient land area to allow the temporary use or structure to occur, as well as adequate land to accommodate the parking and traffic movement.

**(c) Permitted Temporary Uses and Structures**

**(1) Construction Structures**

Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary and approved as a conditional use. Such temporary structures for construction shall comply with the following:

- A. The use of such structures shall be limited to offices, buildings for the storage of lumber, equipment, and other building material, as well as construction dumpsters.
- B. Such construction structures shall be located on pavement or in a landscaped setting approved by the Planning Commission except that all construction dumpsters shall be located only a paved surface.
- C. A temporary structure for a construction office may be placed on the site no sooner than two weeks before the start of grading or construction and shall be permitted for a period of one year after issuance of the zoning certificate unless an alternative time limit is approved by the Planning Commission based on the scale of the project.
- D. The structure shall not be located within a floodplain or in a location that will obstruct drainage flow.
- E. The structure shall not block or prevent access to any fire hydrant.
- F. All temporary structures for construction operations shall be removed within 14 days after the completion of work on the premises for which an occupancy permit has been issued or if construction is not pursued diligently. For residential subdivisions, the temporary construction structures shall be removed after the zoning certificate has been issued for the final dwelling.
- G. Such construction structures shall be permitted in all districts, however, only construction dumpsters are permitted on individual lots with residential dwellings, in residential zoning districts. For such uses, the placement of a temporary construction dumpster shall be limited to 30 consecutive days in any single calendar year.

**(2) Portable Storage Units**

- A. Portable storage units may be permitted in any zoning district as follows:
  - i. Such units may be used on construction sites, as construction structures, in accordance with Section [1109.02\(c\)\(1\)](#).
  - ii. When the occupant of a property is relocating or renovating, a portable storage unit shall be located on a paved surface, on a private property for a period not to exceed 30 consecutive days or 14 total days in any six-month period.
  - iii. The placement of any portable storage unit shall be in such a manner as not to create a public nuisance.
  - iv. For seasonal storage of goods or equipment, such as winter snow removal equipment or seasonal retail inventory, during such season.
- B. A zoning certificate shall not be required for the placement of any portable storage unit.
- C. Portable storage units shall not be used to store hazardous or explosive materials.
- D. Portable storage units shall not be occupied or use for any housing use.
- E. Electric cords or power lines shall not be extended to any portable storage unit.

**(3) Temporary Sales Office and Model Homes**

A temporary sales office/model home may only be located in a subdivision or multi-family residential development, its location shall be indicated on the subdivision plats or site plans, as applicable, and approved by the Planning Commission. The following provisions shall be met:

- A. Up to two temporary real estate sales office or model dwelling unit shall be permitted in a section or phase of a new residential subdivision or in any one multi-family residential development.
- B. The dwelling shall comply with all of the applicable standards of this code for the final residential use regardless of the temporary use as a sales or leasing office;
- C. The sales office/model homes shall be operated by a applicant, builder, or sales agent active in the same phase or section where the use is located.
- D. The sales office/model home shall be converted into a permanent residential use upon completion of construction and issuance of the permit for the last dwelling or for a period of time approved by the Planning Commission for multi-family residential developments.

**(4) Temporary Outdoor Sales and Events**

These regulations are intended to establish standards for limited duration agricultural, commercial, and civic activities (e.g., Christmas sales, pumpkin sales, landscape material sales, craft sales, grand openings and special events, etc.) that may be conducted outdoors, regardless if the activity is associated with the principal use or not. The intent is to prevent the creation of any nuisance or annoyance to the occupants of adjacent buildings, properties, and the general public.

- A. A zoning certificate and submission of an applicable fee shall be required for all outdoor sales and events.
- B. The zoning certificate must be issued prior to the commencement of any temporary use where the certificate is required.
- C. Temporary outdoor sales and events may be subject to additional permits or inspections as required by any applicable law or regulation.
- D. The following uses are permitted temporary outdoor sales and events, subject to the requirements of this section:
  - i. Retail sales of seasonal or holiday items (e.g., Christmas trees and pumpkins,);
  - ii. Parking lot sales, sidewalk sales (private sidewalks only), clearance sales or other temporary uses which, in the opinion of the Zoning Administrator, are similar to uses listed in this section;
  - iii. Grand opening and special events;
  - iv. Stands for the seasonal sale of refreshments; and
  - v. Other temporary uses which, in the opinion of the Zoning Administrator, are similar to the uses listed in this section.
  - vi. Temporary outdoor sales and events shall be limited to no more than 45 days per calendar year.
- E. The Zoning Administrator may impose such conditions on a temporary zoning certificate as is necessary to meet the purposes of this section and protect the public health, safety, and welfare and adjacent uses. Conditions which may be imposed may include, but are not limited to:
  - i. Yard setback and open space requirements;
  - ii. Parking;

- iii. Fences, landscaping walls or other screening;
  - iv. Signs;
  - v. Vehicular and pedestrian ingress and egress;
  - vi. Property maintenance during the course of the activity;
  - vii. Control of illumination, noise, odor, vibration or other nuisances; and
  - viii. Hours of operations.
- F. All sites shall be completely cleaned of debris and temporary structures including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and appurtenances or equipment connected therewith, within five days after the termination of the temporary use.
- G. No area of public right-of-way may be used without obtaining approval from the Village Administrator.
- H. All temporary structures including, but not limited to: greenhouses, trailers, tents, canopies, mobile homes, etc., shall conform to zoning setback requirements unless stated otherwise in this section.



## Chapter 1111: General Development Standards

### 1111.01 Lot and Principal Building Regulations

#### (a) Minimum Lot Area and Width

##### (1) Measurements

- A. The area of a lot includes the total horizontal surface area within the lot's boundaries (lot lines).
- B. Unless otherwise stated, the lot width is the distance between the side lot lines measured along the minimum front yard setback line.
- C. Minimum lot depth shall be measured as the shortest distance between the front lot line and the rear lot line.

##### (2) Lot Area, Lot Width, and Lot Depth Requirements

- A. [Table 1111-1](#) establishes the minimum lot area, lot width, and lot depth requirements for individual zoning districts unless otherwise specifically stated in this code.
- B. Where no minimum lot area, lot width, or lot depth is established, such lots shall be of a size large enough to allow for all proposed buildings and required setbacks, off-street parking, and all landscaping and screening requirements established in this code.
- C. Minimum lot areas and lot widths in a planned development shall be as established in the planned development approval process.

**Table 1111-1: Minimum Lot Area and Lot Width Requirements**

District	Minimum Lot Area (Square Feet)	Minimum Lot Width for Corner Lots (Feet) [1]	Minimum Lot Width for All Other Lot Types (Feet)	Minimum Lot Depth (Feet)
ER	40,000	170 [2]	150 [2]	150
R-1	10,000	100	80	125
R-2	8,000	85	65	120
R-3	5,445 per dwelling unit	100	100	150
CC	None	None	None	None
VC	None	None	None	None
RO	8,000	85	65	120
ID	None	None	None	None
P-1	8,000	85	65	120

NOTES:  
 [1]This width is only required for one street frontage. All other street frontage shall have a minimum lot width as required for other lot types.  
 [2]The lots shall have a minimum of 60 feet frontage along a publicly dedicated right-of-way.

#### (b) Minimum Setbacks and Yards

##### (1) Setbacks and Yards Required for Buildings

- A. Where required, a yard for any structure shall be located on the same lot as the structure and shall not include any yard from an adjacent lot or any common spaces established as part of a PD or subdivision.
- B. While a yard is defined as an open area, certain projections may be permitted in required yards as specified in below.



- C. Where the term “required” is used before any yard type, that required yard shall be the area of the yard between the applicable lot line and the required yard setback distance from the applicable lot line, regardless of the presence of a building.

**(2) Measurements and Exceptions**

- A. Setbacks refer to the measurements from base of a structure and the property line (lot line) of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this code.
- B. A setback shall not be reduced in any manner to less than the required dimensions for the district in which it is located, and a setback of less than the required dimensions shall not be further reduced in any manner unless otherwise noted in this code (e.g., nonconforming structures or by variances).
- C. Setbacks from lot lines abutting an alley shall meet the appropriate side or rear yard setback for the applicable district.

**(3) Projections into Required Yards**

- A. Every part of a required yard shall be open to the sky and unobstructed except:
  - i. As otherwise provided in this section;
  - ii. For accessory and temporary uses as allowed in [Chapter 1109: Accessory and Temporary Uses](#);
  - iii. For landscaping, parking and circulation, and signs as allowed in this code; and
  - iv. Landscaping walls and fences as permitted in accordance with Section [1111.03](#).
- B. 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 setbacks for front, side or rear yards unless specifically allowed as part of an attached porch, patio, or deck.
- C. **Determination of Yards and Setbacks**
  - i. The Zoning Administrator shall have the authority to determine where the required yards and setbacks shall be applied and located in accordance with the provisions of this chapter.
  - ii. Where there is an instance of a lot configuration not addressed in the next sections (e.g., interior, corner, panhandle, etc.), or where there is an atypical building orientation on any lot, the Zoning Administrator shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.

(4) Lot Configurations and Rules for Setbacks and Yards

A. Regular Lots

- i. Unless otherwise stated, the required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line.
- ii. The lot line located directly behind the rear of the structure shall be the rear lot line and the rear yard setback shall be applied.
- iii. An alley shall not be considered a street for the purposes of determining a regular lot. Alleys may be located along what is the side lot line or rear lot line of a regular lot without changing the required setbacks.
- iv. All other lot lines shall be considered the side lot line and the side yard setback shall be applied.



Figure 1111-A: Typical setback and yard locations for a regular lot.

## B. Corner Lots

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

- i. Where a lot is considered a corner lot, the required minimum front yard setback shall be provided on all lot lines that abut a street.
- ii. The lot line that runs parallel with the front facade of the building, on the rear of the lot, shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line.
- iii. All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines.
- iv. An alley shall not be considered a street for the purposes of determining a corner lot. Alleys may be located along what is the side lot line or rear lot line of a corner lot without changing the required setbacks.
- v. Such setbacks and yard locations shall apply, regardless of the orientation of the building. The Zoning Administrator shall have the authority to determine the application of setbacks and where the yards are located based on the orientation of the building on the corner lot.

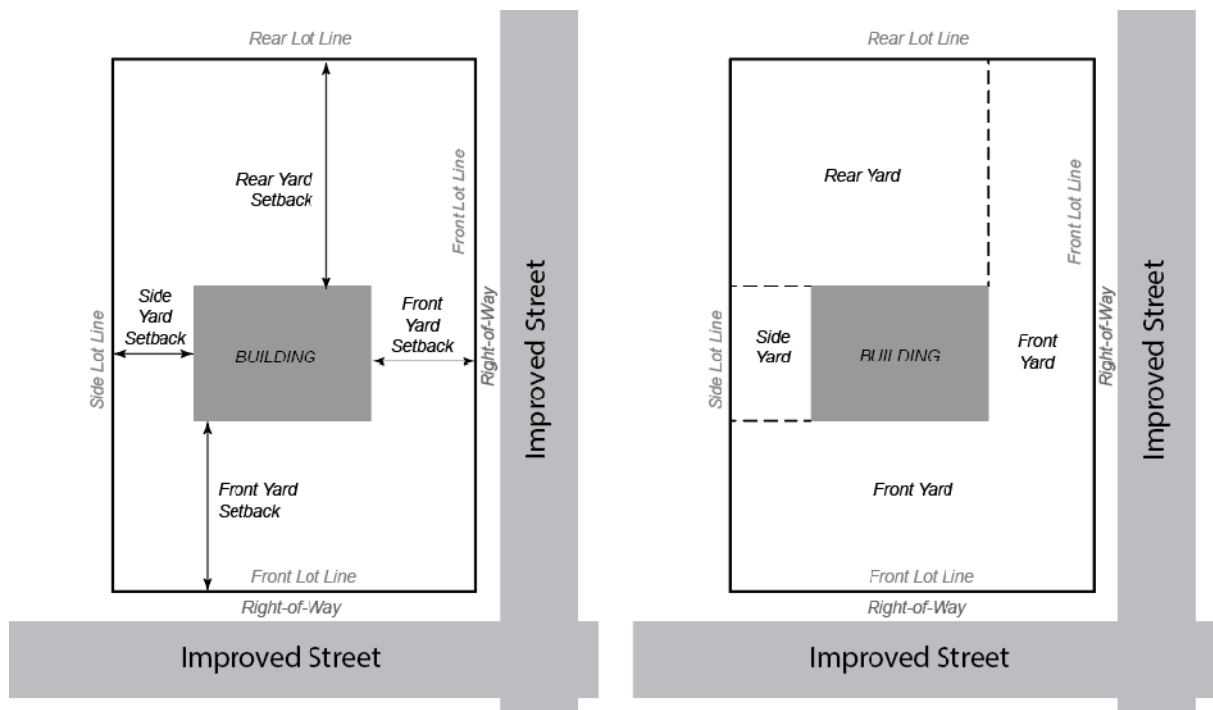


Figure 1111-B: Typical setback and yard locations for a corner lot.

**C. Double Frontage (Through) Lots**

Double frontage lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Double frontage lots shall be subject to the following regulations:

- i. Where a lot is considered a double frontage (through lot) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street.

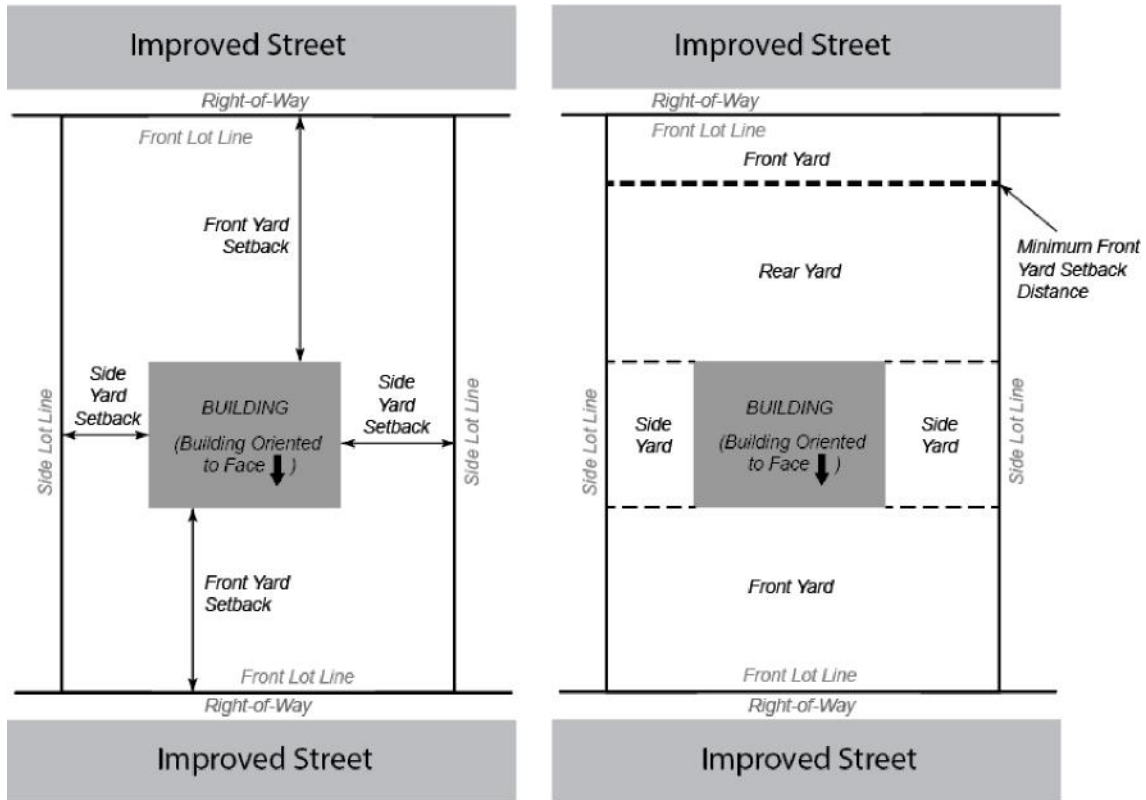


Figure 1111-C: Typical setback and yard locations for a double frontage (through) lot.

- ii. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line.
- iii. For the purposes of allowing accessory uses and fences, which are allowed in a rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard and the setbacks of Section [1111.01\(b\)](#), shall apply to all accessory uses or structures. Such accessory uses or structures shall not be permitted in the required front yard areas adjacent to each street.
- iv. Where alleys exist in the Village, any lots that have frontage along the alley shall not be considered a double frontage (through) lot and shall either be regulated as an regular lot or corner lot depending on the location of the subject lot within the block.

#### D. Panhandle (Flag) Lots

Panhandle lots (flag) lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Panhandle (flag) lots shall be subject to the following regulations:

- i. Panhandle (flag) lots shall not be used to avoid the construction of a street.
- ii. The area of the “panhandle” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
- iii. The stacking of panhandle (flag) lots shall be prohibited. See [Figure 1111-D.](#)

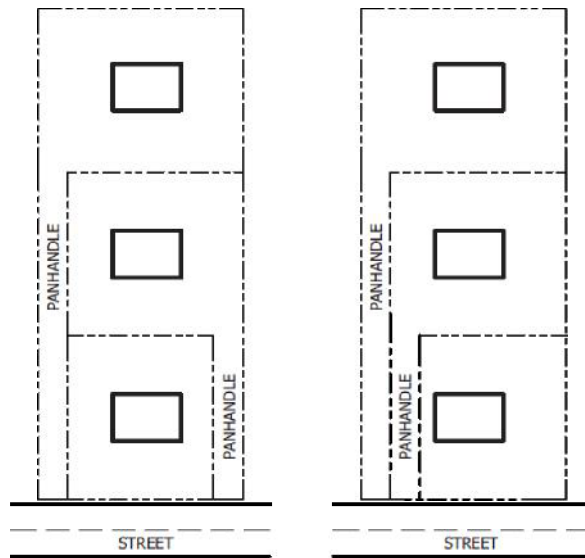


Figure 1111-D: The above illustration shows the stacking of panhandle lots, which is prohibited.

- iv. The panhandle shall have a minimum width of 10 feet along the entire width of the panhandle. The maximum width shall be 40 feet and anything with a width of 40 feet or greater shall be considered an interior, corner, or double frontage lot as may be applicable.
- v. No structures, except for fences and landscaping walls allowed by this code, shall be permitted in the panhandle portion of the lot.
- vi. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 1111-E.](#)



Figure 1111-E: Typical setback and yard locations for a panhandle lot.

**E. Cul-de-Sac or Curved-Street Lot**

- i. For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line).
- ii. On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

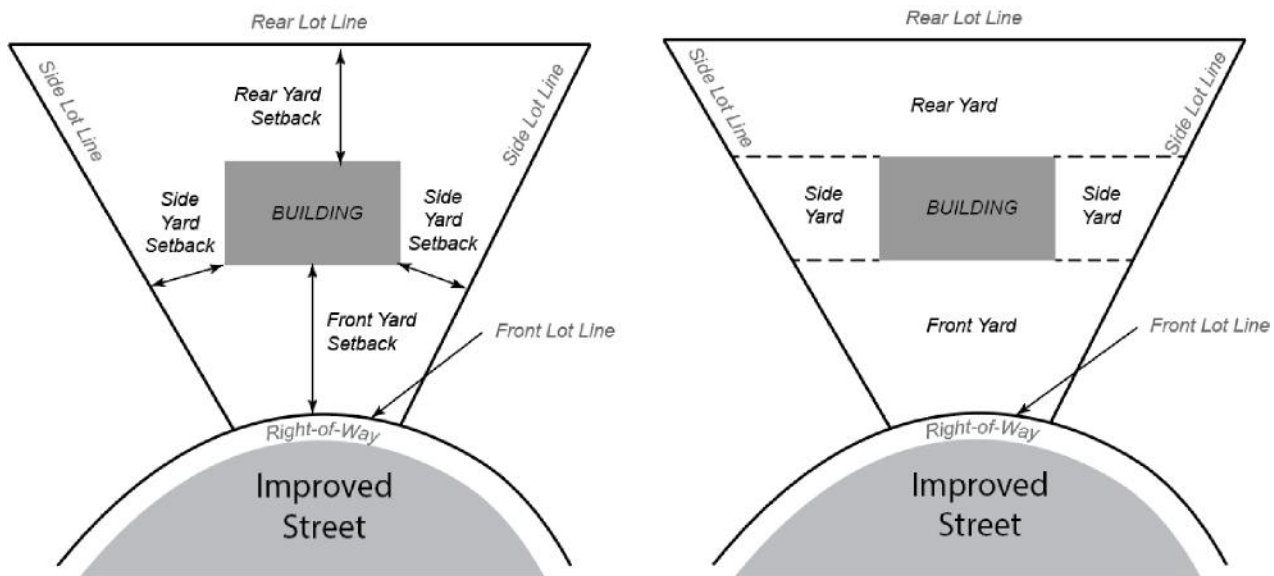


Figure 1111-F: Typical setback and yard locations for a curved street or cul-de-sac.

**(5) Minimum Setback Requirements**

- A. Setbacks required for accessory uses are established in Section [1109.01](#).
- B. [Table 1111-2](#) establishes the minimum setback requirements for principal buildings in all zoning districts.

- C. Additional setbacks may be required to accommodate landscaping and buffering in accordance with [Chapter 1113: Landscaping and Screening](#).

Table 1111-2: Setback Requirements				
District	Setback Requirements (Feet)			
	Minimum Front Yard from Arterial Street	Minimum Front Yard from All Other Streets	Minimum Side Yard (Each Side)	Minimum Rear Yard
ER	60	50	20	50
R-1	40	30	10	30
R-2	40	30	8	30
R-3	40	30	20 [1]	25
CC	40	30	None [2]	15
VC	0 [3]	None	None	None
RO	40	30	8	30
ID	40	30	15 [4]	15 [4]
P-1	40	30	8	30

**NOTES:**  
 [1] The side yard setback shall be 20 feet for principal building walls with no doors or windows. For principal building walls with windows and doors facing the side yard, the minimum side yard setback shall be equal to the height of the building, or 25 feet, whichever is greater.  
 [2] The minimum side yard setback shall be 15 feet if the side lot line is adjacent to a lot in a residential district.  
 [3] All buildings shall be built to the back of the sidewalk. The setback line can be waived or modified by the Planning Commission for special design features such as arcades or special window details through a conditional use approval.  
 [4] The minimum side and rear yard setback shall be 50 feet if the side or rear lot line, as applicable, is adjacent to a lot in a residential district.

**(c) Minimum Building Separation in the R-3 District**

- (1) If there are two or more buildings located on a single lot in the R-3 District, the minimum distance between opposite walls shall be 10 feet for facing walls with no windows or doors.
- (2) If any one or both of the walls facing each other have windows or other wall openings, the minimum distance between walls shall be equal to the height of the taller building.

**(d) Maximum Building Height**

**(1) Measurement**

- A. Building height shall be measured from average elevation of the finished grade to the highest point on the roof, regardless of roof type, excluding minor architectural features, roof embellishments, or chimney extensions.
- B. The finished grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating primarily undertaken for the purpose of locating or increasing the height of a structure, including signs. The filling of a hole or depression to create an average grade the same level as that surrounding the hole or depression is permitted, provided such filling is allowed by other ordinances.





Figure 1111-G: Measurement of building or structure height

**(2) Exceptions to Height Limits**

The maximum height limits established in this code shall not apply to:

- A. Spires, belfries, cupolas and domes, monuments, chimneys, towers, transmission towers, and other permitted mechanical appurtenances located upon or constructed as an integral part of the principal building for all nonresidential uses as may be authorized by the Planning Commission; and
- B. Governmentally-owned freestanding water tanks, transmission towers, and flag poles.

**(3) Maximum Height Standards**

**A.** [Table 1111-3](#) establishes the maximum building height for principal buildings.

**B.** The maximum height of accessory structures is established in Section [1109.01](#).

Table 1111-3: Maximum Height of Principal Building	
District	Maximum Height
ER	35 Feet
R-1	35 Feet
R-2	35 Feet
R-3	35 Feet
CC	40 Feet
VC	40 Feet
RO	35 Feet
ID	40 Feet
P-1	40 Feet

**(e) Minimum Floor Area for Dwelling Units in the R-1 and R-2 Zoning Districts**

**(1) Calculation**

- A. The minimum floor area of a dwelling unit shall include all finished and habitable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building.
- B. Garages, outdoor patios, porches, or decks, and accessory buildings shall not be included in the minimum floor area of a dwelling.
- C. The requirements shall not apply to hospitals, nursing homes, or similar types of residential uses that are institutional in nature.

**(2) Minimum Floor Area Requirements**

- A. Each building that contains a single dwelling unit or two dwelling units shall have a minimum width of at least 22 feet at any one point and a minimum length of at least 22 feet at any one point.
- B. There shall be a minimum floor area for each dwelling unit that complies with [Table 1111-4](#).

Table 1111-4: Minimum Floor Area Requirements	
Dwelling Unit Type	Minimum Floor Area Required per Dwelling Unit
Single-Family Dwelling Unit	900
Two-Family Dwelling Unit	750
Multi-Family Dwelling Unit	500

**(f) Maximum Lot Coverage**

**(1) Measurement**

Where used, lot coverage is that portion of a lot, or a specified yard, which when viewed directly above, which would be covered by buildings, structures, and impervious pavement areas. Decks, pervious paver blocks, and other materials that are designed with adequate openings to allow stormwater to pass through the material into the ground shall not count as an impervious surface. The Zoning Administrator shall have the final determination of what are considered buildings and the total coverage that is considered impervious surfaces.

**(2) Maximum Lot Coverage Standards**

[Table 1111-5](#) establishes the maximum lot coverage for all buildings on an individual lot within the applicable district.

Table 1111-5: Maximum Lot Coverage	
District	Maximum Lot Coverage
ER	50 percent
R-1 and R-2	35 Percent
R-3	50 Percent
CC	80 Percent
VC	Not Applicable
RO	35 Percent
ID	85 Percent
P-1	75 Percent

**(g) Building Orientation**

- (1) The main entrance of any principal building shall be oriented toward a public street.
- (2) For corner lots, a principal building may be oriented toward the intersection of the two streets.

**(h) Utilities**

In all zoning districts except the ER District, all lots shall be served by utilities as required by Village Ordinance 0-08-05A.

**1111.02 General Lot Requirements**

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The following shall apply to all lots:

- (a) Provisions for storm drainage shall be adequate to protect the public and owners of surrounding land.
- (b) Trash and litter shall be controlled and stored in container systems which are located and enclosed in a manner to screen them from view.

**1111.03 Fences, Landscaping Walls, and Hedges**

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**(a) Zoning Certificate Required**

- (1) The installation of any fence or landscaping wall shall require the approval of a zoning certificate unless specifically exempted from the certificate requirement in this code.
- (2) Zoning certificates are not required for repairs of existing fences or landscaping walls. However, such work or structures are still subject to the applicable standards of this section. The replacement of an existing, conforming fence or landscaping wall with a similar fence or landscaping wall shall not require a zoning certificate.
- (3) Replacement of nonconforming fences or landscaping walls shall be subject to Section [1111.03\(g\)](#).
- (4) A zoning certificate shall not be required for short sections of fencing or landscaping walls that are designed as an architectural feature or utilized for decorative purposes and are not intended to enclose an area of land. Such sections shall not exceed 25 feet in length and shall comply with the vision clearance requirements of this code.
- (5) Hedges, shrubbery, trees, bushes and plantings shall be excluded from classification as fences but shall:
  - A. Be planted in a manner that the trunk of the hedge is located a minimum of one-foot from the lot line; and
  - B. Be subject to the intersection visibility requirements of this code. See Section [1111.04](#).
  - C. Where trimming is required to maintain intersection visibility, and such trimming is not done within 10 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.
  - D. Hedges shall not be planted in a row to imitate a fence or landscaping wall unless approved in the same manner as a fence or landscaping wall in accordance with this section.

**(b) General Requirements**

- (1) Unless a specific distinction is made in this section, any regulation that applies to fences shall apply to landscaping walls and vice versa.
- (2) All fences and landscaping walls shall be subject to the intersection visibility requirements of Section [1111.04](#).

- (3) All fences and landscaping walls, and any related supporting structures or appurtenances, shall be contained within the lot lines of the applicable lot and shall not encroach into adjoining or abutting lots and/or rights-of-way. Property owners, with written permission from abutting property owners, may connect to fences or landscaping walls on adjoining properties.
- (4) A zoning certificate shall be required for each property on which a fence or landscaping wall is installed when a connection of existing fences or landscaping walls is proposed on two different properties. Such applications shall also include signatures of both property owners to document the agreement of such connection.
- (5) Fences or landscaping walls are permitted along property lines provided only one fence or landscaping wall is located on the lot line.
- (6) The smooth finished side of the fence or landscaping wall shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two similarly finished sides, either side may face the adjacent property.
- (7) Posts, poles, or other mechanisms used to secure the fence to the ground or support the fence shall be located on the inside of the fence (i.e., located on the property of the applicant).
- (8) All diagonal or supporting members shall face the property on which the fence or landscaping wall is constructed.
- (9) All fences and landscaping walls shall be maintained in a neat and orderly manner.
- (10) Landscaping walls shall be prohibited within all utility easements. Fences that are placed in utility easements shall require the written permission from the applicable utility company. Without such permission, the fences are subject to removal without notice by utility companies or the Village when work is being done in the utility easements. Fences shall not be placed in any Village easement unless the plat specifically permits the placement of such fence. The Village of Centerburg is not responsible for the determination of easements on private properties.
- (11) Replacement of fences removed by the Village or utility company shall be at the property owner's expense.
- (12) Fences and landscaping walls shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district. Solid fences and landscaping walls shall be designed to direct water to drainage channels or other outlets to eliminate the possibility of the accumulation of water behind the landscaping wall.
- (13) It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or landscaping wall does not deviate from the plans as approved by the Zoning Administrator issuing the zoning certificate, and that the fence does not encroach on another lot or existing easement. The issuance of the zoning certificate and any inspection by the Village shall not be construed to mean that the Village has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on him or her herein.

**(c) Prohibited Fences**

- (1) No person shall erect or maintain anywhere in the Village a fence or landscaping wall equipped with or having barbed wire, spikes, sharp points, or any similar device except in the ID and P-I Districts for the purposes of security.
- (2) No person shall erect or maintain anywhere in the Village a fence or landscaping wall that has an electrical charge.

**(d) Measurement**

- (1) The maximum fence or landscaping wall height shall be measured from the lowest point within three feet on either side of the fence to the top most portion of the fence between posts. See [Figure 1111-H](#). The structure posts, finials, or other decorative architectural details may exceed the maximum height allowed in this section by up to six inches.

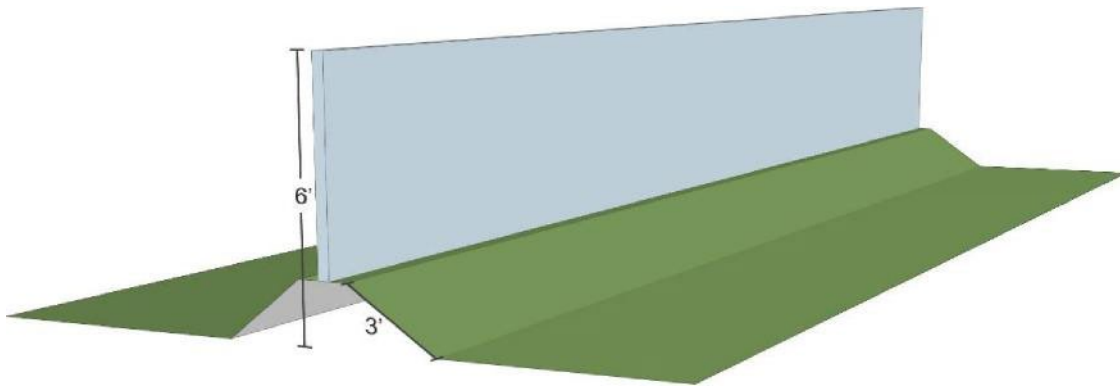


Figure 1111-H: Illustration of the measurement of the height of a fence based on the grade.

- (2) Fencing or landscaping walls should follow the natural contour of the land on which it is located. See [Figure 1111-I](#).

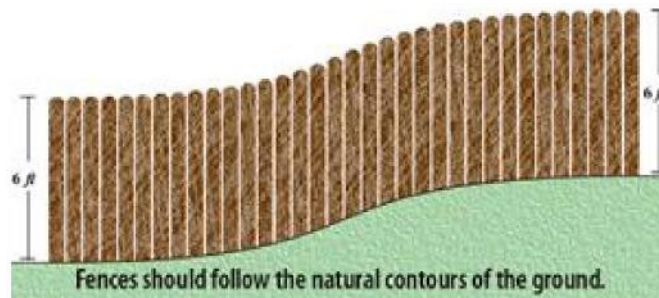


Figure 1111-I: This illustrates how fencing is measured along a natural contour.

- (3) A fence may be erected on top of a landscaping wall but the combined height of the fence and landscaping wall shall not exceed the heights specified within this section for a fence or landscaping wall. Fences or landscaping walls located on top of a retaining wall shall be measured from the top of the finished grade at the top of the retaining wall.

**(e) Front Yard Fences and Landscaping Walls**

- (1) The maximum height of a fence or landscaping wall, or combination thereof, in any front yard shall be 30 inches.
- (2) See Section [1111.01\(b\)](#) for the location of front yards based on lot types.

**(f) Side and Rear Yard Fences and Landscaping Walls**

- (1) The maximum height of a fence or landscaping wall, or combination thereof, in any side or rear yard in the shall be six feet.
- (2) See Section [1111.01\(b\)](#) for the location of side and rear yards based on lot types.

**(g) Nonconforming Fences and Landscaping Walls**

- (1) Where a nonconforming fence or landscaping wall is to be maintained or repaired, such nonconforming fence or landscaping wall may continue to exist. Repair or maintenance shall include any general maintenance of a fence or landscaping wall while still in place or a portion of a fence or landscaping wall may be removed temporarily for repair or maintenance work provided the same fence or landscaping wall is replaced in the same position.
- (2) If 50 percent or more of the length of a nonconforming fence or landscaping wall is to be removed and replaced, even as part of maintenance, such replacement shall conform with the requirements of this code and shall require the issuance of a new zoning certificate. Such 50 percent shall be the aggregate over the course of time, following the effective date of this code, so that full, conforming replacement, shall be required once 50 percent of the length has been removed, no matter if done as a whole or partially over time.

**1111.04 Intersection Visibility**

Development proposed adjacent to any public or private street, in every district, shall be designed to provide a clear visibility area for pedestrian and traffic safety.

- (a) A traffic safety visibility triangle area, which may include private property and/or public right-of-way, is a triangle area defined by measuring 30 feet from the intersection of the extension of the front and side street curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property. See [Figure 1111-J](#).

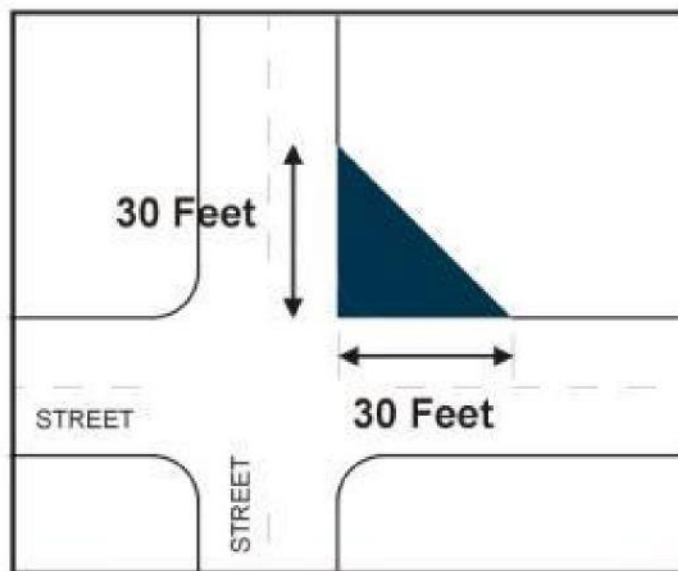


Figure 1111-J: Traffic intersection visibility triangle for intersecting streets.

- (b) For intersections of streets and driveways, the traffic intersection visibility area shall be created by measuring 25 feet from the edge of the driveway along the street and 20 feet along the driveway, perpendicular from the street. See [Figure 1111-K](#).

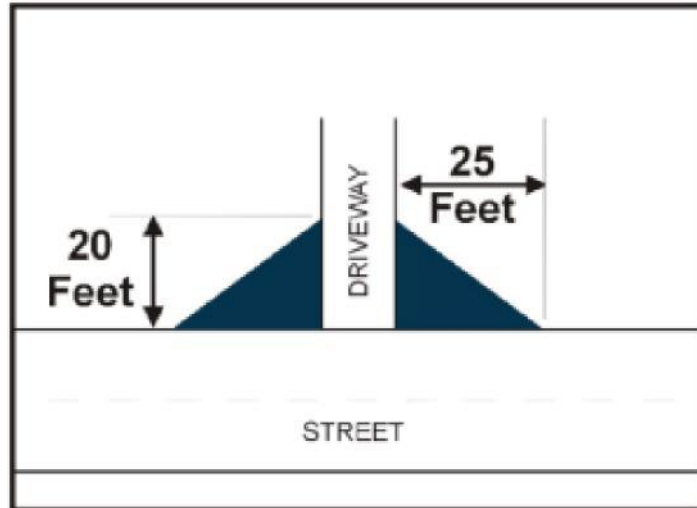


Figure 1111-K: Traffic intersection visibility triangle for driveway and street intersections.

- (c) No structure, sign, or landscape element shall exceed 36 inches in height, measured from the top of the curb, within the traffic safety visibility area, unless approved by the Zoning Administrator.
- (d) An exception to this requirement shall be for existing trees where the canopy is trimmed to a minimum of eight feet above grade.
- (e) This requirement shall not apply to lots in the VC District or lots with single-family or two-family dwellings but any driveways associated with such uses should be designed with sufficient visibility clearance to ensure safety for traffic and pedestrians.

### 1111.05 Outdoor Lighting

#### (a) Purpose

The purpose of this outdoor lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

#### (b) Applicability

- (1) All outdoor lighting fixtures shall be subject to review as part of this section unless exempted, below.
- (2) A photometric plan showing the following shall be submitted as part of any site plan review application where any new light fixtures are being proposed on a site.

#### (3) Exemptions

- A. All outdoor lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
- B. Lighting installed by the Village of Centerburg, Knox County, or the State of Ohio within a right-of-way shall be exempt.
- C. All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all luminaries on vehicles that are travelling on a roadway or driveway, shall be exempt from the requirements of this section including flashing or blinking lights.
- D. Street lights shall be exempt from the provisions of this section.



**(c) General Provisions Applicable to All Districts and Development**

- (1) Outdoor lighting shall be installed in a manner to deflect from adjacent residential developments.
- (2) All outdoor lighting for residential and nonresidential uses shall be located, screened, or shielded so adjacent lots located in residential districts or recorded subdivisions are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public rights-of-way, and drives. Perimeter lighting, when adjoining residential districts or recorded subdivisions, shall be by shielded fixtures to prevent light trespass onto adjacent properties.
- (3) No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential.
- (4) No light shall be directed at a public right of way.

**(d) Lighting Standards for Residential Uses**

The following standards shall apply to single-family and two-family dwellings:

- (1) There shall be a maximum height of eight feet from the finished grade adjacent to the base of the light fixture to the top most point of the fixture for any freestanding light fixtures on a lot with a single-family dwelling or two-family dwelling.
- (2) The light bulb on such fixtures shall not produce more than 1,600 lumens.

**(e) Lighting Standards for All Other Uses**

The following standards shall apply to all development except for lots with a single-family and two-family dwellings:

**(1) Prohibited Lights**

- A. Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.
- B. No open lights, such as strings of light bulbs, shall be permitted. This prohibition shall not include holiday lighting or those used for decorative purposes over outdoor patios, seating areas, or similar places of gathering.

**(2) Type of Fixtures**

- A. All light fixtures shall be full cut-off type fixtures except for decorative light fixtures. See [Figure 1111-L](#).
- B. Decorative light fixtures shall not flash or otherwise create a sense of motion.
- C. Non-cutoff lighting may only be used for decorative purposes when located adjacent to the building.

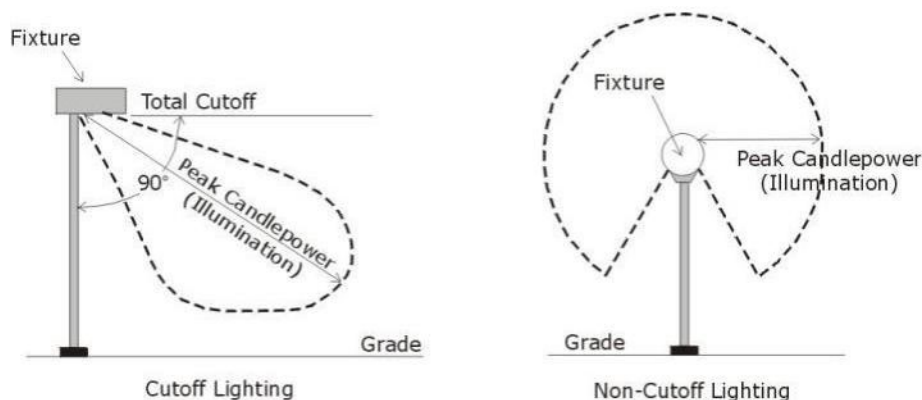


Figure 1111-L: Illustration of cutoff lighting versus non-cutoff lighting



**(3) Height of Fixtures**

- A. In all districts, the maximum height of any non-cutoff light fixture used for decorative purposes shall be 12 feet.
- B. All cut-off outdoor lighting shall be designed, located, and mounted with the maximum height as follows:
  - i. The maximum height of light fixtures in any residential zoning district shall be 15 feet.
  - ii. The maximum height of light fixtures in all nonresidential and special zoning district shall be 28 feet.
  - iii. The maximum height for residential uses or areas in a planned development shall be 15 feet while the maximum height for nonresidential uses shall be 28 feet.
- C. In no case shall the height of light fixtures exceed the maximum permitted building height within the applicable zoning district.
- D. Lighting located under canopies shall be flush mounted or recessed within the canopy.
- E. Height shall be measured from the finished grade adjacent to the base of the light fixture to the top most point of the fixture.

**(4) Building-Mounted Lighting Standards**

- A. Lighting may be mounted to a building facade only at entrances, loading/service locations, or for the purpose of accent lighting.
- B. Exposed light bulbs are prohibited. The light fixtures shall be a total cutoff fixture but may direct lighting upward or downward.
- C. No colored or flashing lights shall be used to light the exterior of buildings.
- D. In no case shall a light fixture mounted on a structure be mounted at a height where the fixture will exceed the height of the roofline.

**(5) Illumination**

- A. There shall be a maximum illumination of 0.5 footcandles at the lot line in all residential districts and for any nonresidential use that abuts a lot in a residential zoning district or lot occupied by an existing residential use.
- B. Light levels shall be measured in foot-candles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
- C. Measurements shall be taken at the property line, along a horizontal plane at a height of 3.5 feet above the ground.
- D. The illumination across any nonresidential property shall be designed so as to not create excessively dark spots that may create safety issues.
- E. All applicants for new development or redevelopment are strongly encouraged to use components that reduce light pollution including, but not limited to, automatic shut-off of fixtures, auto-dimming to adjust lighting based on ambient lighting, and the use of as little lighting as necessary without creating safety issues.

**(6) Modifications**

Should any exterior light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Zoning Administrator for approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.

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## 1111.06 Demolition

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### (a) Applicability

- (1) The provisions of this section shall apply whenever buildings or other structures that have a total footprint of 750 square feet or more are demolished, in whole or in part.
- (2) All work of demolition of buildings or other structures, or parts thereof, shall be in conformity with the provisions of this section and in conformity with accepted safe practice.

### (b) Zoning Certificate Required

- (1) Any demolition of buildings or structures subject to this section shall require the issuance of a zoning certificate.
- (2) The zoning certificate, when approved, shall authorize the start of demolition in accordance with the approved certificate.
- (3) Approval of the zoning certificate for demolition does not constitute Village acknowledgment that utilities have been terminated, or acknowledgement of the proposed methods or safety of such demolition. The applicant shall be responsible for ensuring that the utilities have been shut off and that protections are in place to ensure the safety of people performing the demolition as well as people and property on the subject property and adjacent to the property.
- (4) The zoning certificate for demolition shall be valid for six months following the date of approval. If demolition does not begin within six months, the zoning certificate shall be deemed voided and any future demolition will require the issuance of a new zoning certificate.

### (c) Demolition Requirements

- (1) After demolition, the building lot must be cleared of all debris resulting from the demolition. The removal of any existing footers or slabs is also required.
- (2) If new construction is not to begin within 30 days following demolition, the lot must be restored to an acceptable condition, as determined by the Zoning Administrator. This may include, but is not limited to backfilling, seeding, mulching or grading.
- (3) A bond, sufficient to cover the cost of incomplete demolition, restoration, may be required until improvements have been made to the satisfaction of the Zoning Administrator, at which time the bond may be released. The Village Administrator may waive the bond requirement when proceeding in accordance with the procedure allowed under ORC Section 3926.86(C).
- (4) Incomplete demolition shall mean where demolition has commenced within the six-month timeframe after approval of the zoning certificate but where demolition was halted before all of the demolition was completed. The Zoning Administrator may grant a three-month time expansion to complete demolition if just cause is given by the applicant and the building or structure is determined to be stable and does not pose any danger to the public.

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## 1111.07 Nuisance Control

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### (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 code provided all regulations pertaining to that use are followed.

### (b) Public Nuisance Defined

As used in this code, a public nuisance shall mean any act, structure, 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 or safety of the public;
- (2) Cause conditions which adversely affect the legitimate use and enjoyment of surrounding areas; or
- (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) The breeding or care of cattle, horses, swine, llamas, chickens, or other such non-domestic animals except where permitted;
- (2) Accumulation of large piles of natural materials (sticks, leaves, logs)
- (3) The parking of a number of vehicles (including motorcycles, boats, and RVs) that obstructs traffic or unreasonably uses available parking in the vicinity;
- (4) 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;
- (5) Abandoned unlicensed or inoperable motor vehicles and equipment including inoperable, disabled, obsolete, cannibalized and/or incomplete contractor equipment, construction equipment or farming equipment;
- (6) 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;
- (7) 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 known to become a nuisance and a menace to health; or any storm water retention or impoundment device which is operating improperly;
- (8) Any use of property, substances or things within the Village, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stench 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;
- (9) All outdoor 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;
- (10) Such other actions, conduct, omissions, conditions or things defined or specified in the Codified Ordinances as nuisances or as public nuisances;
- (11) 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;
- (12) 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; or
- (13) 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 Village Council.

**(d) Filing Complaints, Inspections**

- (1) All complaints alleging the existence of a public nuisance shall be filed with the Zoning Administrator.
- (2) The Zoning Administrator 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 in accordance with the Village's records retention policy.

**(e) Notice to Abate**

- (1) 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 shall cause written notice to be served upon the owners, in accordance with this Section [1111.07\(e\)](#).
- (2) The notice shall state the nature of the nuisance by identifying the conditions and may cite relevant code provisions, and further 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.
- (3) Such notice shall also state that the failure of such owner, occupant or person to abate the nuisance shall be deemed an implied consent for the Village to abate or remove such nuisance.
- (4) If the public nuisance does not constitute a great and immediate danger to the public health, safety or welfare, the Zoning Administrator 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 15 days of the date set forth in the notice. 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.
- (5) The notice to abate shall contain a statement as to the right to request an opinion and the date and time upon which such right shall expire.

**(f) Request for Opinion**

- (1) The property owner, lessee, agent, tenant, or person having charge or care of the subject land may appeal the determination of nuisance to the Planning Commission as provided in Section [1103.14](#).
- (2) The written appeal must be made within the time period in which to abate the nuisance stated in the notice. This appeal must be submitted, in writing, and shall describe the reasons why the property is not a nuisance. The Planning Commission 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 Planning Commission may determine that the appellant is not liable for the costs, or that, upon good cause shown, a lien shall not be filed by the Village upon the property.

**(g) Procedure When Owner Fails to Comply**

- (1) The Zoning Administrator may determine that the public nuisance for which a notice has been issued under Section [1111.07\(e\)](#) constitutes a public nuisance pursuant to Section [1111.07\(b\)](#) 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.

- (2) 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.
- (3) See Section [1111.07\(i\)](#), below related to the payment of costs and the procedure for the placement of a lien on the property.

**(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;
- (7) Permit and inspection fees; and
- (8) Any attorneys' fees or other costs.

**(i) Payment of Cost**

- (1) The owner shall pay such costs as are charged in accordance with this section to the Clerk-Treasurer within 30 days after the statement of charges has been mailed to the owner at the address of record in the office of the County Treasurer.
- (2) Such payments shall be credited to the appropriation from which such cost was paid by the Village.
- (3) If the charge is not paid within 30 days after mailing, the Clerk-Treasurer shall certify the charges for services as provided in Section [1111.07\(g\)](#) to the County Auditor, together with a proper description of the premises.
- (4) 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.

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**1111.08 Special Flood Hazard Areas (SFH)**

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**(a) Purpose**

It is the purpose of this section to promote and provide for the proper use and development of lands subject to periodic flooding and to encourage the development of such lands in a manner that will promote the public health, safety and general welfare of the residents of the Village. The intent of this section is to secure safety from flooding, minimize flood damage to persons and property, minimize public expenditures for flood relief and flood control projects, and to reduce the height and violence of floods insofar as such are caused by any natural or artificial obstruction. In order to accomplish its purposes, this section includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to flooding, or which result in damaging increases in erosion, in flood heights or in flood water velocity;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of the floodplain, watercourse channels and natural protective barriers, which help accommodate or channel flood waters;

- (4) Controlling the filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the creation of floodway obstructions or encroachments which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

**(b) Basis for Establishing the Floodplain**

To secure this degree of safety from flooding and damages of flooding, the objectives of this section are to assure the retention of sufficient natural floodway area to convey flood flows; to designate a minimum flood protection elevation; to reduce the height and violence of floods insofar as such are increased by any encroachment or flood obstruction:

- (1) The floodplain constitutes two special flood hazard areas which are hereby established for and effective in the floodway and floodway fringe of the Village and which shall be subject to the regulations of this section. The floodway and the floodway fringe areas are detailed on the flood profile and Flood Insurance Rate Map (FIRM) contained in the Flood Insurance Study and are subject to the provisions of this section.
- (2) These two areas distinguish between:
  - A. The hazards to life and property associated with that portion of the floodplain required to carry and discharge the waters of a base flood (the floodway area) and
  - B. The remaining portion of the floodplain that is subject to inundation during a base flood (the floodway fringe area).
- (3) The regulations of this section shall be construed as being supplementary to the regulations imposed on the same lands by virtue of the land being part of a zoning district. It is not intended by this section to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this section. However, where this section imposes greater restrictions, the provisions of this section shall prevail.
- (4) It shall be the intent of this section to use the most current data available for identifying the floodplain, floodway, and floodway fringe. Such data may be supplied by the Ohio Department of Natural Resources, Federal Emergency Management Agency or an approved technical institute or governmental agency. Consideration shall be given to an engineer-certified specific site survey and study which presents detailed elevation information which is not otherwise available.

**(c) Delineation Of Floodway and Floodway Fringe Areas**

- (1) The selection of the floodway area shall be based on the principle that the area chosen for the floodway must be sufficient to carry the waters of the base flood without increasing the water surface elevation of that flood more than one-half foot at any point within the watercourse or an affected watercourse reach. This floodway area designation is established on the Flood Insurance Rate Map (FIRM).
- (2) The landward boundary of the floodway fringe area shall be that of the base flood. The channelward boundary of the floodway fringe area shall be that of the abutting floodway.

**(d) Availability of Maps Delineating the Floodplain**

- (1) The Village shall make available and maintain information as to the floodplain which will provide descriptive data delineating the floodway and floodway fringe area boundaries along the major watercourses within the Village by which the location of individual properties can be determined in relation to the floodplain.
- (2) Where a watercourse meanders through or extensively borders a given subdivision or other parcel of land resulting in varying flood elevations, the highest flood elevation affecting a given parcel of land may be used to determine a flood protection elevation for the entire parcel or subdivision.

**(e) Permitted Uses in the Floodway**

- (1) Within a floodway area, no buildings or structures shall be used and no buildings or structures shall be erected, constructed, altered, or enlarged for any purpose and no premises shall be used which are arranged, intended or designed to be used for other than one of the following uses as permitted by the underlying zoning district.
  - A. Agricultural use;
  - B. Public or private recreational use;
  - C. Public or private water-oriented facility for recreational or navigational use and water measuring and control device; or
  - D. Public utility such as an underground culvert or pipe, street or railroad not requiring fill, and watercourse-crossing bridge or transmission line above the flood protection elevations.
- (2) No building, alteration of an existing building, structure or other encroachment, whether public or private, shall be permitted in the floodway which acting alone or in combination with existing or reasonably anticipated uses would impair the designated floodway's ability to carry and discharge the water resulting from the base flood.
- (3) No structure associated with use listed in Subsection [1111.08\(e\)\(1\)](#) hereof, including the supporting members of bridges and other public facilities crossing a watercourse, shall be permitted unless an engineering analysis by a registered engineer demonstrates that encroachment will not result in any increase in the water surface elevation during the base flood.
- (4) Any building expansion or structure in addition to being floodproofed in accordance with Section [1111.08\(k\)](#) shall meet the following requirements:
  - A. Have a low flood damage potential;
  - B. Be located on the site outside the floodway whenever possible;
  - C. Be aligned so as to minimize its potential as an obstruction to the flow of water;
  - D. Minimize the barrier effect of appurtenant works such as fences and landscaping walls; and
  - E. Maintain the terrain.

**(f) Prohibited Uses in the Floodway**

- (1) Within the floodway no building, structure, or premises shall be used, and no building or structure shall be erected which is designed to be used for overnight accommodations by human habitans.
- (2) Any alteration of the floodway terrain through the shifting, addition or removal of material acting alone or in combination with other reasonably anticipated alterations would impair the designated floodway's ability to carry and discharge the waters resulting from the base flood is prohibited. The applicant shall provide an engineering analysis performed in accordance with standard engineering practices for any proposed alteration of the floodway terrain.

**(g) Permitted Uses in the Floodway Fringe**

- (1) Any use expressly permitted by the underlying zoning district is also permitted in the floodway fringe.
- (2) Any building, structure, or premises located on any portion of any parcel that is within, or partially within, the floodway fringe shall be erected, arranged or designed to be used as specified by the underlying zoning district and in accordance with the following specifications.



**A. Residential**

- i. Each residential building or alteration of an existing residential building shall be elevated such that the lowest floor, including the basement, cellar, or crawl space, is equal to or above the flood protection elevation for the site.
- ii. A residential building shall have a means of ingress and egress to land outside the floodplain that is above the flood protection elevation and substantial enough for both pedestrian and vehicular access during a base flood.

**B. Commercial, Manufacturing, and Other Nonresidential Uses**

- i. New construction of, or substantial improvement to, any building, structure or appurtenant work shall be elevated as provided for in Subsection [1111.08\(g\)\(2\)A](#) hereof, or, together with attendant utility and sanitary facilities, shall be floodproofed as provided in Section [1111.08\(k\)](#) to a point at or above the flood protection elevation.
- ii. Accessory land uses such as yards, railroad tracks and parking lots may be at lower elevations.

**C. Public Streets**

Public streets shall be at a point equal to or above the flood protection elevation, or in developed areas shall meet the maximum elevation already established.

**D. Railroads, Transmission Lines, Pipes, Well Fields and Related Facilities**

Protection to a point equal to or above the flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area.

**E. Storage Of Material**

Material that, in time of flooding, is buoyant, flammable, explosive or could be injurious to human, animal or plant life shall be stored at or above the flood protection elevation, floodproofed or protected by structural measures consistent with the standards set forth in Section [1111.08\(k\)](#).

**F. Utilities**

- i. Any new or replacement water supply system or sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the system.
- ii. Any new or replacement sanitary sewage system shall also be designed to minimize discharge from the system into flood waters.
- iii. An on-site waste disposal system shall be located so as to avoid impairment or contamination during flooding.

**(h) Prohibited Uses in the Floodway Fringe**

- (1) Within the floodway fringe area, no building, structure, or premises shall be used and no building or structure shall be erected in such a manner as to result in an encroachment into the floodway.
- (2) Landfill is prohibited in the floodway fringe unless associated with a specific site development the extent of which shall be fully detailed on the zoning certificate application and the certificate issued therefor.

**(i) Zoning Certificate Required for Development in the Floodplain**

Within the floodplain, no building or structure shall be erected, constructed, altered, or enlarged and no development or use shall occur except upon the issuance of a zoning certificate.

- (1) Application for a zoning certificate shall be made to the Zoning Administrator in accordance with Section [1103.13: Zoning Certificate](#).
- (2) **Decision on the Zoning Certificate**
  - A. The Zoning Administrator shall not issue a zoning certificate until:
    - i. It has been determined that sites affected by the floodplain as designated by the Flood Insurance Study meet all the provision of this section; or
    - ii. In unnumbered A zones where FEMA has not provided data, the Village Administrator has determined based on data supplied by the applicant's engineer or architect that the proposed development will not adversely affect the flood-carrying capacity of the area of special flood hazard. "Adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one-half foot at any point. The Village Administrator may require additional engineering data as part of the application in order to make such a determination.
  - B. Review all applications to assure that all necessary permits have been received from those federal, state and local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining any additional permit that are necessary from other federal, state, or local agencies.
  - C. The Zoning Administrator shall have the authority to make interpretations, where needed, as to the exact location of the boundaries of special flood hazards when there appears to be a conflict between a mapped boundary and actual field conditions. Where a map boundary and elevation disagree, the elevations delineated in the flood elevation profile shall prevail. The applicant may appeal the interpretation in accordance with Section [1103.14: Appeals to the Planning Commission](#).

**(j) Variances**

- (1) Applications for variances from the development standards of this section shall be filed for determination by the Planning Commission pursuant to Section [1103.12](#).
- (2) No variance shall be granted unless the Planning Commission determines the application complies with Section [1103.12\(c\)](#), and below.
- (3) No variance shall be granted from the provisions of this section by the Planning Commission until it has considered all the following:
  - A. The danger that materials may be swept onto other land to the injury of others;
  - B. The danger to life and property due to flooding or erosion damage;
  - C. The susceptibility of the proposed development to flood damage and the effect of such damage on the owner;
  - D. The importance of the services provided by the proposed development to the Village;
  - E. The necessity to the development of a waterfront location, where applicable;
  - F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - G. The compatibility of the proposed use with existing and anticipated development;
  - H. The relationship of the proposed use to adopted plans and floodplain management program for that area;
  - I. The safety of access for vehicles to the property in times of flood;
  - J. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and
  - L. Whether the land proposed to be developed consists of less than one-half acre and is contiguous to and surrounded by lots with existing structures constructed below the base flood level. The granting of variances is more appropriate for such small tracts than for larger tracts.
- (4) No variance shall be granted by the Planning Commission where the variance will result in increased flood heights, additional threats to public safety, extraordinary public expense or nuisances.
  - (5) The Planning Commission shall grant the minimum variance from development standards of the section necessary to grant relief to the applicant consistent with the flood hazard to the area.
  - (6) No variance shall be granted by the Planning Commission for land located within any designated floodway where the variance will result in any increase in flood levels during the base flood discharge.
  - (7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**(k) Development Standards for Flood Hazard Reduction**

The following development standards apply to all areas within the floodway

fringe. **(1) Anchoring**

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. All manufactured homes not otherwise regulated by the ORC pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

**(2) Construction Materials and Methods**

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**(3) Utilities**

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**(4) Subdivision Proposals**

- A. All subdivision proposals, including manufactured home subdivision, shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage.
- D. All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of Section [1111.08\(k\)\(9\)](#).

**(5) Residential Construction**

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

**(6) Nonresidential Construction**

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

- A. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection.

**(7) Manufactured Home Standards**

The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Ohio R.C. 3733.01.

- A. Manufactured homes shall be anchored in accordance with Section [1111.08\(k\)\(1\)](#).
- B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.

**(8) Enclosures Below the Lowest Floor**

- A. The following standards apply to all new and substantially improved residential and nonresidential structures which are elevated to the base flood elevation using pilings, columns or posts. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall:
  - i. Be certified by a registered professional engineer or architect; or
  - ii. Must meet or exceed the following criteria:
    - a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

- b) The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other openings provided that they permit the automatic entry and exit of floodwaters.

- B. Any enclosure which meets these criteria shall be considered as having met the requirements of Section [1111.08\(k\)\(1\)](#).

#### **(9) Subdivisions and Large Developments**

In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section [1111.08\(b\)](#) or [1111.08\(l\)\(2\)](#), the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least fifty lots or five acres (whichever is less):

- A. The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
- B. If Section [1111.08\(k\)\(9\)A](#) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

#### **(I) General Provisions**

##### **(1) Warning and Disclaimer of Liability**

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section does not create liability on the part of the Village, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

##### **(2) Use of Other Base Flood Elevation and Floodway Data**

Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section [1111.08\(b\)](#), are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data obtained under the provisions of Section [1111.08\(l\)\(2\)](#), in order to administer the provisions of this section.

##### **(3) Alteration of Watercourses**

The Village Administrator shall notify all adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, submit evidence of such notification to the Federal Emergency Management Agency and require that maintenance is provided within the altered or relocated portion of a watercourse so that its flood-carrying capacity is not diminished.

##### **(4) Reports of Variances Granted**

The Village Administrator shall report any variances granted from the development standards of this section to the Federal Emergency Management Agency upon its request.

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## 1111.09 Source Water Protection Standards

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### (a) Purpose

The purpose of the source water protection standards is to safeguard the public health, safety and welfare of the persons and property in the Village of Centerburg by protecting the ground water that serves as the Village's source of drinking water. The source water protection standards are intended to provide for the protection of the water supply into the future, maintain the natural aquifer recharging ability, reduce the potential for contamination of the water supply, and heighten awareness of the need to protect the Village's water supply. The regulations of this section are for the purpose of protecting the Village's potable water supply from contamination from existing and future potential pollution sources through the regulation of the use of those substances which could pose a threat to the Village's existing and future wellheads and the surrounding aquifer.

### (b) Determination of Applicability

- (1) This section applies to any use, structure, storage, activity or operation by a facility within a 300-foot radius of the Village's wells, which are maintained by the Village as a drinking water source. Any use, change in use or occupancy, construction, grading, structural relocation, alteration, addition or demolition shall be in conformance with the provisions of this code. Property owners, facility operators, and occupants shall comply with all applicable Federal, state and local regulations in addition to this code. Where other applicable regulations are in conflict with this section, the more restrictive provision shall apply.
- (2) It shall be the responsibility of any person owning real property or owning or operating a business within the Village of Centerburg to make a determination of the applicability of this section as it pertains to the property or business or operation, and failure to do so shall not excuse any violations of this section.

### (c) Basis for Establishing the Source Water Protection Standards

The basis for establishing the source water protection standards was the guidance received from the Ohio Environmental Protection Agency, including but not limited to the February 2003 Drinking Water Source Assessment for the Village of Centerburg on file at the Village office with the Village Clerk.

### (d) Applicability Across Lot Lines

Where the applicability of the source water protection standards bisects a parcel of land, only the portion of the parcel within the 300-foot radius from the well shall be considered as being subject to these standards unless the Zoning Administrator or Planning Commission makes the determination that the property needs to be monitored for potential adverse impacts on the source waters that this chapter is intended to protect. Factors that shall be taken into consideration when such determinations are made include, but are not limited to, the amount of area within and outside of the radius, the size and shape of the parcel, access to the parcel, the degree to which the parcel may be subdivided, environmental features of the parcel, the proposed use of the parcel, and the ability to develop the parcel using that portion outside of the radius.

### (e) Allowed Uses

Except as otherwise prohibited by this section, permitted uses and conditional uses shall be those of the applicable zoning district. The development standards of the applicable zoning district shall apply to sites within the 300-foot radius. Where a conflict exists between the standards of the applicable zoning district and this section, the standards of this section shall apply.



**(f) Special Uses, Prohibited Uses, and Nonconforming Uses**

The special uses within the 300-foot radius shall be those of the applicable zoning districts subject to any more restrictive regulations of this section.

- (1) Sanitary landfills, drywells and the filling in of land with demolition debris or other non-approved matter, and junkyards, are prohibited.
- (2) Commercial or other facilities for the washing of vehicles or equipment shall be permitted only if the wastewater from such facilities is entirely channeled into the sanitary sewer system.
- (3) Wastewater treatment plant discharges are permitted when subject to discharge limitations prescribed by the appropriate state and national regulatory agencies.
- (4) If a nonconforming use of any land, building or structure is discontinued for six months or more, any further use shall be in conformity with the 300-foot radius.

**(g) Groundwater Protection Standards**

- (1) Use, storage, handling and/or production of regulated or hazardous substances in conjunction with permitted and conditional uses in this district shall be limited as to each use, to:
  - A. The aggregate of regulated or hazardous substances in use, storage, handling and/or production may not exceed 20 gallons or 160 pounds at any time.
  - B. The total use, storage, handling and/or production of regulated or hazardous substances may not exceed 50 gallons or 400 pounds in any 12-month period.
- (2) Storage of fuel and lubricants is prohibited except for regulated substances that are an integral component of and stored on individual vehicles or equipment that are used specifically and solely for the operation of the equipment in which the substances are contained.
- (3) No substitutions of a non-conforming use shall be permitted which results in an increase of the Hazardous Potential Ranking System on a parcel within this district. If the Hazardous Potential Ranking decreases for a non-conforming use for a period of twelve months or more, the non-conforming right to the higher Hazardous Potential Ranking shall be deemed to have been lost through non-use for that period of time.
- (4) Heating fuels for residential use in tanks having a capacity of 500 gallons or less are exempt from this code.

**(h) Hazard Potential Ranking System For Nonconforming Uses**

- (1) Any existing uses legally storing, handling using and/or producing regulated or hazardous substances in amounts equal to or less than the requirements under Section [1111.09\(g\)](#) are considered conforming uses and this section does not apply. Any new use or change of uses shall maintain the conforming status of the property.
- (2) Existing nonconforming uses shall be permitted to maintain the reported maximum quantity for each reportable regulated or hazardous substance, as determined by peak business cycle. Existing uses and maximum quantities, in combination with a hazard potential rating shall run with the land and be administered in conformance with all other applicable nonconforming provisions of this code.
- (3) In order to assess the risk for potential groundwater contamination, a hazard ranking has been developed for various activities categorized by their Standard Industrial Classification (SIC) code. This ranking is based on the kind of materials commonly associated with each use looking only at the most critical hydrologic factors. This ranking, published and updated regularly by the USEPA, is hereby incorporated by reference.



**(i) Regulated Materials Activity Inventory**

- (1) Except as provided in Section [1111.09\(g\)\(2\)](#) through [1111.09\(g\)\(4\)](#), any owner or occupant of any land in the 300-foot radius established in this section at the effective date of the section, shall file a Regulated Substance Activity Inventory Report with the Zoning Administrator. Said report shall be filed within 180 days of the effective date of this section and at 12-month intervals thereafter.
- (2) Except as provided in Section [1111.09\(f\)\(2\)](#) through [1111.09\(f\)\(4\)](#), any new owner or occupant of any land in the 300-foot radius established in this section shall file a Regulated Substance Activity Report prior to receipt of a certificate of occupancy and at 12-month intervals following the date of occupancy. For purposes of this section, new shall be defined as subsequent to the effective date of this section.
- (3) Where a person owns, operates or occupies more than one location, Regulated Substances Activity Reports shall be made for each location.
- (4) Agricultural uses shall file a Regulated Substance Activity Report within 180 days after the effective date of this section and at 12-month intervals thereafter. Regulated Substance Activity Reports for agricultural uses shall include total annual on-site application of regulated substances for the reporting property.

**(j) Regulated or Hazardous Materials**

The materials, chemicals or substances regulated by this chapter, and particularly restricted by Section [1111.09\(g\)](#), are listed and published under the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), Title III of the Superfund Amendments and Reauthorization Act (SARA), and the Emergency Planning and Community Right to Know Act of 1986, which list as are currently in effect and may be revised, are hereby adopted by reference. Said regulated or hazardous materials, include but are not limited to:

- (1) Petroleum or petroleum-based liquid products;
- (2) Antifreeze, transmission fluids, brake fluids and coolants;
- (3) Solvents (raw or spent), alcohols, hydrocarbons, and ketones;
- (4) Inks, pigments, printing and photography chemicals;
- (5) Paints, primers, thinners, stains, wood preservatives, varnishes, and cleaning compounds;
- (6) Industrial and commercial cleaning supplies, drain cleaners, and sanitizers;
- (7) Pesticides, herbicides, bactericides, algacides and fertilizers;
- (8) Acids and Bases with pH of 2 or less or greater than 12;
- (9) Aqueous metals; and
- (10) The materials, chemicals or substances regulated by this chapter, and particularly restricted by Section 1166.06, are listed and published under the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), Title III of the Superfund Amendments and Reauthorization Act (SARA), and the Emergency Planning and Community Right to Know Act of 1986, which list(s) as are currently in effect and may be revised, are hereby adopted by reference.



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## Chapter 1113: Landscaping and Screening

### 1113.01 Purpose

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The intent of these landscaping and screening 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) Provide opportunities to accommodate runoff naturally while managing stormwater on-site;
- (d) Encourage the development of landscaping that will minimize erosion;
- (e) Protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods;
- (f) Offer a minimum standard for the consistent appearance of plant material in the community landscape; and
- (g) Soften the appearance of building masses and paved areas and reduce generation of heat and stormwater runoff.

### 1113.02 Applicability

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- (a) Single-family and two-family dwellings shall be exempt from the requirements of this chapter with the exception of Section [1113.04](#) and Section [1113.05](#).
- (b) The requirements of this chapter shall apply to all other new development or expansions to other principal buildings.
- (c) If a vehicular use area is expanded an area less than 25 percent of the vehicular use area that existed on the effective date of this code, where there is no construction or alteration of a building on the same site, the landscaping requirements of Section [1113.08](#) shall apply to the expanded vehicular use area.
- (d) If a vehicular use area is expanded more than the 25 percent allowed above, without construction or alteration of the building or if a vehicular use area is demolished and replaced or redesigned, the landscaping requirements of Section [1113.08](#) shall apply to the entire vehicular use area.
- (e) Landscaping requirements shall be reviewed as part of an application for a site plan, development plan for planned developments, subdivision plat, variance, conditional use, or zoning certificate, whichever is occurs first. Landscaping review may be continued and/or completed under a later part of the approval process upon request of the Zoning Administrator and agreement of the applicant.
- (f) 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.

### 1113.03 Installation Timing

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- (a) No occupancy permit shall be issued until the installation of the landscaping as shown on the approved plan is complete and accepted by the Zoning Administrator unless a performance bond, cash bond or irrevocable letter of credit is posted at the time the zoning certificate is issued.

**(b) Posting of Bond or Letter of Credit**

- (1) The bond or letter of credit shall be in an amount equal to 100 percent 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 a landscape quote or estimate for completion of the approved plan for the landscaping, upon which the required amount of bond or letter of credit shall be based. The Zoning Administrator shall have the authority to demand a bond for more than the quote or estimate if, in the Zoning Administrator's opinion, the quote or estimate could be insufficient to complete the work at a later date.
- (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 months of the approval of the zoning certificate.
- (4) 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 at the cost of the forfeiture of the performance bond. Additional costs to complete installation shall become a lien on the property in accordance with state law.

**1113.04 Minimum Materials and Standards**

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The following identifies the minimum landscape and screening standard requirements for all developments.

**(a) Plant Materials**

- (1) All plant material shall be sound, healthy, live plants installed and maintained in accordance with relevant nursery industry procedures.
- (2) Shrubs shall be installed at a minimum height of two feet with a minimum spread of two feet. When used for a continuous, year-round screening, shrubs must crease such screening within five years of planting.
- (3) 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 percent coverage after one complete growing season. If approved as part of the site plan, groundcover may also consist of rocks, pebbles, sand, wood chips and other material.
- (4) 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.

**(5) Trees**

- A. Evergreen trees shall be installed at a minimum height of five feet with a minimum spread of three feet.
- B. Shade (deciduous or canopy) trees shall be installed at a minimum caliper of two and one-half (2.5) inches as measured at the diameter at breast height (DBH).
- C. Trees that drop fruits, berries, or seeds shall be prohibited from use as part of any landscaping requirement where the tree or its canopy will hang over a vehicular use areas, sidewalks, or other paved areas.
- D. Invasive species identified in OAC 901:5-30-01 shall be prohibited.

E. To curtail the spread of disease or insect infestation in a plant species if a new development contains over five trees, the application should include at least two different species of trees.

- (6) Existing live and healthy vegetation that meets the standards of this section may be used to meet the standards of this chapter.
- (7) Any trees, shrubs, or landscaping materials used to meet the standards of this chapter shall be required to meet the height and size standards of this section. Any trees, shrubs, or landscaping materials incorporated onto a site that exceeds the amount required by this chapter may be of any size.

**(b) Accessways**

Necessary accessways shall be permitted to traverse required landscaping and screening areas. The width of such accessways shall not be subtracted from the linear dimensions used to determine the minimum number of trees and shrubs required in this chapter.

**(c) Fencing and Landscaping Walls**

- (1) All fencing or landscaping walls used for screening purposes shall comply with Section [1111.03](#) and shall be 75 percent in opacity.
- (2) The bottom of all fences used to meet the landscaping requirements of this chapter shall be a minimum of two inches above the ground grade.
- (3) Materials and colors used for fences and landscaping walls shall be similar or complementary to the principal building on the lot.

**(d) Mounds and Berms**

- (1) Earthen mounds and berms shall have a maximum slope of 3:1 (three feet of horizontal space is required for each one-foot vertical change in elevation).
- (2) The crest or top of the mound shall be rounded with elevation changes maintained one foot off of the centerline of the mound.
- (3) Earthen mounds or berms shall be designed and constructed with variations in physical alignment throughout the length of the mound or berm.

**(e) Location**

- (1) No trees shall be planted over any storm or sanitary sewers, or in a manner where the root structure is reasonably expected to interfere with such underground facilities.
- (2) All required landscaping and screening materials shall be installed on the subject property requiring the landscaping and screening.
- (3) Perimeter landscaping and/or landscaped areas used for screening shall have a minimum width of five feet.

**1113.05 General Landscaping for Lots and Foundations**

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- (a) 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 required by the remainder of this chapter.
- (b) All required planting shall be located in areas which do not include any required bufferyard, right-of-way, or easements for utilities or access.
- (c) Any trees or plants required by this section shall not count toward any other landscaping requirement of this chapter.
- (d) 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.

**(e) Lot Landscaping**

Deciduous trees shall be required to be planted on the same lot as any new nonresidential building. The number of trees shall equal three trees for each 100 linear feet of building perimeter of the principal building.

**(f) Building Foundation Plantings**

- (1) Foundation plants are required for all uses except single-family and two-family dwellings.
- (2) 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.
- (3) Five shrubs shall be required per dwelling unit for any residential use along the foundation.
- (4) Foundation shrubbery for nonresidential uses shall be used to enhance and highlight building architecture. The use of foundation plantings is particularly important on blank facade walls (i.e., to window or door openings). As such, one shrub shall be required for every 10 linear feet of building perimeter for nonresidential buildings.

**1113.06 Required Bufferyard Between Land Uses**

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The bufferyard is a designated 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 adjustment of four basic elements: distance, plant material type, plant material density, and structural or land forms.

- (a)** 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.
- (b)** To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed:
  - (1) Identify the land use class of the proposed use by referring to [Table 1113-1](#).
  - (2) Identify the land use class of each adjoining use by referring to [Table 1113-2](#).
  - (3) Determine the bufferyard requirements for those side and rear lot lines or portion thereof on the subject parcel by referring to [Table 1113-2](#). The bufferyards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining bufferyards.
  - (4) Should a developed use increase in intensity from a given land use class to a higher one (e.g., Class 3 to Class 4), 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.
  - (5) 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 1113-3](#).

**(c) Bufferyard Requirements for Nonconforming Structures or Sites**

If a nonconforming 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 1113-1: BUFFERYARD LAND USE CLASSIFICATION	
Use Classes	Uses Based on Principal Uses in <a href="#">Table 1105-2</a>
Class 1 Uses	Agriculture Use Classification, Single-Family Dwellings, or Two-Family Dwellings
Class 2 Uses	Public, Institutional, and Recreational Use Classification, Administrative, Business, or Professional Offices, and remainder of the Residential Use Classification
Class 3 Uses	Remainder of Commercial, Office, and Mixed-Use Classification
Class 4 Uses	Industrial Use Classification

Table 1113-2: Bufferyard Type Requirements				
Proposed Use	Adjacent Use			
	Class 1 Uses	Class 2 Uses	Class 3 Uses	Class 4 Uses
Class 1 Uses	None Required	None Required	None Required	None Required
Class 2 Uses	A	None Required	None Required	None Required
Class 3 Uses	B	A	None Required	None Required
Class 4 Uses	C	B	A	None Required

Table 1113-3: Quantity of Plant Materials					
Bufferyard Type	Bufferyard Width (Feet)	Deciduous Trees [1]	Deciduous Shrubs [1]	Evergreen Trees [1]	Fence or Berm Required
A	20	2	0	2	No
	15	2	2	2	No
	10	2	4	4	No
B	25	2	2	2	No
	20	2	4	2	No
	15	3	4	4	No
C	30	2	2	2	No
	25	3	4	4	No
	20	3	4	4	Berm [2]
	15	3	4	4	Fence [3]

NOTES:

[1]The planting requirements are the total plants required per 100 lineal feet of bufferyard required.

[2]The required berm shall be three to four feet in height along the entire length of the bufferyard.

[3]The fence shall be a opaque fence with a height of four to six feet along the entire length of the bufferyard.



## 1113.07 Required Screening of Service Areas

- (a) In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intensive uses and from views from public rights-of-way. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.
- (b) The following areas shall be screened in accordance with this section:
- (1) Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;
  - (2) Accessory outdoor storage and bulk sales;
  - (3) Pipes, conduit, and cables associated with the building or use;
  - (4) Outdoor service areas that are necessary to support common business operations (e.g., outdoor air-conditioner, freezer or refrigeration units, storage units, etc.);
  - (5) Ground-level or facade-mounted mechanical equipment; and
  - (6) Roof top equipment that is not otherwise hidden by the roofline, parapet wall, or other similar feature.
- (c) Screening shall not be required if any of the above items are not visible from adjacent rights-of-way or from adjacent lots in residential zoning districts.
- (d) All sides of the item shall be screened with the exception that one side of the item may be screened with a gate or other similar feature to allow access.
- (e) **Screening Methods**
- (1) The following items are permitted for use as screening materials, and more than one method may be used on a lot or site.
    - A. Vegetative materials that provide an opaque screen of at least 75 percent, year-round, to the minimum height necessary to fully screen the facility from off-site views (See [Figure 1113-A](#)) but in no case shall that screen be less than six-feet tall or exceed eight feet in height; or
    - B. An opaque fence or landscaping wall, with a height of six feet, consistent with the standards of Section [1111.03](#); or
    - C. Integration into the building design (e.g., false walls or other architectural screening) that utilizes the same building materials and colors as the principal building. See [Figure 1113-B](#).



Figure 1113-A: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.



- (2) The required screening shall have a height sufficient enough to screen the applicable item(s) provided it is in accordance with any other applicable sections of this code.
- (3) To the maximum extent feasible, pipes, conduit, and cables should be located along the rear facade of buildings if conditions do not allow for them to be enclosed within the building itself. Pipes, conduit, and cables shall be located as far away from public view as practical and shall be painted a similar color as the building facade to further reduce visibility.
- (4) In all cases, fences and landscaping walls are limited to the heights allowed by Section [1111.03](#) unless the landscaping wall used for screening is an extension of the principal building, in which case, the landscaping wall may be the same height as the principal building wall that from which it is extended. See [Figure 1113-B](#).



Figure 1113-B: The above image illustrates a facade wall and fence that is an extension of the principal building that is designed to screen outdoor storage areas.

## 1113.08 Required Screening of Vehicular Use Areas

- (a) This section establishes the minimum standards by which parking areas will be screened from adjacent public streets or from adjacent properties. In addition, this section delineates standards for landscaping within the interior of vehicular use areas and along the perimeter.
- (b) Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bollards, wheel blocks, or curbing to avoid damage by vehicles.
- (c) **Perimeter Landscaping Required**
  - (1) The perimeter landscaping requirements of this section shall apply to all off-street vehicular use areas adjacent to a public street or to a lot line where the parking area contains five or more parking spaces.
  - (2) Vehicular use areas adjacent to public streets shall be separated from the edge of the right-of-way by a perimeter landscape strip no less than two and one-half feet in width in the VC District and five feet in width in all other districts. This width shall not include the sidewalk or any other paved area.
  - (3) The screening shall consist of fences, landscaping walls, or live vegetation with a minimum height of two feet and a maximum height of six feet.
  - (4) The screening shall have a minimum opaqueness of 75 percent, year-round. Areas of the landscaped area not covered by trees or shrubs shall be covered with grass or other approved ground cover.
  - (5) Perimeter landscape strips shall be continuous and unbroken except for driveways or sidewalks required to access the parking area.



Figure 1113-C: The above image illustrates an example of a perimeter landscaping screening of a vehicular use area.

**(d) Interior Vehicular Use Area Landscaping Required**

- (1) The interior vehicular area landscaping requirements of this section shall apply to all off-street parking areas where the parking area contains 6,000 square feet of paved surface or 15 parking spaces, whichever is less.
- (2) Such landscaping shall be in addition to landscaping adjacent to public streets and screening requirements as specified in this chapter.
- (3) A minimum of 10 percent of the vehicular use area shall be landscaped. Whenever possible, large parking areas 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.
- (4) The interior landscaping shall be located within landscaped islands that are separated from the perimeter landscaping required in Section [1111.03](#) and shall be scattered throughout the parking area to break up large areas of pavement. Landscaped islands that are designed as extensions from the perimeter landscaping areas shall also be considered as interior parking area landscaping but shall not count as the perimeter landscaping area. See [Figure 1113-D](#).



Figure 1113-D: The above images show different options for landscaped islands with the top image illustrating landscaped islands that run the full length of parking spaces. The bottom image illustrates a smaller landscaped island at the end of a parking bay.

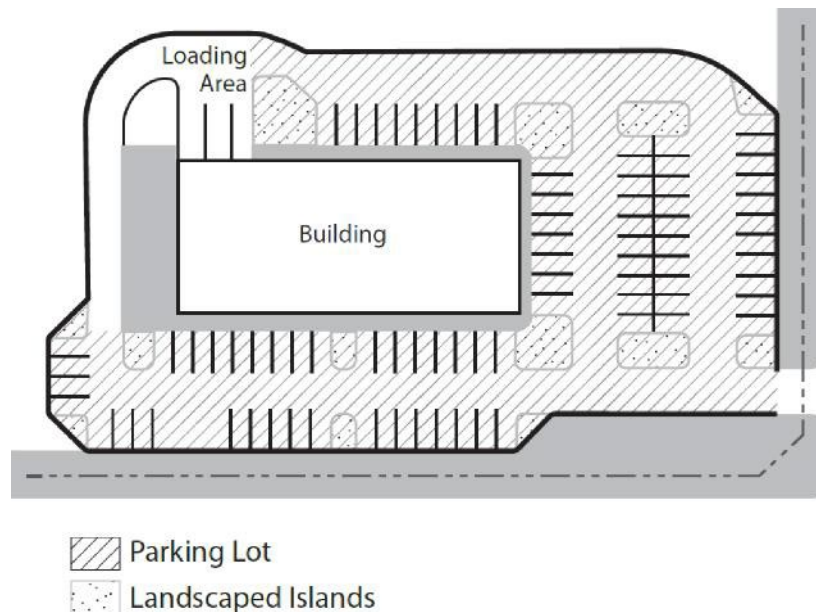


Figure 1113-E: Illustration of areas of landscaped islands that count toward the minimum interior landscaping requirements.

- (5) Landscape islands shall have a minimum size of 200 square feet within a minimum dimension of 10 feet in any direction to provide a suitable living environment for the landscaping.
- (6) There shall be a minimum of two feet between all tree trunks and shrub bases and the edge of pavement.
- (7) There shall be at least one tree (deciduous or evergreen) and two shrubs for every 10 parking spaces. Such vegetation shall be planted in the required landscape islands.
- (8) Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least six feet above the ground, and the remaining required landscape areas shall be planted with shrubs or groundcover not to exceed two feet in height.
- (9) The Planning Commission may consider a variance to the minimum and maximum size of parking islands and peninsulas if situations including, but not limited to, the following:
  - A. The need to concentrate landscape areas for the purpose of stormwater detention; or
  - B. 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.

### **1113.09 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 an approved landscape plan 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, evergreen trees must be placed with evergreen trees, and shrubbery must be replaced with shrubbery. Plants intended for screening must maintain the required minimum opacity.
- (d) Dead or unhealthy plants shall be replaced within the next planting season, or within six months, whichever comes first. Other defective landscape material shall be replaced within three months.



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## Chapter 1115: Parking, Access, and Connectivity

### 1115.01 Purpose

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The purpose of this chapter is to protect the public health, safety, convenience, comfort, prosperity and general welfare, and to:

- (a) Regulate the appropriate amount of land for parking, loading, stacking, and maneuvering;
- (b) Relieve the congestion so the streets can be utilized more fully for movement of vehicular traffic;
- (c) Promote the safety and convenience of pedestrians by locating parking areas so as to lessen car movements in the vicinity of intensive pedestrian traffic;
- (d) Encourage alternative modes of transportation by providing facilities for pedestrians and bicyclists;
- (e) Protect the light, air, visual amenities, and property values of residential areas by limiting the parking and storage of recreational vehicles, boats, trailers and trucks in residential areas;
- (f) Reduce surface water run-off by considering the use of pervious surfaces, where applicable; and
- (g) Promote the public health, safety, convenience, comfort, general welfare and prosperity of business, service, research, production, manufacturing and distribution developments which depend upon off-street parking facilities.

### 1115.02 Applicability

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- (a) Compliance with this section shall be reviewed as part of an application for a site plan review or certificate of zoning approval, whichever is reviewed first, unless otherwise stated in this chapter.
- (b) Where a change in use based on Section [1105.05](#), an increase in square footage or seating, or an increase in the number of dwelling units occurs, the number of parking spaces, loading spaces, or vehicle stacking spaces shall comply with the requirements of this chapter and as identified in this subsection.
- (c) Accessory and temporary uses shall be exempt from the requirements of this chapter unless specifically required in [Chapter 1109: Accessory and Temporary Uses](#).
- (d) All development in a PD District shall be subject to the standards of this chapter unless otherwise modified through the PD review and approval process.
- (e) The requirements of this chapter shall not apply to the VC District unless a parking lot is constructed, in which case, the general requirements related to the design of parking spaces shall apply to the design of the parking lot.

**(f) Modification to Existing Vehicular Use Areas**

The modification of any existing off-street parking area, including, but not limited to, reduction, enlargement, restriping or remarking of any vehicular use area in a manner that differs from the existing site plan, shall require a review of the modification in accordance with the following:

- (1) Minor modifications related to maintenance and upkeep, including, but not limited to, repaving of the existing paved area, restriping, or other similar maintenance work where the parking lot layout and design remains the same, are permitted without a zoning certificate approval.
- (2) All other modifications, including, but not limited to, the removal or expansion of existing paved areas, shall be reviewed through the zoning certificate approval process.

### 1115.03 General Requirements

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The following requirements shall apply to all vehicular use areas including off-street parking, stacking, and loading spaces.



**(a) Location**

- (1) Parking and loading spaces shall be provided on the same lot as the principal use they are intended to serve unless otherwise approved in accordance with this chapter.
- (2) Parking in the RO District shall be located in the rear yard.

**(b) Setback Requirements**

**(1) Front Yards**

- A. Unless otherwise stated, all vehicular use areas with more than 10 spaces shall be setback a minimum of 15 feet from any street or alley right-of-way except for permitted driveways.
- B. This setback area shall be landscaped pursuant to Section [1113.08\(c\)](#).

**(2) Side and Rear Yards**

Unless otherwise stated, all vehicular use areas with more than 10 spaces shall be setback a minimum of 10 feet from any side or rear lot line.

**(c) Driveways**

**(1) Driveways in the ER, R-1, R-2, and R-3 Districts shall be subject to the following:**

- A. The driveways shall be a minimum of eight feet wide.
- B. The driveways may be located along a lot line.
- C. On lots where there is a side-loading garage or access to a garage where a vehicle backs out of the garage toward an adjacent lot line instead of a street and where a zero-foot setback is proposed, a curb shall be installed along the entire driveway to prevent the overhang of any vehicles across lot lines.
- D. All driveways shall be designed to maintain proper drainage.

**(2) Driveways in all other districts shall be subject to the following:**

- A. The location, width and number of entrance and exit driveways serving private vehicular use areas shall be planned in such a manner as to interfere as little as possible with the use of adjacent property and the flow of traffic on the streets to which they connect.
- B. Vehicular use areas that contain up to 20 parking spaces shall have at least one, two-lane driveway that is located a safe distance from any interstation of public streets.

**(d) Striping, Marking, and Maintenance**

- (1) All parking spaces shall be striped and maintained in good condition.
- (2) Each parking space and aisle shall be clearly designated and marked to ensure approved utilization of the space, direction of traffic flow and general safety.
- (3) When a parking space is designated for handicapped accessibility or small car use, it shall be clearly marked as such.
- (4) The owner of property used for parking shall maintain such area in good condition without holes and free of all trash, abandoned or junk vehicles, and other rubbish.

**(e) Surface and Grading**

- (1) The surface of any parking area, aisle, driveway or maneuvering area shall be paved with a hard, durable, dust free surface such as asphalt or concrete (excluding compacted gravel) and approved by the Zoning Administrator.

- (2) Porous asphalt, pervious concrete, and parking pavers that are designed and used to reduce surface water run-off, may be used for the pavement of any vehicular use area if reviewed and approved by the Planning Commission during site plan review. An applicant shall be required to submit a maintenance plan for upkeep of any permitted porous asphalt or pervious concrete. Failure to adhere to the maintenance plan shall be considered a violation of this code.
- (3) All vehicular use areas shall be graded and drained so that surface water shall not flow onto adjacent property and shall be improved with asphalt concrete or Portland cement pavement. In residential districts, this requirement shall only apply to driveways and parking surface in the front yard. Surfaces behind the front building line may be gravel or other types of parking surfaces.

**(f) Wheel Stops and Curbing**

- (1) Wheel stop devices consisting of parking blocks, permanent curbs, or other suitable barriers shall be installed to prevent any part of a parked motor vehicle from extending beyond the required parking space area, overhanging a pedestrian circulation way, or sidewalk or damaging any structure or landscaping in parking lots. Where parking is located on a driveway (e.g., single-family or two-family residential uses), such parking areas shall be exempt from this requirement.
- (2) The minimum height of a wheel stop device shall be five inches and the minimum distance from a wheel stop device to a property line or protected area shall be two and one-half feet.
- (3) Wheel stops shall be adequately anchored to the ground to prevent any movement.
- (4) Continuous curbing is discouraged, but if curbing is used, it should be cut curbing or scissor curbing to allow for the passage of stormwater. See [Figure 1115-A](#).



*Figure 1115-A: Cuts in the continuous curb allow for stormwater to be directed into landscaped areas.*

**(g) Lighting**

Any lighting of vehicle use areas shall be subject to Section [1111.05](#).

**(h) Landscaping and Screening**

Landscape and screening shall be pursuant to [Chapter 1113: Landscaping and Screening](#).

**(i) Bicycle Parking**

**(1) Purpose**

The requirements for bicycle parking are established for the purpose of ensuring adequate and safe facilities to accommodate bicycle parking and to encourage use of bicycles for travel as an alternative to use of motorized vehicles.



**(2) Applicability**

- A. Any new construction in the CC, VC, and P-I Districts after the effective date of this code is required to provide bicycle spaces or other bicycle parking (and locking) accommodations for all development, in accordance with this subsection.
- B. All short-term rental uses shall be required to provide spaces in accordance with this section.
- C. All public or institutional uses, in any district, are also required to provide similar facilities in accordance with this subsection.

**(3) Standards**

- A. The use of bicycle racks to comply with the bicycle space requirement shall be free of charge to any bicyclist. Fees may be charged for the use of bike lockers or other more permanent bicycle parking or storage facilities.
- B. Any bicycle space shall be located in an area adjacent to the building and separate from vehicular traffic circulation so as to prevent traffic conflicts and safety hazards between vehicles and bicyclists. Such separation shall be created through the use of physical barriers such as curbs, wheel stops, bollards, or other similar features.
- C. The applicant may provide a single bicycle rack or multiple bicycle racks to accommodate the required number of spaces.
- D. A minimum of one bicycle parking space shall be provided for each short-term rental use and a minimum of one bicycle parking space for each five off-street parking spaces for all other uses.
- E. Each bicycle parking space shall have a minimum space of two feet wide by six feet long.
- F. Each bicycle rack shall be designed to accommodate at least two bicycles.
- G. All bicycle racks should be powder coated or constructed of materials that resist corrosion without requiring paint.
- H. Bicycle racks shall be maintained in good condition without significant rust or damage. Failure to maintain or replace deteriorated bicycle racks shall be a violation of this code.

**(j) E-Scooter Parking**

- (1) When e-scooter parking accommodations are provided on a site, they shall be located in an area adjacent to the primary building and separate from vehicular or pedestrian traffic circulation to prevent unnecessary conflicts and safety hazards between vehicles, people, bicycles and e-scooters.
- (2) All e-scooters shall be subject to ORC Section 4511.514.

**1115.04 Off-Street Parking Standards**

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**(a) Number of Parking Spaces Required**

The number of off-street parking spaces required shall be based on the requirements of Section [1115.04\(a\)\(2\)](#) below, or an alternative parking space plan may be provided in accordance with Section [1115.04\(a\)\(3\)](#).

**(1) Computation**

In computing the number of parking spaces required by this code, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be as defined by this code but is not intended to mean gross floor area.

- B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed, and where individual seats are not provided (bench, pew, etc.), one seat shall be for each 24 lineal inches of seating facilities.
- C. Fractional numbers shall be increased to the next highest whole number.
- D. Parking spaces shall be provided according to the schedule of uses in this subsection. In residential use areas, garages or carports may be counted as a part of the required parking.

**E. Multiple Uses**

In the case of multiple uses in one building or on one property, the total requirements for off-street parking may be reduced. The reduction shall be based on the sum of the minimum parking spaces required in the table in this subsection, computed separately, and reduced by not more than 25 percent. Any reduction in spaces shall be reviewed and approved by the Zoning Administrator.

**(2) Minimum Parking Spaces Table**

- A. [Table 1115-1](#) establishes the minimum number of parking spaces required for individual uses. For uses that are not specifically stated, the Zoning Administrator may identify a parking requirement that most closely reflects the land use and intensity of the proposed use or may require an alternative parking space plan as established in Section [1115.04\(a\)\(3\)](#).
- B. In order to prevent excessive lot coverage, the artificial increase in ambient air temperature, and an unnecessary increase in surface water run-off, no application shall propose more than 125 percent of the spaces required in [Table 1115-1](#) unless good cause can be shown by the applicant and approved by the Planning Commission through the variance process. Single-family dwellings and two-family dwellings shall be exempt from this provision.
- C. An alternative parking space plan is not permitted for uses marked with an asterisk (\*) in [Table 1115-1](#). An alternative parking space plan shall only be permitted when the applicant wants to propose less than the number required by [Table 1115-1](#).
- D. There shall be no minimum off-street parking requirements for uses in the VC District.

Table 1115-1: Minimum Number of Off-Street Parking Spaces	
Use	Parking Spaces Required
<b>Agricultural Use Classification</b>	
Agriculture	None
<b>Residential Use Classification</b>	
Dormitories and Student Housing	One space for every two people at maximum occupancy
Multi-Family Dwellings*	One and one-half spaces per dwelling unit
Residential Facilities	Two spaces per facility if located in a single-family dwelling or four spaces for all other residential facilities
Single-Family Dwellings, Two-Family Dwellings, or Permanently Sited Manufactured Housing*	Two spaces per dwelling unit with a minimum of one of the spaces being enclosed
Skilled Nursing or Personal Care Facilities	One space per four beds at maximum capacity
<b>Public, Institutional, and Recreational Use Classification</b>	
Active Parks and Recreation	One space per 5,000 square feet of usable outdoor area or one space per five seats if stadium/arena seating provided
Cemeteries	One space per four seats in a chapel or place of assembly at maximum building capacity

**Table 1115-1: Minimum Number of Off-Street Parking Spaces**

Use		Parking Spaces Required
Churches and Places of Worship		One space per four fixed seats in the main assembly room or one space per four persons at maximum capacity, whichever is greater
Educational Institutions (Preschool and K-12)		One space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater plus six spaces per classroom
Educational Institutions (Higher Education)		One space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater plus one space per five seats for every classroom
Government Offices and Buildings		One space per 500 square feet of floor area
Hospitals		One space for every two patient beds plus one space for every 300 square feet of outpatient clinics, laboratories, pharmacies and other similar uses
All Other Public, Institutional, and Recreational Use Classification Uses		One space per 500 square feet of floor area or one space per five permanent seats at maximum capacity, whichever is greater
<b>Commercial, Office, and Mixed-Use Classification</b>		
Administrative, Business, or Professional Offices		One space per 400 square feet of floor area
Animal Boarding, Training, or Daycare Facilities		One space per 400 square feet of floor area
Assembly Halls and Conference Centers		One space for each four persons at maximum building capacity
Automotive Repair and Service		One space per service bay plus one space per 400 square feet of retail space
Bed and Breakfast Establishments		Two spaces plus one for each guest room
Commercial Recreational Facilities (Indoors)		One space per 400 square feet of floor area; or One space per five seats if stadium/arena seating provided
Commercial Recreational Facilities (Outdoors)		One space per 5,000 square feet of usable outdoor area or one space per five seats if stadium/arena seating provided
Financial Institutions		One space per 300 square feet of floor area
Funeral Homes or Mortuaries		Six spaces for each parlor plus one space for each fleet vehicle or one space for each 50 square feet of floor area in assembly rooms used for services, whichever is greater
Hotels		One space per guest room
Medical/Dental Clinics and Urgent Cares		One space per 300 square feet of floor area
Restaurant, Microbrewery, Microdistillery, or Microwinery		One space per 150 square feet of floor area
Short-Term Rentals		One space for the first two bedrooms of the rental unit plus one additional space for each additional bedroom
Theaters		One space for each four persons at maximum building capacity
All Other Commercial, Office, and Mixed- Use Classification Uses	Building footprint less than 5,000 square feet of floor area	One space per 300 square feet of floor area
	Building footprint of 5,001 to 50,000 square feet of floor area	One space per 350 square feet of floor area
	Building footprint of 50,001 square feet or more of floor area	One space per 400 square feet of floor area
<b>Industrial Uses The total number of required spaces for uses in the industrial use classification shall be cumulative based on the variety of different functions present in a single use as established below</b>		
Offices or Administrative Areas		One space per 300 square feet of floor area
Indoor Sales Area and Displays of Goods Manufactured on Site		One space per 400 square feet of indoor floor area
Indoor Areas Used for Storage, Warehousing, Assembly, Vehicular	1-3,000 square feet of floor area	One space per 300 square feet of floor area
	3,001-5,000 square feet of floor area	One space per 500 square feet of floor area

**Table 1115-1: Minimum Number of Off-Street Parking Spaces**

Use		Parking Spaces Required
Service, or General Manufacturing Activities	5,001-10,000 square feet of floor area	One space per 1,000 square feet of floor area
	10,001 or more square feet of floor area	One space per 1,500 square feet of floor area
Outdoor Storage Area (3,000 square feet or less)		1 space per 1,500 square feet of gross outdoor area
Outdoor Storage Area (more than 3,000 square feet)		1 space per 2,500 square feet of gross outdoor area

**(3) Alternative Parking Space Requirements**

- A.** An applicant may choose to provide an alternative parking space plan based on the proposed uses. The applicant shall be required to demonstrate that the proposed number of off-street parking spaces provided in the alternative plan is sufficient to serve the proposed use or activity through the submission and review of a parking plan. As part of the alternative parking space plan, the applicant shall provide a written analysis of parking requirements based on the following information:
  - i. Availability of on-street parking near the use and the distances to those spaces;
  - ii. Building square footage for each specific use to be served by off-street parking;
  - iii. Intensity of the proposed use;
  - iv. Hours of operation;
  - v. Estimated number of patrons/customers at peak hours of operation;
  - vi. Maximum numbers of employees present on one shift;
  - vii. Availability of joint parking areas;
  - viii. Building occupancy loads;
  - ix. Proposed number of spaces and their locations on the lot; and
  - x. Any additional information as requested by the Zoning Administrator.
- B.** The Planning Commission shall have the authority to approve or deny the application. The Planning Commission may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), or similar resources in making its determination. If the Planning Commission denies the alternative parking space plan, the applicant shall be required to meet the minimum number of spaces required by [Table 1115-1](#) above or seek approval of a variance.

**(b) Dimensional Requirements for Parking Spaces and Drive Aisles**

- (1) Areas for off-street parking facilities shall be designed in accordance with the minimum dimensional requirements established in [Table 1115-2](#) and illustrated in [Figure 1115-B](#).
- (2) If parking along a drive aisle shall have parking at two or more different angles, the width of the aisle required shall be the largest width required in [Table 1115-2](#).

**(3) Compact Spaces**

- A.** All compact car spaces must be a minimum of eight feet wide by 17 feet long.
- B.** The design and placement of all compact spaces are subject to the review of the Zoning Administrator.
- C.** The location of all compact spaces shall be readily identified and grouped in one or a series of locations.
- D.** For nonresidential uses, up to 10 percent of the total parking spaces may be compact spaces.

TABLE 1115-2: PARKING SPACE DIMENSIONS				
Angle	Parking Space Width (Feet)	Parking Space Length (Feet)	Drive Aisle Width (Feet)	
			One-Way	Two-Way
	A	B	C	D
Parallel (0°)	9 feet	22 feet	12 feet	20 feet
30°	9 feet	20 feet	12 feet	24 feet
45°	9 feet	20 feet	12 feet	24 feet
60°	9 feet	19 feet	18 feet	24 feet
Perpendicular (90°)	9 feet	19 feet	20 feet	24 feet

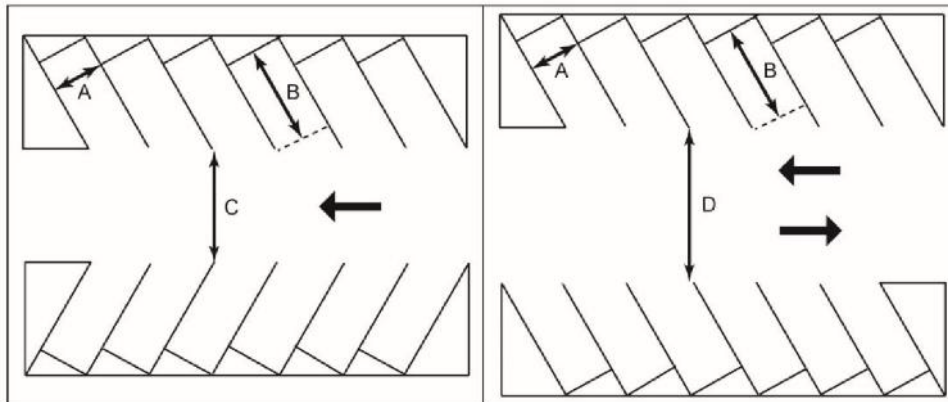


Figure 1115-B: Parking area dimensions

**(c) Parking for Handicapped Persons**

- (1) Parking spaces for handicapped and elderly persons shall meet the requirements of the Accessible Parking Guide published by the Secretary of State of Ohio, which outlines requirements of the most recent ADA Standards for Accessible Design.
- (2) Each handicap space may be included in the computation of spaces required by this chapter.

**(d) Electric Vehicle Charging Stations**

Electric vehicle charging stations are permitted to be located in any approved off-street parking space, in any zoning district. These spaces shall count as a parking space required by this chapter.

**(e) Alternative Parking Solutions**

**(1) Shared or Off-Site Parking**

A variance to parking standards on a lot may be granted for a portion of the required parking spaces to be located on an adjacent or nearby property if the parking area complies with the following standards.

- A. Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- B. Off-site parking shall not be used to satisfy the off-street parking standards for residential uses.
- C. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.

- D. Shared or off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the Planning Commission as part of a conditional use review.
- E. Shared or off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
- F. In the event that a shared or off-site parking area is located on multiple parcels, a written parking agreement shall be required and must be approved by the Zoning Administrator and then recorded with the Knox County Recorder for all lots subject to the agreement.
- G. No shared or off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- H. The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared or off-site parking may be approved if it complies with the following standards:
  - i. A sufficient number of spaces shall be provided to meet the highest demand of the participating uses.
  - ii. Evidence shall be submitted by the parties operating the shared parking area, to the satisfaction of the Zoning Administrator, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between the users of the parking spaces.
  - iii. Shared or off-site parking shall not account for more than 50 percent of the required parking spaces as established in Section [1115.04\(a\)](#).
  - iv. Any change in use of the activities served by a shared or off-site parking area will be deemed an amendment to the shared or off-site parking area plan and will require review and approval by the Zoning Administrator.
  - v. All shared or off-site parking plans and agreements shall be provided to the Zoning Administrator prior to any certificate of zoning approval being issued. Such plans and agreements continue to apply to the land, regardless of future ownership.

**(2) Land Banked Parking**

Up to 50 percent of the required parking spaces may remain landscaped and unpaved, or paved with pervious pavement, provided that the parking and unpaved areas comply with the following standards and are authorized in accordance with this section. See [Figure 1115-C](#), below.



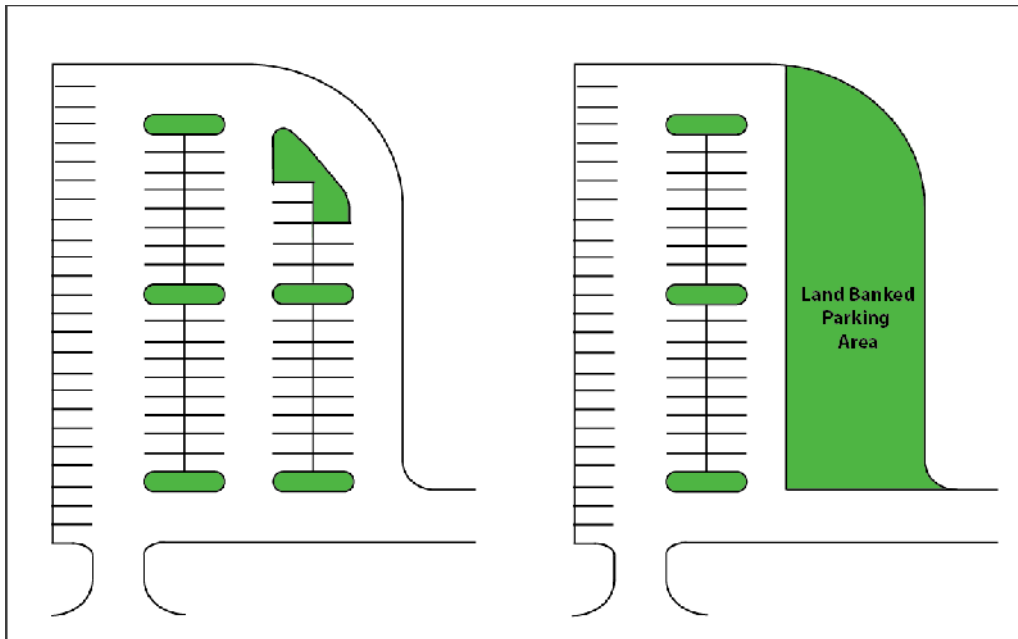


Figure 1115-C: The parking lot shown on the left is a traditional parking lot with interior parking islands while the parking lot on the right illustrates where an area is unimproved but is designated for future parking spaces if the demand arises.

- A. The parking plan submitted with the site plan application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the “land banked” parking spaces will be constructed according to these regulations if the Planning Commission determines at any time that all or any portion of this parking is necessary. Such determination shall be held after the Zoning Administrator determines the need for construction of the land banked parking and forward the determination on to the Planning Commission for review as a public hearing in the same manner as the variance procedure. See Section [1103.12](#).
- B. The applicant shall be required to design the site for full compliance with the applicable stormwater regulations, lighting regulations, and landscaping regulations even though a portion of the parking area may not be developed initially.
- C. Any conditions required by the Village, and the design for the site as established above, shall be illustrated on a final site plan, approved as part of the certificate of zoning approval application and maintained as part of the Village’s official records.
- D. At no time shall any portion of the land banked parking area that is designated for future development be used for the construction of any structure or paved surface with the exception that pervious pavement may be used to provide temporary parking, provided that the pavers allow for grass and other vegetation to grow through the material.
- E. At no time shall any portion of the land banked parking or loading area that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this code.
- F. The owner shall initiate construction of the approved land banked parking area(s), as identified on the approved parking plan, within three months of the receipt of a certified letter or a letter through normal postal service (if the certified letter is not accepted) sent to the owner of record from the Zoning Administrator, identifying that such parking is determined to be necessary. Such determination may be made when the Zoning Administrator:



- i. Is reviewing an application related to a change of use or activity; or
- ii. Documents that vehicles related to the use are consistently parked on the grass, landscaping area, or on the street.
- iii. Off-site or shared parking alternatives shall not be permitted where land bank parking is utilized.

### **1115.05 Parking Regulations In Residential Districts**

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The following are the standards for the parking and storage of vehicles within a residential zoning district and on residential properties in the PD District.

#### **(a) Parking of Motor Vehicles.**

- (1) All automobiles, motorcycles, or other motor vehicle shall be parked on an improved impervious parking surface (e.g., driveway or parking area) or within a private garage, carport, etc. See also Section [1115.03\(e\)](#).
- (2) All motor vehicles on the premises shall be in operating condition and in compliance with all motor vehicle safety, equipment, and registration and licensing laws displaying proper tags and validation stickers unless parked or stored within an enclosed structure. A violation of this section may result in the vehicle being declared a nuisance under the provisions of Section [1111.07](#) of this code.

#### **(b) Parking and Storage of Commercial Vehicles and Heavy Equipment.**

- (1) For purposes of this section, “commercial vehicle” means any motor vehicle or trailer that is registered with the Ohio Bureau of Motor Vehicles as a commercial motor vehicle or a commercial trailer pursuant to Chapter 4503 of the Ohio Revised Code.
- (2) For purposes of this section, “heavy equipment” means any heavy-duty vehicle or machinery designed to assist with construction or landscaping tasks and similar projects, and shall include, but are not limited to, cranes, forklifts, bulldozers, backhoes, excavators, skid-steer loaders, trenchers and dump trucks.
- (3) With the exception of the vehicles listed in subsection (b)(4) below, no commercial vehicle shall be parked in any residential district or on a residential lot in a PD District except for the purpose of delivery to or the receiving of goods or other articles, or in connection with the construction, repair or other services being performed, during the actual parking time.
- (4) All heavy equipment and the following commercial vehicles may be parked in a residential district or on a residential lot in a PD District:
  - A. Vehicles associated with legally established home occupations pursuant to Section [1109.01\(e\)\(9\)](#);
  - B. Vehicles that are classified as a Class 1, Class 2, or Class 3 vehicle by the Federal Highway Administration;
  - C. Any vehicle required to respond on an emergency basis for the public health, safety and welfare, and has received a certificate of exemption from the Mayor or his designee.

Such vehicles and all heavy equipment shall be parked in a garage/accessory structure. Nothing herein prohibits heavy equipment from being temporarily stored anywhere on a property during active construction. All heavy equipment must be appropriately stored or removed from the property within fourteen (14) days from the last day of construction on the property.

#### **(c) Parking and Storage of Certain Vehicles in Residential Districts**

The following are provisions related to the parking and storage of certain vehicles in residential districts. No zoning certificate is required for the following parking and storage allowances but all parking and storage shall comply with the standards.

**(1) Recreational Vehicles and Watercraft**

All recreational vehicles, including watercraft, that are parked or stored outside of an enclosed building in a residential zoning district shall be subject to the following general standards:

- A. Recreational vehicles shall not be used as living quarters, whether temporary or permanent, and no business shall be conducted in a recreational vehicle while the vehicle is stored.
- B. Recreational vehicles shall not have a permanent connection to electric, water, gas or sewer facilities.
- C. Recreational vehicles shall be maintained and kept in good repair and carry the current year's license and/or registration as required by the State of Ohio.
- D. There shall be no more than two recreational vehicles stored outside on a single lot in a residential zoning district.
- E. Recreational vehicles shall not be stored in the front yard or side yard of the dwelling except for the temporary parking of such vehicle or trailer in the driveway for the purposes of loading or unloading for a period of not more than 72 hours within any 30-day time period
- F. Recreational vehicles not exceeding 32 feet in length, may be stored on a residential lot subject to the following conditions:
  - i. The recreational vehicle is stored behind the principal building at a point furthest from the street right-of-way as practical.
  - ii. All wheels of the recreational vehicle are resting entirely upon a hard surface (paved with concrete, asphaltic concrete or other hard surface not gravel) or on a surface of pervious pavers or pavement, as approved by the Zoning Administrator.
- G. Recreational vehicles 32 feet or longer in length shall only be permitted when parked or stored in the rear yard or within an enclosed building.

**(2) Inoperable or Unlicensed Motor Vehicles**

- A. Not more than one inoperable or unlicensed motor vehicle shall be parked or stored on any residential lot. Such vehicle may be parked only for a period not to exceed 30 days in a calendar year unless the vehicle is kept in an enclosed structure.
- B. Such parking or storage shall only be permitted in the side or rear yard, and must comply with the setbacks applicable for accessory structures.

**1115.06 Off-Street Loading**

A permanently paved and maintained area for standing, loading, and unloading of delivery vehicles, taxis, or rideshare vehicles shall be provided for principal uses in the nonresidential districts. These off-street loading facilities shall be in accordance with the following specifications:

**(a) Number of Spaces**

- (1) This code does not require a minimum number of off-street loading spaces. However, uses which receive frequent deliveries are required to provide adequate space, built to the standards as identified in this subsection.
- (2) As part of the site plan review process, the Planning Commission shall have the authority to require such spaces if there is a demonstrated need to accommodate this loading or unloading area.

**(b) Size**

Loading spaces shall conform to the following minimum dimensions. Unless otherwise noted, all dimensions are exclusive of any driveway, aisle or other circulation area:

- (1) For loading spaces that will accommodate box trucks or vehicles smaller than a semi-trailer truck, the space shall have a minimum width of 12 feet, a minimum length of 20 feet and a minimum clearance height of 15 feet.
- (2) For loading spaces that will semi-trailer trucks, the space shall have a minimum width of 14 feet, a minimum length of 55 feet and a minimum clearance height of 15 feet.

**(c) Location and Activities**

- (1) All loading spaces and maneuvering areas shall be located on the same lot as the use they are intended to serve.
- (2) 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.
- (3) 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.
- (4) Off-street loading spaces shall be so arranged that they may be used without blocking, and they shall not obstruct or occupy, any parking space, circulation or drive aisles, sidewalks, or vehicle stacking spaces for drive through lanes.
- (5) 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.
- (6) No loading ramp, dock, door or space, or any portion thereof, shall be located closer than 50 feet from any lot zoned for any residential use, unless located completely within an enclosed building.
- (7) An off-street loading space shall not be used for repairing or servicing motor vehicles, or for storage.

**(d) Access**

- (1) All required off-street loading spaces shall have access to a public street or alley in such a manner that any vehicle entering or exiting the premises shall be traveling in a forward motion onto such street or alley.
- (2) Each required off-street loading space shall be designed for direct vehicular access by means of a driveway, or driveways, to a public street in a manner which shall least interfere with adjacent traffic movements and interior circulation. The access drive of an off-street loading facility shall be located so that the driveway center line shall not be less than 50 feet from the nearest intersecting street right-of-way line.

**(e) Improvements**

All off-street loading spaces shall be improved as required for all vehicular use areas as set forth in Section [1115.03](#).

## 1115.07 Stacking Spaces and Lanes

- (a) Drive-through facilities and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street stacking areas, on the same lot as the use, in addition to the required number of parking spaces specified in this chapter.
- (b) The number of required stacking spaces shall be as provided for in [Table 1115-3](#). See [Figure 1115-D](#) for an illustration of stacking spaces:

TABLE 1115-3: STACKING SPACE REQUIREMENTS		
Activity	Minimum Stacking Spaces (per lane)	Measured From:
Financial Institution or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	First Drive-Through Window or Stall
Automatic Vehicle Washing Establishment	5	Outside of Washing Bay
Self-Service Vehicle Washing Establishment	2	Outside of Washing Bay
Fuel Stations	2 per accessible side of the pump island	Fuel Pump
Other	As determined by the Zoning Administrator	

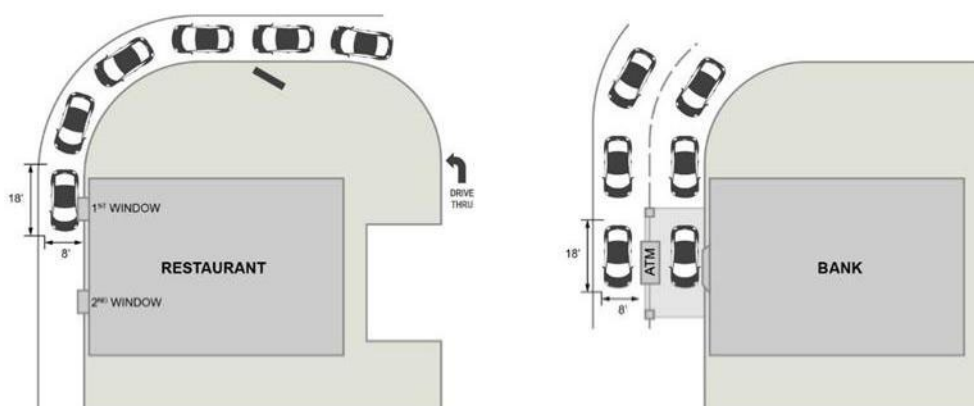


Figure 1115-D: Illustrative example of stacking space requirements for a bank and a restaurant.

- (c) Stacking lanes and spaces shall be provided for any use having a drive-through facility and shall comply with the following standards:
- (1) Drive-through stacking lanes shall have a minimum width of eight feet and a minimum length of 18 feet for each space required.
  - (2) When stacking lanes are separated from other stacking lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, landscaping, or painted striping.
  - (3) The number of stacking spaces required by [Table 1115-3](#) shall be required for each separate stacking lane. If two or more stacking lanes converge into one lane (e.g., two separate lanes to order at a restaurant converge to one lane after the drive-through sign), the stacking spaces shall be measured in accordance with [Table 1115-3](#) with the spaces located after the convergence point counting toward both stacking lanes.
  - (4) Vehicles shall not be permitted to wait within the public right-of-way for service at such drive-in or drive-thru facilities.

- (d) The Planning Commission may reduce the number of required stacking spaces when the applicant provides credible documentation, such as studies from similar sites, that fewer than the required number of stacking spaces does not impede vehicular traffic flow on the site and ingress/egress to the site.

## 1115.08 Sidewalks and Sidewalk Connections to a Right-of-Way

### (a) Public Sidewalks

- (1) New public sidewalks, constructed to meet Centerburg standards, shall be required along the street frontage of any lot being developed when the following conditions exist:
- A. The development includes new construction on a vacant lot or complete redevelopment of an existing principal building (e.g., the principal building is torn down and replaced);
  - B. There is no public sidewalk along one or more of the public street rights-of-way adjacent to the lot; and
  - C. There is adequate existing right-of-way for the public sidewalk.
- (2) New sidewalks shall also be required when proposed sidewalks or paths are identified in the Knox County Active Transportation Plan for the lot or lots that are part of the applicable development or application.

### (b) Internal Pedestrian Access

- (1) Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a paved pedestrian connection shall be constructed from the sidewalk to the entrance of the building.
- (2) The pedestrian connection shall have a minimum width of five feet.
- (3) All pedestrian walkways located within a site (internal pedestrian circulation) shall be physically separated from the drive lanes and driveways. Additionally, all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, color, bricks, scored concrete, or other material approved by the Zoning Administrator or Planning Commission, as applicable. See [Figure 1115-E](#).



Figure 1115-E: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.



## Chapter 1117: Signs

### 1117.01 Purpose

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It is the purpose of this chapter to establish reasonable regulations which preserve the public health, safety, convenience, comfort, prosperity and general welfare of the public, while protecting each person's constitutional right to freedom of speech, as indicated by the following objectives:

- (a) To prohibit signs which pose an unreasonable risk to the public safety;
- (b) To limit the visual dominance of signs without unconstitutionally restricting the information conveyed;
- (c) To preserve the noncommercial character of residential neighborhoods and to provide reasonable, yet appropriate conditions, for identifying businesses and services rendered in nonresidential districts;
- (d) To control the design of signs so that their appearance shall be aesthetically harmonious with an overall urban design for the area;
- (e) To promote traffic safety by preventing obstructions within public rights-of-way, minimizing visual distractions to motorists, ensuring that sign size and height are appropriate to their location and preventing conflicts with public safety signs and police and fire protection; and
- (f) To allow for more desirable developments and economic activity in accordance with the objectives of adopted village plans.

The Village does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Article I, §11 of the Ohio Constitution. All regulations in this chapter are to be construed, whenever necessary to preserve the purpose and intent, in a manner consistent with the First Amendment guarantee of free speech.

### 1117.02 Applicability

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- (a) It shall hereafter be unlawful for any person to erect, place, relocate, expand, modify, maintain or otherwise alter a sign in the Village except in accordance with the provisions of this chapter.
- (b) Unless otherwise provided, this chapter shall apply to any sign over which the Village has authority to regulate. Additionally, this chapter shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located.
- (c) Any sign already established on the effective date of this chapter or future amendment thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section [1117.10](#).
- (d) All signs shall require the issuance of a zoning certificate unless otherwise noted below or as specifically stated in other sections of this chapter.

#### (e) Zoning Certificate Exemptions

The following signs are subject to the requirements of this chapter and are allowed in all districts but do not require a zoning certificate.

- (1) Signs and/or notices issued by any court, officer or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;
- (2) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines, or similar devices that are not of a size or design as to be visible from a street or by any person other than those using the machine or device;
- (3) Any sign that is located completely inside a building and that is not visible from the exterior (See also the definition of "window sign".);



- (4) Signs that are located within a stadium, open-air theater, park, arena or other outdoor use that are not intended to be visible from a public right-of-way or adjacent property, and can be viewed only by persons within such stadium, open-air theater, park, arena or other outdoor use;
- (5) Certain temporary signs as established in Section [1117.09](#);
- (6) Sign face changes where the sign structure is designed with interchangeable panels and where such sign panel change does not alter the sign structure;
- (7) Changes of sign copy on signs with changeable copy (e.g., reader boards and electronic message centers);
- (8) A single wall sign, mounted flush on the facade of an individual dwelling unit, that is not illuminated and does not exceed two square feet in area;
- (9) Any sign on a truck, bus or other vehicle that is used in the normal course of a business (e.g., deliveries or fleet vehicles for contractors), for transportation (See also Section [1117.03](#) for prohibitions on signs on vehicles.), or signage required by the State or Federal government;
- (10) Signs installed or required by a governmental agency including the Village of Centerburg, Knox County, the State of Ohio, and the United States, including local and regional transit agencies;
- (11) Any warning signs or traffic safety signs required by public entities;
- (12) Hand-held signs not set on or affixed to the ground;
- (13) Address numbers required by the Village of Centerburg, the Central Ohio Joint Fire District, or the U.S. Post Office with the following standards:
  - A. The numerical address of the building shall be provided in Arabic numbers not less than four inches in height.
  - B. 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.
  - C. The numbers shall be placed on the front of the building facing the street on which the building is numbered.
  - D. 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.
  - E. The owner of any building may post additional sets of address numbers provided that one set complies with the provision of this section.
- (14) Any signs, including illuminated signs, or related decorations erected in observance of religious, national or state holidays which are not intended to be permanent in nature and which contain no advertising material and which are not erected for more than 90 days in any calendar year; and
- (15) General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.

### **1117.03 Prohibited Sign Types**

The following types of signs are specifically prohibited within the Village:

- (a) Unless otherwise specifically allowed, signs that are applied to trees, utility poles, benches, trash receptacles, fences or walls, newspaper vending machines or boxes, or any other unapproved supporting structure, or that are otherwise placed in the public right-of-way;

- (b) Any sign or sign structure which, in the opinion of the Zoning Administrator is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
- (c) No sign shall be installed, erected, or attached in any shape, manner, or form to block any fire escape or any door or window that is required ingress and egress for fire safety;
- (d) Pennants, streamers and other similar type devices;
- (e) Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion or flashing lights to attract attention, except for electronic message centers permitted in accordance with this chapter;
- (f) Balloon signs or gaseous-activated devices or graphics unless erected in observance of religious, national or state holidays as allowed in Section [1117.02\(e\)\(14\)](#), above;
- (g) Laser lights, beacons and searchlights, except for emergency purposes;
- (h) Motor vehicles, tractor trailers, or similar vehicles with signs painted on, attached to, supported by, or otherwise affixed to the vehicle shall not be parked or stored for a time period exceed 48 hours;
- (i) Any signs that utilize illumination by means of bare bulbs, flames, or both;
- (j) Any signs which imitate or resemble official traffic or governmental signs that are designed or used in a manner as to interfere with, mislead, or confuse drivers along streets;
- (k) Any sign that violates the intersection visibility requirements of Section [1111.04](#);
- (l) Any sign located in a public right-of-way, except as specifically provided for in the chapter;
- (m) Roof signs;
- (n) Any other sign type that is not specifically allowed by this chapter.

#### **1117.04 Calculation and Measurements**

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##### **(a) Sign Setback**

All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.

##### **(b) Sign Height**

- (1) The height of a sign shall be computed as the distance from the base of the sign at the finished grade to the top of the highest attached component of the sign.
- (2) The finished grade shall be defined as established in Section [1111.01\(d\)\(1\)](#).
- (3) In cases where the finished grade at the required setback is below grade at street level, sign height shall be computed on the assumption that the elevation of the finished grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street. See [Figure 1117-A](#).

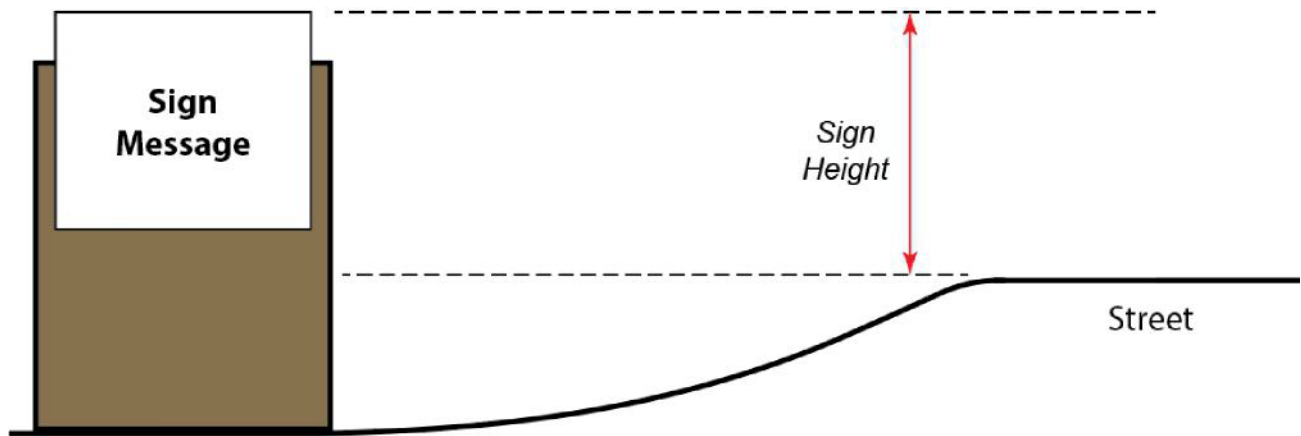


Figure 1117-A: Illustration of the measurement of sign height when the grade at the bottom of the sign is below the grade of the adjacent street.

### (c) Sign Area

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as established in this section.

- (1) The calculation of sign area shall not include any supporting framework, bracing or decorative fence or landscaping wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other message, as determined by the Zoning Administrator. See [Figure 1117-B](#).
- (2) For sign copy mounted or painted on a background panel, cabinet or surface that is distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by enclosing such sign area with the smallest, single continuous perimeter around the background for the sign copy and determining its area. See [Figure 1117-B](#) and [Figure 1117-C](#).

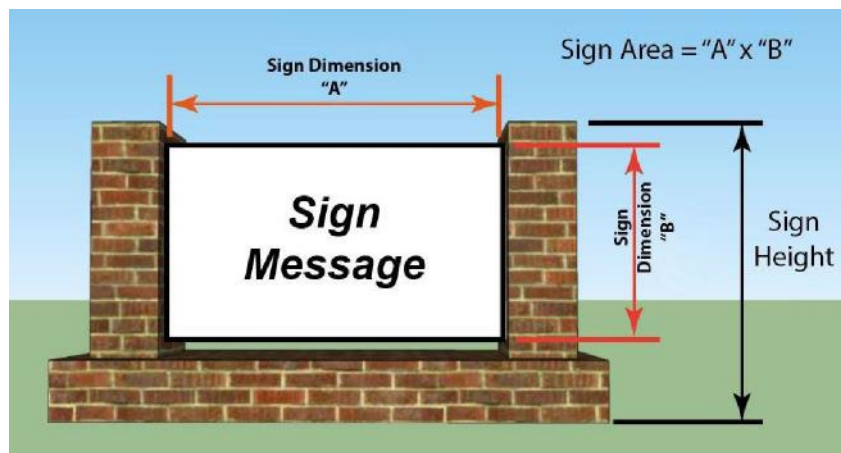


Figure 1117-B: Illustration of sign area calculation for a freestanding sign with a copy on a distinct, rectangular cabinet. The brick structural support is not included in the sign area calculation.



Figure 1117-C: Illustration of computing the sign area for wall signs with a background panel or cabinet.

- (3) For sign copy where individual letters or elements are mounted on a building facade or window where there is no background panel, cabinet or surface that is distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by enclosing such sign area with the smallest, single continuous perimeter that encloses all of the letters or elements associated with the sign. See [Figure 1117-D](#).



Figure 1117-D: Illustration of sign area calculation for wall signs with individual letters and no definable sign background.

- (4) In cases where there are multiple elements of sign copy on the same surface, any areas of sign copy that are within two feet of one another shall be calculated as a single sign area that shall be computed by means of the smallest permitted shape that encloses all sign copy within two feet of one another, otherwise the sign area shall be computed for each separate piece of sign copy. See [Figure 1117-E](#).

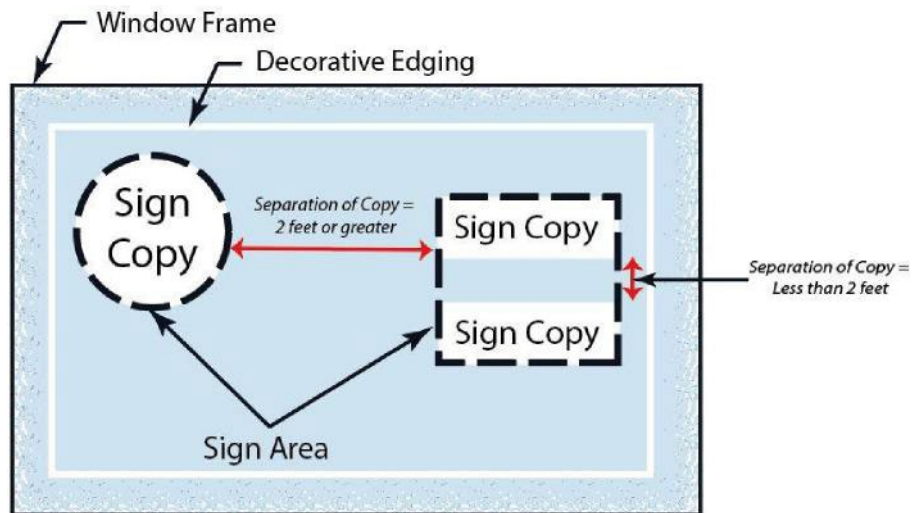


Figure 1117-E: Illustration of sign area calculations for multiple sign areas on a window sign.

- (5) When two identically sized, flat sign faces are placed back-to-back or in a V-angle (less than 45 degrees between sign faces) and with no more than 24 inches in separation, the sign area shall be computed by the measurement of one of the sign faces.
- (6) For three-dimensional signs that have more than two faces or have two faces that are separated by more than 24 inches, the sign shall be measured as the total sign area of the two largest sign faces.
- (7) For structures and uses having no direct frontage on public roads, or lot widths that are wider than the street frontage (e.g., shopping centers with outlots), where street frontage is used in a calculation, the frontage shall be measured along a straight line that runs parallel with the street frontage at the widest point of the lot. This measurement shall be regardless of the presence of driveway entrances to the lot or the presence of smaller outlots in front of the applicable lot. See [Figure 1117-F](#).
- (8) Where a building is located across multiple lots under the same ownership, the lot width shall be measured as an aggregate of the lot widths of all lots and only one freestanding sign shall be permitted on each street frontage, regardless of the number of lots. See [Figure 1117-F](#).

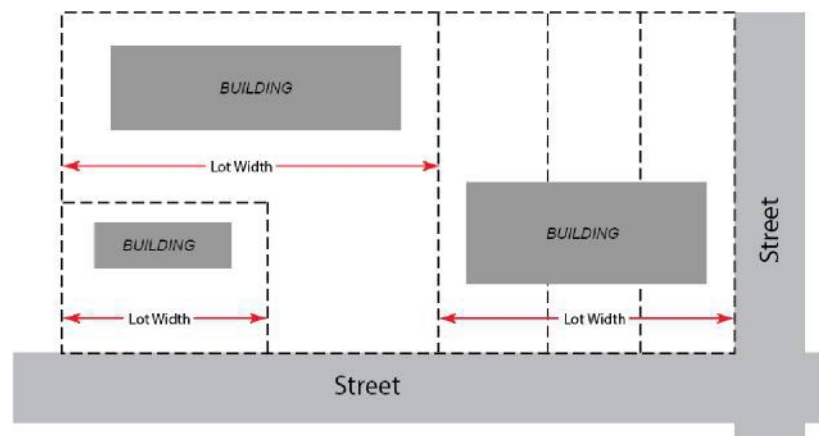


Figure 1117-F: The above image illustrates different methods of measuring lot width when calculating the amount of freestanding sign area permitted on a lot.

**(d) Facade Measurements**

- (1) When calculating the permitted sign area based on the width of any facade, such calculation shall be based on viewing the facade from a 90-degree angle (i.e., straight on) from the adjacent street, regardless of facade insets, offsets or angles. See [Figure 1117-G](#).

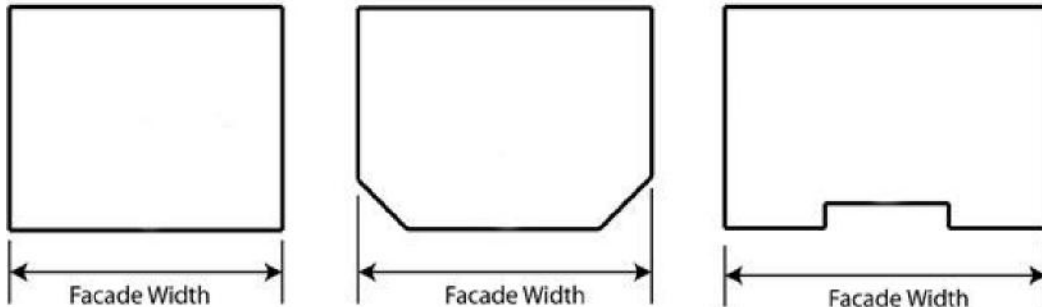


Figure 1117-G: Illustration of facade width measurement on varied facade shapes.

- (2) For multi-tenant buildings, the portion of a building that is owned or leased, and approved by the Central Ohio Joint Fire District for occupancy by a single occupant or tenant shall be considered a building unit for the purposes of this chapter. See [Figure 1117-H](#).



Figure 1117-H: The above image shows independent buildings (1 and 4) as well as a multi-tenant building in between. The multi-tenant building has two building units as identified as 2 and 3 in the image.

- (3) The primary facade shall include any facade that has frontage along a street and any facade that serves as the main access point to a building or building unit. All other facades shall be considered to be secondary facades for the purposes of this chapter provided such facades do not face a residential zoning district. See [Figure 1117-I](#).



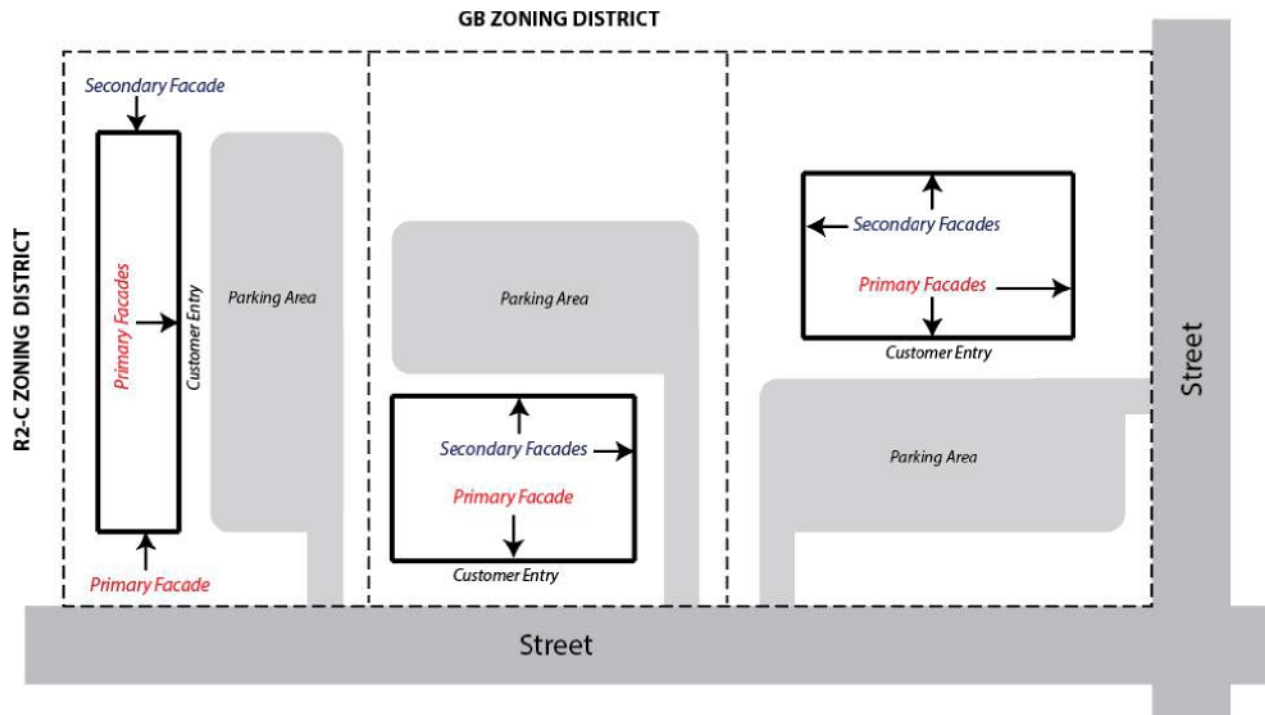


Figure 1117-I: Examples of the location of primary and secondary facades.

- (4) When a site has primary and secondary facades as defined herein, the Zoning Administrator shall determine which facades shall be the primary building facades and which facades shall be the secondary building facades, as may be applicable.

## 1117.05 General Regulations

Unless otherwise specifically stated, the following regulations shall apply to all signs within the Village:

- (a) All signs shall be professionally manufactured, or of equivalent quality. Permanent signs shall be fabricated with rigid materials that are of good quality and good durability.
- (b) No sign or sign structure shall be placed on private or public property without the consent of the owner or agent thereof.
- (c) The lowest component of all signs that project (or are supported on posts that project) shall not be less than eight feet above the finished grade of a sidewalk or any other pedestrian way. If located over a pavement used for vehicular traffic, the lowest component of the sign shall not be less than 18 feet above the finished pavement.
- (d) Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.
- (e) All signs shall be subject to the intersection visibility standards established in Section [1111.04](#).
- (f) The back side of all permanent signs that do not contain a second sign face or structural supports shall be completely enclosed.

### (g) Maintenance

All signs shall be maintained in accordance with the following:

- (1) The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition fit for the intended use and they shall have a continuing obligation to
- (2) The Zoning Administrator may order any sign to be painted or refurbished whenever needed to keep the sign in a neat and safe condition. All supporters, guys, braces and anchors for such signs shall be maintained in a safe condition.
- (3) Failure to maintain a sign in good working condition shall be a violation of this code.



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**(h) Signs in Rights-of-Way**

- (1) Signs shall be prohibited in the right-of-way with the exception of:
  - A. Signs installed by the Village of Centerburg, Knox County, the State of Ohio, federal government, or public transit agencies;
  - B. Any warning signs or traffic safety signs required by public entities; or
  - C. Temporary signs as allowed in Section [1117.09](#).
- (2) The Zoning Administrator may remove or cause to be removed any unlawful sign in the public right-of-way. The Zoning Administrator shall maintain said sign for five days. If the owner fails to contact the Zoning Administrator or claim the same sign within five days, said sign may be destroyed.

- (i) Manual changeable copy signs shall be permitted on freestanding 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 10 square feet per side, whichever is more, and shall be an integral part of the sign. In residential districts, manual changeable copy signs shall not be internally illuminated. Where permitted to be illuminated, such signs shall be illuminated only between 6:00 a.m. and 11:00 p.m.

**(j) Illumination**

- (1) Unless otherwise specifically stated, signs may be illuminated through internal or external lighting sources.
- (2) Light sources shall be shielded from all adjacent buildings and streets and shall be focused exclusively on the sign.
- (3) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or will cause unreasonable reasonable light trespass upon adjacent residential districts.
- (4) Where an illuminated sign is allowed and such illumination is provided by solar power, any solar panels that are a part of the sign structure shall have a maximum size of two square feet.
- (5) An illuminated sign or lighting device shall employ only light of constant intensity.
- (6) Where electronic message centers are allowed, such signs shall be in compliance with the following standards:

**A. General**

- i. Not more than one electronic message center shall be permitted on a lot, provided such lot must have a minimum of 250 feet of frontage located on a state route within the Village that is designated as a 45 miles per hour speed limit zone or greater speed limit.
- ii. An electronic message center shall only be allowed on monument signs.
- iii. The electronic message center portion of the sign shall not be larger than 90 percent of the total sign area allowed for the monument sign on the applicable lot based on the standards of this chapter.

**B. Copy (Lettering)**

- i. Copy (lettering) shall be limited to red letters on a black background.
- ii. Letters shall not be smaller than four inches nor greater than eight inches in height. Letters shall be of an appropriate width proportionate to height to be clearly legible.
- iii. Each electronic message center will not display more than four rows of text at any time.

### C. Brightness

- i. The maximum luminance shall not exceed 5,000 nits between sunrise and sunset.
- ii. Except when prohibited to operate as set forth in Paragraph [1117.05\(i\)\(6\)C.iii.](#), the electronic message center shall automatically adjust luminance to a maximum of 250 nits from sunset to sunrise.
- iii. Where a residential dwelling is located within 30m (98.42 feet) of the electronic message center face, and for all electronic message centers on lots zoned P-I, the electronic message center must be turned off between the hours of 10:00 p.m. and 5:30 a.m. Where a business located on the lot is open to the public past 10:00 p.m., the electronic message center may remain functional until the close of business hours. An application should provide evidence to demonstrate no conflict will occur with any adjacent residential development.

### D. Message Timing

- i. Each message shall appear static for a minimum of 10 seconds (“dwell time”).
- ii. **Transition Time**
  - a) If a fade or dissolve effect is used, the effect will take no more than three seconds to complete transition.
  - b) If a fade or dissolve effect is not used, the electronic message center will not display a blank screen between messages for more than one second before the next message appears.

### E. Permitted Effects

The electronic message center may use the following effects:

- i. Dissolve: an effect accomplished by varying the light intensity and pattern an effect in which one message gradually appears to dissipate and lose the legibility with the gradual appearance and legibility of the second message.
- ii. Fade: an effect accomplished by varying the light intensity, where a message is gradually reduced in intensity to the point of not being legible followed by a subsequent message which gradually increases intensity to the point of legibility.

### F. Prohibited Effects

The electronic message center shall not use the following effects:

- i. Flashing: exhibiting changing light or color effect by any means to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling (except dissolve or fade).
- ii. Spinning or rotating;
- iii. Interactive display;
- iv. Sequencing: An effect where a message is not completed in one display, and is continued on a subsequent display.
- v. Scroll: an effect in which a message appears to move vertically across the display surface.
- vi. Travel: an effect in which a message appears to move horizontally across the display surface.
- vii. Video: the display of photographic image in sequence.

## G. Operating Regulations

- i. The owner of the electronic message center shall regularly perform maintenance on the electronic message center to ensure each component and part operates as designed. If more than 10 percent of the components are not functional, the owner will cease operating the electronic message center until it is repaired and fully functioning.
- ii. The owner of the electronic message center shall use reasonable means to control and secure access to the electronic message center programming and message capabilities to ensure that those messages approved to appropriate owner personnel are displayed.
- iii. At no time will the owner of the electronic message center permit the electronic message center to constitute a nuisance which would include but not be limited to being inoperable, malfunctioning, abandoned, etc., to neighboring property owners or the community, or to be a hazard to traffic safety. While operating the electronic message center outside these guidelines will be a nuisance and/or hazard, it is not yet known whether a nuisance or hazard may result from the operation within these guidelines. Once the electronic message center is operational, if the Village determines that their operation constitutes a nuisance or hazard, the owner will coordinate with the Village to mitigate and resolve the nuisance or hazard.
- iv. In the case of malfunction, the electronic message center shall contain a default design to freeze the sign message in one position.

### 1117.06 Signs Permitted in PD Districts

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- (a) All development in a PD District shall be subject to the standards of this chapter unless otherwise modified through the PD review and approval process. In general:
  - (1) Single-family residential uses and public and institutional uses in a PD shall comply with the sign requirements of the R-1 District.
  - (2) Multi-family residential uses in a PD shall comply with the sign requirements of the R-3 District.
  - (3) Commercial and office uses in a PD shall comply with the sign requirements of the CC District.
  - (4) Industrial uses in a PD shall comply with the sign requirements of the ID District.
- (b) This section shall apply to both permanent and temporary signs.

### 1117.07 Permanent Signs in Residential Districts

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The following are permanent signs allowed in the ER, R-1, R-2, and R-3 Districts:

#### (a) Entrance Signs

Two wall signs or one permanent monument sign may be permitted for any subdivision or multi-family dwelling development with a minimum of 20 lots or dwelling units provided that the sign meets the following requirements:

##### (1) General Standards

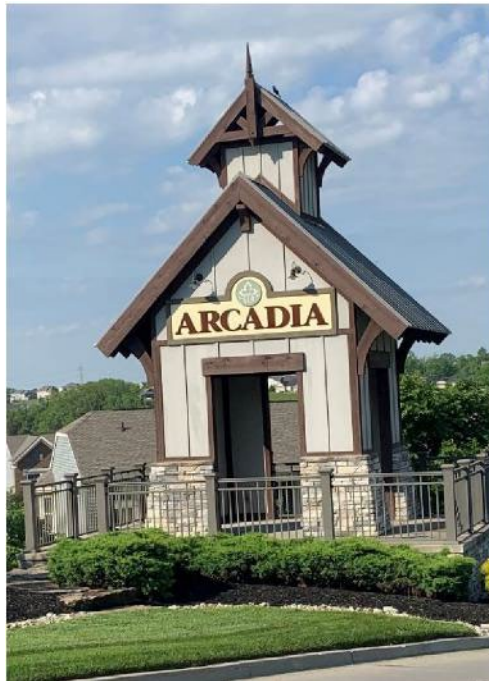
- A. Each sign may have a maximum sign area of 20 square feet.
- B. No such sign or any portion of the structure shall exceed six feet in height.
- C. The sign may only be illuminated through an external light source.

**(2) Monument Sign**

- A. A maximum of one permanent monument sign may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Zoning Administrator.
- B. The sign shall be setback 10 feet from the public right-of-way.
- C. If an applicant proposes to use monument signs, no wall signs, as allowed in Subsection [1117.07\(a\)\(3\)](#), below shall be permitted.

**(3) Wall Signs on Entry Fences, Landscaping Walls, or Features**

- A. A maximum of two wall signs may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Zoning Administrator.
- B. The signs shall be mounted to a decorative landscaping wall, fence, or architectural feature adjacent to the entrance street.
- C. The placement of wall signs on architectural features shall only be permitted if such architectural feature is approved as part of a PD or a subdivision plat. See [Figure 1117-J](#). As part of such approval, the Planning Commission may authorize the wall sign to be mounted above six feet in height but in no case shall the wall sign be mounted to exceed the height of the architectural feature.



*Figure 1117-J: Example of an architectural feature at the entrance of a subdivision.*

- D. Each sign shall be setback 10 feet from the public right-of-way.
- E. If an applicant proposes to use wall signs, no monument sign, as allowed in Subsection [1117.07\(a\)\(2\)](#), above, shall be permitted.

**(b) Flags**

No more than two flags located on flagpoles or on wall-mounted posts are permitted on any lot provided that the following shall apply:

- (1)** No more than one flag pole is permitted on any lot.

- (2) The maximum height of flag poles shall not exceed the maximum building height for structures in the subject zoning district, and a maximum area of 40 square feet for any individual flag attached to the pole.
- (3) For flags affixed to a building, the maximum projection of the post shall be six feet and a maximum area of 15 square feet per flag. Such flags may project into the right-of-way provided they maintain a clearance of eight feet from the bottom of the flag to the sidewalk surface and they do not encroach into the area of the right-of-way paved for streets.
- (4) No zoning certificate shall be required for the use of flags.

**(c) Signs for Certain Nonresidential Uses in Residential Districts**

The following signs shall be permitted on a lot that contains a principal use under the public, institutional, and recreational use classification in [Table 1105-2](#) or for a skilled nursing or personal care facility in a residential district:

- (1) One permanent monument sign may be permitted on a lot containing a use approved as a conditional use provided the sign meets the following requirements:
  - A. The sign shall be set back 10 feet from the public right-of-way.
  - B. The maximum sign area shall be 24 square feet.
  - C. No such sign or any portion of the structure shall exceed six feet in height.
  - D. The sign may include an electronic message center that complies with Section [1117.05\(j\)\(6\)](#).
- (2) Buildings signs shall be permitted on a lot containing a use approved as a conditional use provided the signs meet the same requirements for building signs in the P-I District in Section [1117.08\(b\)](#).

**1117.08 Signs in Nonresidential Districts**

The following are permanent signs allowed in the CC, VC, RO, ID, and P-I Districts:

**(a) Freestanding Signs**

All freestanding signs in nonresidential district shall be monument signs that meet the following requirements:

- (1) A freestanding sign may be either a monument sign or pole sign unless otherwise specifically stated.
- (2) Where a pole sign is proposed, the pole supporting the sign shall not exceed two feet in height and shall be surrounded by landscaping to screen the view of the pole.
- (3) Only one freestanding sign shall be permitted along each street frontage.
- (4) The monument sign shall be set back minimum of 10 feet from the right-of-way and 15 feet from any adjacent lot lines.
- (5) No freestanding signs are permitted in the VC District.
- (6) The maximum sign height and sign area shall be as established in [Table 1117-1](#).

TABLE 1117-1: FREESTANDING SIGN ALLOWANCES		
District	Maximum Sign Height	Maximum Sign Area
CC	8 feet	One square foot per lineal foot of street frontage or 40 square feet, whichever is less.
RO	6 feet	One square foot per four lineal feet of street frontage or 12 square feet, whichever is less.
ID	8 feet	One square foot per four lineal feet of street frontage or 30 square feet, whichever is less.
P-I	6 feet	24 square feet

- (7) Freestanding signs may include manual changeable copy signs or electronic message centers as regulated by this chapter.
- (8) Where a freestanding sign serves a multi-tenant building, it shall be the responsibility of the property owner to determine the messaging on the sign.
- (9) Exposed sign foundations shall be constructed with a finished material such as brick, stone or wood.

**(b) Building Signs**

Except for the wall sign permitted in Section [1117.02\(e\)](#), building signs shall not be permitted in residential districts unless accessory to an approved conditional use. In all other districts, building signs are permitted on principal structures in accordance with the following:

- (1) The building sign area allowed in this section shall include the total amount of all wall, canopy, awning, projecting, and permanent window signs on each facade wall. Standards for each individual building sign type are established in this section.
- (2) For the purposes of this code, wall, canopy, awning, projecting, and permanent window signs are all considered sub-types of building signs.
- (3) Building signs shall not extend above the top of the roofline of the building to which it is attached. For canopy signs, the signs may be attached above the canopy, which is attached permanently to the building, provided that the sign does not extend above the top of the roofline of the building.
- (4) Building signs may not be attached to mechanical equipment or roof screening.
- (5) Building signs shall not include electronic message centers or manual changeable copy signs except on a canopy sign.

**(6) Building Sign Allowance**

- A. There is no maximum number of permitted building signs.
- B. Where there is a building sign allowance for a primary facade, such building sign area shall only be attached to the primary facade.
- C. Where there is a secondary facade, as determined in Section [1117.04\(d\)](#), any building sign area allowed for the secondary facade shall be attached to the applicable secondary facade.
- D. The building sign allowance shall be calculated for each building unit separately, as follows:
  - i. 1.0 square feet of sign area per lineal foot of primary facade width of each building unit. The total cumulative sign area of all primary facade building signs shall not exceed the amount established in [Table 1117-2](#).
  - ii. 0.5 square feet of sign area per lineal foot of secondary facade width of each building unit. The total cumulative sign area of all secondary facade building signs shall not exceed the amount established in [Table 1117-2](#).
  - iii. The maximum amount of primary facade and secondary facade building sign area allowances shall be as established in [Table 1117-2](#).



**TABLE 1117-2: MAXIMUM BUILDING SIGN AREA**

District	Maximum Primary Facade Building Sign Area per Building Unit	Maximum Secondary Facade Building Sign Area per Building Unit
CC	150 square feet	75 square feet
VC	15 square feet on the first floor and five square feet on the second floor	15 square feet on the first floor and five square feet on the second floor
RO	15 square feet	15 square feet
ID	100 square feet	50 square feet
P-I	50 square feet	25 square feet

**(7) Wall Sign Standards**

Any wall sign shall comply with the following standards:

- A. Wall signs shall be mounted on or flush with a facade wall and shall not project more than 18 inches from the facade wall or face of the building to which it is attached.
- B. A wall sign may be mounted on the facade wall or mounted on a raceway or wireway.
- C. No wall sign shall extend any closer than 12 inches to either the top or side edges of the surface or facade wall to which it is attached. No wall sign shall cover or obscure any facade wall opening.
- D. No wall sign shall extend above the parapet of the main building to which it is attached, nor beyond the vertical limits of such building.
- E. Wall signs may be internally or externally illuminated except when attached to a facade that faces a residential zoning district, in which case the illumination of the wall sign is prohibited.
- F. The wall sign allowance may be used for signs attached to roofed structures over fueling stations or to stand-alone accessory structure such as Automated Teller Machines (ATMS) or detached accessory buildings.

**(8) Canopy or Awning Sign Standards**

Any canopy or awning sign shall comply with the following standards:

- A. Signage shall not cover more than 24 square feet of any individual awning or canopy.
- B. Canopies or awnings should not extend more than 36 inches from the facade.
- C. Signage may be mounted above any canopy that extends over a customer entrance provided that the maximum sign height over the canopy shall be 18 inches as measured from the top of the canopy to the top of the sign.
- D. Only the area of the sign may be illuminated internally on a canopy or awning. The remainder of any canopy or awning shall not be illuminated or may be illuminated by an external source such as gooseneck lighting.

**(9) Projecting Sign Standards**

Any projecting sign shall comply with the following standards:

- A. Only one projecting sign shall be permitted for each tenant of building space.
- B. A projecting sign shall be perpendicular to the facade wall of the building to which it is attached and shall not extend more than four feet from the facade wall to which it is attached.
- C. Projecting signs shall maintain a minimum six-inch clearance from the facade of any building.



- D. Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.
- E. The maximum sign area for a projecting sign shall be 24 square feet.
- F. Projecting signs must be suspended from brackets or other supports approved by the building official and contain no exposed guy wires or turnbuckles.
- G. Projecting signs shall not encroach into any right-of-way.

#### (10) Permanent Window Signs

Permanent window signs are permitted without a zoning certificate provided they comply with the following standards:

- A. Window signs are prohibited in residential zoning districts with the exception that temporary signs may be placed in windows in accordance with Section [1117.09](#).
- B. Window signs shall not contain flashing or blinking lights, or any type of actual perceived motion.
- C. Window signs shall not occupy more than 25 percent of the window area in the VC and RO Districts and 50 percent in the window area of all other nonresidential districts. The sign area is based on the total window area, regardless of the presence of an awning, canopy, or other overhanging feature. Window areas separated by piers, architectural elements, or similar features that are not glass or window framing or support shall be considered separate and distinct window areas. See [Figure 1117-K](#).



Figure 1117-K: The window area is illustrated within the dashed line area for the two storefronts in the above image. The dashed lines highlight two separate window areas due to the separation by an architectural feature not related to the windows.

#### (c) Drive-Through Facility Signs

- (1) Drive-through facility signs shall only be permitted in nonresidential zoning districts. Drive-through signs are prohibited in the VC District.
- (2) One drive-through facility sign shall be allowed for each stacking lane in a drive-through facility provided the total aggregate sign area of all ground signs associated with each drive-through facility does not exceed 72 square feet. In no case shall a single drive-through facility sign exceed 36 square feet in sign area.
- (3) Such signs shall be oriented so as to only be visible to occupants of vehicles in the stacking lanes of the drive-through facility.
- (4) No drive-through facility sign under this section shall exceed six feet in height measured from the grade of the adjacent driving surface to the top of the sign.

- (5) Drive-through facility signs may be internally or externally illuminated. Up to 100 percent of each sign may be an electronic message center if it complies with the following standards:
  - A. Any message change shall be a static, instant message change.
  - B. Only Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message centers.
  - C. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
  - D. The electronic message center shall be turned off during the hours when the related business is closed.
- (6) Drive-through facility signs attached to a facade wall of building shall be calculated as part of the building signage allowance in Section [1117.08\(b\)](#).
- (7) The maximum sign areas of this section shall not apply where the drive-through facility sign is located in a manner that is not visible from a public right-of-way or from an adjacent residential lot, as determined by the Planning Commission during the site plan review process.

**(d) Driveway Signs**

- (1) Driveway signs shall only be permitted where the lot contains multiple uses.
- (2) Driveway signs shall only be permitted near driveway entrances to a public street.
- (3) A maximum of two driveway signs are permitted per individual driveway.
- (4) Driveway signs shall be located within 30 feet of the right-of-way.
- (5) Each driveway sign shall not exceed four square feet in area and 36 inches in height.
- (6) Driveway signs may be internally or externally illuminated.

**(e) Flags**

No more than two flags located on flagpoles or on wall-mounted posts provided that the following shall apply:

- (1) No more than one flag pole is permitted on any lot.
- (2) The maximum height of flag poles shall not exceed the maximum building height for structures in the subject zoning district, and a maximum area of 40 square feet for any individual flag attached to the pole.
- (3) For flags affixed to a building, the maximum projection of the post shall be six feet and a maximum area of 15 square feet per flag. Such flags may project into the right-of-way provided they maintain a clearance of eight feet from the bottom of the flag to the sidewalk surface and they do not encroach into the area of the right-of-way paved for streets.
- (4) No zoning certificate shall be required for the use of flags.

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**1117.09 Temporary Signs**

The following are the types of temporary signs allowed in the Village of Centerburg, including any applicable regulations for each type of sign.

**(a) Standards Applicable to All Temporary Signs**

- (1) Temporary signs shall not be mounted, attached, affixed, installed or otherwise secured in a manner that will make the sign a permanent sign.
- (2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roofline of a structure.
- (3) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement that could pose a danger to people, vehicles or structures.
- (4) Unless otherwise specifically stated, temporary signs shall not be illuminated.

- (5) No temporary sign shall require a foundation, or similar permanent support.
- (6) Temporary signs shall not be affixed to any permanent sign or permanent structure except when a banner sign is permitted to cover a permanent sign in accordance with this section or when such sign is attached to the principal building as permitted in this chapter.
- (7) No streamers, spinning, flashing, windblown devices or similarly moving devices shall be allowed as part of, or attachments to, temporary signs.
- (8) Where a temporary sign is designed to have two sign faces (sidewalk signs or temporary yard signs), such sign faces shall be of the same size and mounted back-to-back. In the cases of an A-frame sidewalk sign, the sign faces shall be mounted back-to-back but may have an angular separation between faces to form the A-frame shape.
- (9) For zoning certificate applications related to the establishment of a new use or change of use within an existing building, where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign and shall require a zoning certificate.
- (10) Temporary signs shall be constructed of a material that is substantial enough to withstand typical winds and weather for the duration of the placement.
- (11) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such a sign is deteriorated.

**(b) Temporary Sign Allowances**

[Table 1117-3](#) establishes the allowances for temporary signs in all zoning districts. All sign types are subject to the general provisions above and the sign-type standards that follow the table.

TABLE 1117-3: TEMPORARY SIGN ALLOWANCES			
Zoning Districts	Residential	Nonresidential	
<b>Time Limit</b>	Unrestricted	Unrestricted	30 Days per Quarter [1]
<b>Maximum Number or Area per Lot [2]</b>	3 Signs	32 Square Feet	20% of Permanent Building Signage Allowed or 50 Square Feet, Whichever is Less
<b>Maximum Sign Area per Sign [2] [3]</b>	16 Square Feet	16 Square Feet	
<b>Maximum Height [3]</b>	4 Feet	6 Feet	6 Feet
<b>Permitted Sign Types</b>	Banner, Window, or Yard	Banner, Sidewalk, or Yard	Feather, Banner, or Yard
<b>Zoning Certificate Required</b>	No	No	Yes
NOTES: [1]A quarter shall be defined as evenly timed quarter of the calendar year (January to March, April to June, July to September, and October to December). [2]The provisions of this requirement are as stated in the table unless otherwise allowed for in the applicable sign type standards below. [3]Maximum sign area and height are as established in the table unless otherwise modified in the sign type standards.			

**(c) Sign Type Standards**

**(1) Banner Signs**

- A. Banner signs shall not be subject to the maximum height requirements of this section provided they are not attached above any roofline.
- B. Banner signs can be affixed to a building but not to a fence.
- C. Banner signs must be attached to the structure at each corner, point and/or end so as to prevent movement.

**(2) Feather Signs**

- A. Only one feather sign shall be permitted for any lot in a nonresidential district. If a lot has more than 100 feet of lot frontage along a public street, one additional feather sign shall be permitted at the same time as the initial feather sign.
- B. The maximum height of a feather sign may exceed the maximum height in the temporary sign allowance table but in no case shall exceed 10 feet in height.

**(3) Sidewalk Signs**

- A. Only one sidewalk sign is allowed for each building unit.
- B. The sidewalk sign shall be limited to an A-frame sidewalk sign or a T-frame sidewalk sign.
- C. There shall be no time limitation for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
- D. Sidewalk signs shall not exceed six square feet in area with a maximum height of four feet.
- E. The sign shall not be placed on pavement used for vehicles (e.g., driveways and parking lots) unless being used for temporary traffic management.
- F. When placed on a public or private sidewalk, the width and placement of the sign shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.
- G. The sign must be freestanding and shall not be affixed, anchored, or otherwise permanently secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, or other structure.
- H. The sign must not obstruct access to parking meters, bicycle racks and other features lawfully in the right-of-way.
- I. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
- J. The sign shall be internally weighted so that it is stable and windproof.
- K. The Village of Centerburg shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

**(4) Window Signs**

Temporary window signs shall not be affixed permanently to the window unless allowed as permanent sign in Section [1117.08\(b\)\(10\)](#).

**(5) Yard Signs**

Temporary yard signs are prohibited in the right-of-way and shall be set back a minimum of 10 feet from adjoining lot lines.

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**1117.10 Nonconforming, Illegal, and Unsafe Signs**

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**(a) Nonconforming Signs**

- (1) Any sign that was lawfully in existence at the time of the effective date of this code, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified in this subsection. No legal nonconforming sign shall be enlarged, extended, structurally altered, or reconstructed in any manner, except as allowed for in this section, and the nonconforming structure regulations in [Chapter 1121: Nonconformities](#), shall not apply.
- (2) Legal nonconforming signs shall be maintained in good condition pursuant to Section [1117.05\(g\)](#) and may continue until such sign is required to be removed as set forth in this chapter.

- (3) A nonconforming sign shall immediately lose its nonconforming designation and must be brought into compliance with these regulations or be removed if:
- A. The sign is structurally altered or replaced except when a sign is specifically designed and approved for changeable sign faces and such a sign face is changed, or when a message is changed on a changeable copy sign or electronic message center;
  - B. The sign is relocated, except signs that are required to be moved because of public right-of-way improvements;
  - C. The sign is a legally nonconforming temporary sign that is still in place more than one calendar year from the effective date of this code;
  - D. The sign is damaged to an extent of greater than 50 percent of the estimated replacement value;
  - E. The sign is not repaired within 60 days after it is damaged or such sooner period as may be required if the damage presents an immediate hazard; or
  - F. The sign creates a hazard to vehicular or pedestrian traffic, or to adjoining properties.
- (4) Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from compliance with the provisions of these regulations regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way.

**(b) Illegal Signs**

- (1) 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 [1117.10\(a\)](#), above, the Zoning Administrator shall notify the owner or user thereof to comply with the provisions of this chapter in the same manner as Section [1123.06](#).
- (2) 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 Planning Commission, or, after a reasonable search, cannot be found, the Zoning Administrator 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 in accordance with Section [1117.10\(d\)](#).
- (3) 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.
- (4) Unattended signs on public property, including but not limited to parks and rights of way, that have not been placed by the Village, shall be considered abandoned, and shall therefore be illegal signs. These signs may be disposed of or destroyed without notice or compensation. Such disposal or destruction is not subject to appeal.

(5)

**(c) Unsafe Signs**

- (1) When the Zoning Administrator finds, upon investigation, that a sign is unsafe or unsound structurally, they shall notify the owner of said sign, together with the owner of the land on which the sign is located, by certified mail of their findings.
- (2) Such notice shall advise the owner that the sign has been declared unsafe and/or structurally unsound and must be removed within 10 days for an unsafe or structurally unsound sign.

- (3) The owner may request an opinion as to the existence of a violation from the Planning Commission as provided for in Section [1123.07](#). 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 Planning Commission, the same may be removed at the expense of the lessee or owner after 10 days of notice for an unsafe or structurally unsound sign.
- (4) If the Village 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.

**(d) Fees for Sign Removal**

- (1) Fees for removal shall be immediately due and payable to the Village of Centerburg. Notice of such assessment shall be given to the owner in the same manner as notice of violations in Section [1123.06](#).
- (2) All assessments not paid within 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.
- (3) 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.
- (4) Every owner or occupant of real estate in the Village impliedly grants a license to the Zoning Administrator, his designee or Village employees to enter upon real property in the Village without the consent of the owner or user for the purposes of fulfilling the provisions of this section.





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## Chapter 1119: Subdivision Design

### 1119.01 Purpose

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The purpose of this chapter is to further the overall purpose of this code and additionally, to:

- (a) Establish standard requirements and conditions for the design and review of subdivisions;
- (b) Provide for the orderly subdivision of land;
- (c) Ensure that adequate public infrastructure, facilities and services are available concurrent with development to secure and provide for the public health, safety, and general welfare;
- (d) Encourage a beneficial relationship between the uses of land and circulation of all forms of traffic throughout the Village, and to provide for the proper location and design of streets to provide for safe traffic circulation;
- (e) Provide adequate utility systems to support the future needs of the systems; and
- (f) Promote efficient and logical placement of utility structures so as to promote the purpose of this code.

### 1119.02 Applicability

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The applicant for a subdivision, or any development that requires public improvements or rights-of-way, shall dedicate all land required for rights-of-way, and shall furnish and install all required improvements serving the subdivision or development. When applicable plans or policies of the Village of Centerburg provide for adjacent development, all improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities.

### 1119.03 Conformity with Plans and Regulations

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- (a) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, or agree to sell any less than the whole parcel or to transfer, sell, or agree to sell land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.
- (b) The Zoning Administrator shall not issue zoning certificates for any structure or activity on a lot in a subdivision for which a major or minor subdivision has not been approved and recorded in the manner prescribed in these regulations.
- (c) Subdivisions and public improvements shall be subject to all construction and material specifications and engineering design guidelines as referenced in Section 135.03 of the codified ordinances and development and construction plan review and approval standards of Section 135.04 of the codified ordinances.

### 1119.04 Subdivider's Agreement

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- (a) As part of any major subdivision, an applicant for a subdivision will be required to enter into a subdivider's agreement. Such agreement shall include, at a minimum:
  - (1) The timing of the construction of public improvements, including estimates for inspections;
  - (2) Estimated costs and fees, as required by this code including, but not limited to, pavement guarantees, street tree fund, inspection fees, and recreation impact fees;
  - (3) Financial guarantee agreements, including the length of any maintenance guarantees;
  - (4) Protection requirements for existing street, utilities, and other installations;

- (5) That the applicant will hold the Village free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his or her cost and expense, any suit or action brought against the Village by reason thereof, until the improvement has been accepted by the Village;
  - (6) That in the event of any violation of or noncompliance with any of the provisions and stipulations of the agreement or this code, the Village may stop the work forthwith and complete or cause the completion of such improvements according to the approved plat and agreement, and that in such event, to the extent the owner's financial guarantee agreements do not fully compensate the Village, the owner shall reimburse the Village for any and all expenses incurred thereby; and
  - (7) Any additional information or requirements as deemed necessary by the Zoning Administrator.
- (b) The subdivider's agreement shall be approved as to content and form by the Village's legal counsel, with confirmation by the Zoning Administrator, prior to approval of the final plat.

### **1119.05 Financial Guarantees and Public Improvements**

- (a) If the applicant does not propose to construct the required public improvements or private streets prior to receiving certification of the final plat or approval of the site plan or zoning, the applicant shall execute financial guarantees and shall file such financial guarantees with the Village prior to approval of a zoning certificate or certification of a final plat. Such financial guarantee shall take any form allowed in this section.
- (b) The financial guarantee shall cover 120 percent of the estimated costs to install the public improvements.
- (c) The financial guarantee shall be an obligation for the faithful performance of any and all work and the construction and installation of all public improvements required to be done by the applicant, together with all engineering and inspection costs and fees incurred by the Village.
- (d) Upon completion, inspection, and approval of the public improvements and release of the initial financial guarantee for construction, the applicant shall be required to execute a warranty and financial guarantee that shall remain in force for two-years over the public improvement, as determined by the Village Administrator as part of the subdivider's agreement. If during that two-year period any improvements in the subdivision should fail to perform in the designed manner or fail to retain an acceptable condition, the Village may use or allocate the financial guarantee to correct those deficiencies.
- (e) When, in the judgment of the Zoning Administrator, public improvements have been completed in accordance with the improvement plans as approved by Village, Village Council shall, at the recommendation of the Zoning Administrator, accept such improvements and authorize the full or partial release of the financial guarantee.
- (f) The terms of such financial guarantees shall be determined by the Village's legal counsel, with confirmation by the Zoning Administrator.
- (g) Financial guarantees shall be made payable to the Village of Centerburg and shall be acceptable to the Zoning Administrator.
- (h) Incomplete public improvements that the Zoning Administrator or Village's engineer determines will constitute a safety hazard or maintenance issue, or will prevent the effective functioning of the public improvements, shall be required to be completed prior to the approval of a final plat.
- (i) **Types of Financial Guarantees**  
The following are the types of financial guarantees allowed by the Village. The standards for each type of guarantee shall apply to any situation where a financial guarantee is required, regardless if it is related to a subdivision application or not.

**(1) Irrevocable Letter of Credit**

The following standards shall apply if an irrevocable letter of credit is utilized as a financial guarantee:

- A. The applicant shall provide an irrevocable letter of credit from a bank or other reputable institution or individual, subject to the approval of the Village's legal counsel and Village Administrator.
- B. The letter shall be deposited with the Village, and shall certify the following:
  - i. The creditor guarantees funds in an amount equal to the cost, as estimated in accordance with this section, for completion all required public improvements.
  - ii. In the case of failure on the part of the applicant to complete the specified public improvements within the required time period, the creditor shall pay to the Village immediately and without further action such funds as are necessary to finance the completion of those public improvements, up to the limit of credit stated in the letter.
  - iii. This irrevocable letter of credit may not be withdrawn or reduced in amount until released by the Village Administrator in accordance with this chapter.

**(2) Certified Check, Wire Transfer, Escrow, or Cash Deposit**

The following standards shall apply if cash is utilized as a financial guarantee:

- A. The applicant shall provide a certified check, wire transfer, escrow to a third-party escrow account, or cash deposit for the amount of the guarantee, payable to the Village of Centerburg.
- B. If a third-party escrow account is to be established, the account shall be with a bank approved by the Village's legal counsel and shall be in an account set up for the sole ownership of the Village.
- C. When the public improvements are complete, the Village shall issue a check for the amount released based on this subsection.
- D. The Village shall not be responsible for paying interest for the period of time the Village retains the guarantee.

**(3) Bonds**

The following standards shall apply if a bond is utilized as a financial guarantee:

- A. A bond in the amount determined in accordance with this section shall be filed with the Village of Centerburg.
- B. The bond may be in the form of a surety bond or a cash bond of the kind approved by law for securing deposits of public money.
- C. The bond shall be executed by the applicant as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the State of Ohio.
- D. The bond shall provide that it cannot be terminated or canceled without the approval of the Village, and shall remain in force until such improvements have been accepted by Village Council.

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## 1119.06 General Design Requirements

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### (a) General Suitability of Land for Development

If the Planning Commission and the Village Council find that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography or inadequate water supply, wastewater treatment facilities, transportation facilities, or such other conditions as may endanger health, life or property, and if, from investigations conducted by the public agencies concerned, it is determined that, in the best interest of the public, the land should not be developed for the subdivision proposed, the Planning Commission and the Village Council shall not approve the land for the proposed subdivision unless adequate methods are advanced by the applicant for solving the problems that will be created by the development of the land.

### (b) Projection of Improvements

Where adjoining areas are not subdivided or developed, the arrangement of streets and utilities in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets and utilities where street connections can be made to the adjacent land) as required by the Zoning Administrator. Such arrangements shall be made to the subdivision boundary or up to the edge of the phase of buildable lots.

### (c) Topography, Floodplain Areas, Wetlands, and Natural Areas

- (1) Natural amenities (including views, mature trees, creeks, riparian corridors, rock outcrops, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.
- (2) All subdivisions of land and installation of public improvements involving areas subject to flooding, as defined by National Flood Insurance Program Maps and Data, shall conform to all applicable floodplain regulations and the requirements of adopted regulations involving the Village's participation in the National Flood Insurance Program.
- (3) Land which is determined by the Village to be unsuitable for subdivision or development due to flooding, the presence of Federal Jurisdiction Wetlands, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless methods adequate to resolve the problems are formulated by the applicant and approved by the Planning Commission and upon advice of the Zoning Administrator.
- (4) The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.

### (d) Inspection Fees

The applicant shall provide all necessary engineering and surveying services for preparing the plat and improvement plans. The Village will inspect the installation of improvements and private utilities. The applicant shall reimburse the Village the actual cost of these inspections before the plat is placed upon a Planning Commission agenda.

### (e) Debris and Waste

No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a zoning certificate. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time public improvements are accepted by the Village.

### (f) Monuments and Markers

- (1) Monuments and monument boxes shall be installed at the intersection of all centerlines of all streets, points of curvature and points of tangency on all curves.

- (2) Property pins shall be set at all lot corners, points of tangency and points of curvature.
- (3) Steel rods shall be used for property pins permanently installed that comply with the State of Ohio's requirements.
- (4) Monuments and lot corner markers shall be of a design approved by the Zoning Administrator and meeting State of Ohio Minimum Standards for Boundary Surveys.

### **1119.07 Lots**

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- (a) The lot arrangement and design of any proposed subdivision shall be such that all lots will provide satisfactory building sites that can accommodate the proposed structures and meet required setbacks in the applicable zoning district.
- (b) Lots shall also be arranged so that all lots will have frontage on a public street or road and will provide building sites properly related to topography and the character of surrounding development. Lots may have frontage on a private street only if approved as part of a PD District.
- (c) The lots shall be more or less rectangular in form; triangular, elongated, or other shapes that restrict its use as a building site shall be avoided to the maximum extent feasible unless the applicant can demonstrate special circumstances requiring irregular lots to the Planning Commission.
- (d) All side lot lines shall be at right angles to street lines and radial to curved street lines except where the Planning Commission determines that a variation to this rule will provide a better street and subplot layout.
- (e) Corner lots shall be of sufficient width to allow vehicular access to the lot and to permit the required building set-back line for each street the lot abuts.
- (f) Flag (panhandle) lots or double frontage (through) lots shall be discouraged and may only be approved if necessitated by unique features or other special physical conditions as deemed necessary by the Planning Commission. These lots shall meet the requirements established for the applicable lot type in Section [1111.01](#).
- (g) Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

### **1119.08 Blocks**

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- (a) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Section [1119.10: Streets and Thoroughfares](#) and shall be arranged to accommodate lots and building sites of the size and character required for the zoning district as set forth in this code.
- (b) Subdivisions shall be designed with blocks of sufficient width to permit two rows of lots that share rear and side lot lines, of appropriate depth, to the maximum extent feasible.
- (c) Where a subdivision adjoins a major thoroughfare, the block shall be oriented so that there will be the fewest points of direct ingress and egress along such major thoroughfare as possible.
- (d) Irregularly shaped blocks, those intended for cul-de-sac or loop streets, and those containing interior parks or playgrounds, may be approved if properly designed and located, and upon adequate provisions for the maintenance of interior open spaces.

### **1119.09 Street Lighting**

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Street lighting for all new subdivisions within the Village shall be provided by the electric utility, subject to the following provisions:

- (a) The applicant's choice of the means and styles of street lighting for any particular new subdivision shall be limited to those styles and systems currently available from the local electric utility for such street lighting purposes.

- (b) The street lighting system for a new subdivision shall be of a uniform nature and style within that subdivision.

## **1119.10 Streets and Thoroughfares**

### **(a) General Street Design**

- (1) The arrangement, character, width, grade, construction and location of all streets shall conform to the comprehensive land use plan, or other applicable street plans, for the Village that are in effect at the time of final plat submission.
- (2) The street layout shall provide access to all lots and parcels of land within the subdivision.
- (3) The applicant shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance or alignment of such streets in conformity with the comprehensive plan or other applicable street plans.
- (4) Offset street intersections shall be avoided whenever possible.
- (5) Where practical, the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.
- (6) A street that is not constructed to Village standards will not be accepted by the Village for dedication as a public street.
- (7) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
- (8) A street that is not constructed to Village standards will not be accepted by the Village for dedication as a public street.
- (9) Streets within a subdivision which are reasonably expected to be subject to flooding shall not be accepted by the Village. All streets must be located at elevations which will make them flood-free, in order that no portion of the subdivision would become isolated by floods.
- (10) In the interest of public safety, and as a matter of policy, all points of ingress and egress shall be located as far as possible from the intersection of two or more major arterial streets or highways.

### **(b) Traffic Control Devices**

The applicant shall provide all traffic control devices for the proposed development, including, but not limited to, traffic signals, signs, pavement markings and the like. Refer to the Ohio Manual of Uniform Traffic Control Devices (OMUTC) for details of the devices to be used, and, in some cases, warrants for their use.

### **(c) Street Signage**

All new subdivisions shall be required to install the street signage within each phase on all public and private streets. The signage shall be installed prior to acceptance by the Village, and the road being open to vehicular traffic. The signage must be shown on the improvement plans/site plans as submitted for review by the Planning Commission.

### **(d) Street Names and Numbering**

- (1) Street names shall be selected that will not duplicate or be confused with the names of existing streets in the Village of Centerburg and Knox County, irrespective of modifying terms such as street, avenue, boulevard, etc. Streets that are or will eventually be continuations of existing or platted streets shall be named the same. Street names shall be included on the preliminary plat and final plat.
- (2) Street names shall not be confusing, offensive, or otherwise named in such a manner as to hinder safe or efficient travel.
- (3) When a new street is a direct extension of an existing street, the name shall remain the same.



(4) Address numbers shall be assigned by the Village in accordance with the current numbering system.

**(e) General Street and Right-of-Way Design Standards**

- (1) Proposed street classifications shall be designated (i.e., local, principal collector, arterial, etc.) on all plats, based on their proposed functions and the recommendation of any approved street plans. The physical and geometric design of streets shall be based upon these designations in adapting the proposed streets to the existing terrain and soils.
- (2) The standards of the American Association of State Highway and Transportation Officials (AASHTO), as published in A Policy on Geometric Design of Highways and Streets, 1984; A Policy on Design Standards for Stopping Sight Distances, 1971; and subsequent publications modifying those standards by AASHTO, in effect at the time of final plat submission, shall govern the design of subdivision streets and abutting Village, county and township roads. The “Desirable Sight Distance Values” will govern in all but the most unusual instances, and any lesser values must be recommended by the Village Administrator before the preliminary design plan is approved by the Planning Commission.
- (3) The pavement design shall be calculated and submitted by an Ohio registered engineer with the preliminary plat approval.
- (4) The applicant shall be responsible for all required improvements, including the required pavement width measured from back-to-back of curbs on an undivided street.
- (5) When developing along one side of an existing street or roadway which is included in any approved street plans, the applicant shall be responsible for one curb, the pavement widening to thoroughfare width of his or her side, all necessary adjustments to existing pavement, and storm drainage for the street in accordance with an agreement with the Village Administrator. Where sight distances or other engineering requirements make it imperative, the pavement adjustment responsibility shall include the replacement of up to the entire existing pavement, also in accordance with an agreement with the Village Administrator.

Table 1119-1: Street Rights-of-Way and Grade Standards						
Type of Street	Minimum ROW (feet)	Minimum Pavement Width (Feet) [1]			Grades %	
		Preferred (Parking on Both Sides)	Minimum (Parking on One Side)	No Parking	Maximum	Minimum
Major Arterial Street [2]	100 [3]	66	57	48	7	0.5
Minor Arterial Street [2]	80	54	45	36	7	0.5
Collector Street	70	54	45	36	8	0.5
All Other Local Streets	50	33	30	Not Applicable	8	0.5

NOTES:  
 [1] Pavement width is measured back of curb to back of curb.  
 [2] Where marginal access streets are used to provide access to existing or proposed arterials, improvements on those thoroughfares may be waived by the Village Administrator

(6) [Table 1119-2](#) establishes the standards for horizontal curves, reverse curves, sight distances for each street type.



<b>Table 1119-2: Street Curve and Sight Distance Standards</b>			
<b>Type of Street</b>	<b>Horizontal Curve</b>	<b>Reverse Curve</b>	<b>Sight Distance</b>
	<b>Minimum Radius (Feet)</b>	<b>Required Tangent (Feet)</b>	<b>Minimum (Feet)</b>
Major Arterial Street	400	250	450
Minor Arterial Street	400	150	350
Collector Street	300	100	275
Local Street	200	50	200

**(7) Vertical Alignment**

- A. All changes in grades shall be connected by vertical curves of a minimum length in feet equal to 30 times the algebraic difference in the rate of change of grade expressed in feet per 100 feet. Longer vertical curves shall be used when needed for sight distances as determined by the design engineer and approved by the Village Administrator.
- B. No street grade shall be less than 0.4 percent and on stop streets, the grade shall not exceed two percent positive or three percent negative within 100 feet of an intersection with local streets or 150 feet for all other intersections, unless otherwise approved by the Village Administrator. The positive is considered going up from the intersection and the negative is going down from the intersection.
- C. Whenever the applicant changes the grade of an existing street outside the limits of the development, and the grade change requires adjustment to meet existing improvements (streets, driveways, walks, and the like), such adjustments shall be the responsibility of the applicant, as approved by the Village Administrator.

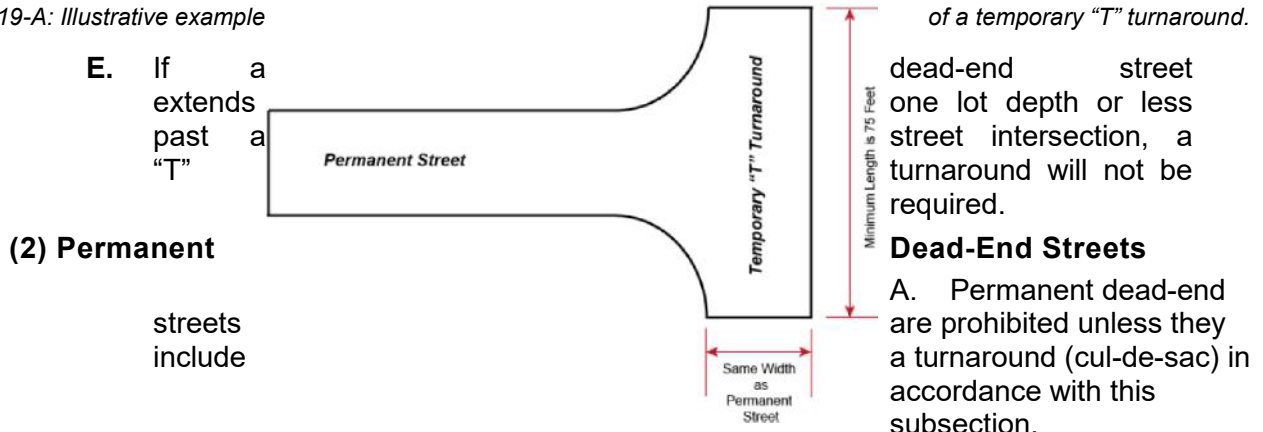
**(f) Special Street Types and Street Requirements**

The following requirements shall apply to special street types or under the specified circumstances:

**(1) Temporary Dead-End Streets**

- A. Temporary dead-end streets shall be permitted only where there are future plans to continue the street into another phase of the subdivision or into an adjacent, future subdivision. In such cases, a temporary turnaround shall be provided with a design approved by the Village Administrator.
- B. Provisions for maintenance and the removal of the temporary dead-end street shall be required of any additional plat approvals.
- C. Temporary dead-end streets longer than 600 feet are prohibited.
- D. A “T” turnaround (temporary only) may be permitted in-lieu of a cul-de-sac that is required for permanent dead-end streets. Such turnarounds shall be designed to allow vehicles to turn around with only one backing-up movement. See [Figure 1119-A](#). The turnaround area shall be the same width as the street it abuts and shall be at least 75 feet long.

Figure 1119-A: Illustrative example



**(2) Permanent**

streets include

E. If a street extends past a permanent street, streets include

**Dead-End Streets**

A. Permanent dead-end streets are prohibited unless they are a turnaround (cul-de-sac) in accordance with this subsection.

B. Permanent dead-end

streets shall not exceed 600 feet in length as measured from the centerline of the intersecting street to the center of the turn-around. Permanent dead-end streets may be longer where unique topographic or other physical conditions exist making a through street impractical.

C. All permanent dead-end streets shall be designed with a turning circle having an outside pavement diameter (curb face to curb face) of at least 80 feet.

**(3) Streets for Nonresidential Subdivisions**

- A. Streets serving nonresidential developments (e.g., commercial or industrial) and accessory parking areas shall be planned to connect with collector or arterial streets so as not to generate traffic on local access streets.
- B. The Village Administrator may require local access streets (frontage streets) that run parallel to an arterial or collector street to provide maximum safety and convenience.

**(4) Half-Streets**

The dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.

**(5) Private Streets**

- A. Private streets are discouraged.
- B. Where constructed, a private street shall be constructed to the minimum standard of a public street in accordance with this code.
- C. The Village shall not be responsible for maintenance, snow plowing, cleaning, or provision of similar public street services for private streets.
- D. Property owners abutting a private street may request that the Village accept the street as a public street dedication at a later date, but the Village shall not be required to accept such dedication.
- E. In no instance shall the Village accept a private street as a public dedication until such street is shown to meet all applicable street design standards required for public streets in this code.

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## 1119.11 Sidewalks

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Sidewalks shall be required in accordance with Section [1115.08\(a\)](#).

## 1119.12 Utilities

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### (a) General Requirements for Utilities and Underground Facilities

- (1) All public, common, or shared electric, cable, and telephone lines and other utilities shall be located underground in all residential, office, commercial and industrial subdivisions and districts, and shall be placed in their own easement, shown on the final or record plat. These underground utility requirements shall also apply to any lines required to serve the new development that extend outside the boundary of the development. The conduits or cables shall be located within easements or public rights-of-way in separate trenches, in a manner which will not conflict with other underground services.
- (2) In industrial subdivisions where the electric power provider advises the Village that the power load requirements are sufficiently large as to make underground service impractical or unfeasible, electric, cable, and telephone lines may be installed overhead along rear lot lines with the approval by the Village Administrator. Should the Village Administrator approve an overhead distribution system, all connections to it shall be made underground. All facilities are to be constructed on one side of the road without overhead crossovers.
- (3) Where cable, fiber optic, television, or similar services or conduit is or will be in operation, the applicant shall install cable or conduit for such service simultaneously with and in the same manner as electric and telephone cables are installed, both within the right-of-way and to individual building connections.
- (4) All sewer and utility pipelines shall preferably be placed outside the limits of the pavement or other similar improvements. All excavations for public utilities made under improved roadway areas shall be properly backfilled with approved granular materials thoroughly compacted in place and repaved, resealed, or otherwise returned to the same improved condition, subject to approval by the Village Administrator.
- (5) All storm drainage grates shall be constructed to allow bicycles to pass over the grate safely and shall have the words "No Dumping, Drains to Stream", or similar, cast into the grate.

### (b) Sanitary Sewers

The following requirements shall govern sanitary sewer improvements:

- (1) Where an adequate existing public wastewater treatment system is reasonably accessible, in the determination of the Village Administrator, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency and Village standards.
- (2) Combinations of sanitary sewers and storm sewers shall be prohibited.
- (3) Sanitary sewers shall be extended through all lots and rights-of-way within the approved plat.

### (c) Public Water Supply

The following shall govern water supply improvements:

- (1) The applicant shall construct a system of water mains and appurtenances and connect them with the public water supply and provide a connection for each lot.
- (2) The design of the water supply shall comply with the design standards established by the Del-Co Water Company.
- (3) The type, size, and location of water lines shall be approved by the Village Administrator.
- (4) Water mains shall be extended through all lots and rights-of-way within the approved plat.

- (5) Fire hydrants shall be provided at a ratio of one hydrant per 300 feet of lineal street frontage.

**(d) Electric, Communication, Cable, and Fiber Optic**

- (1) Electric service and communication service shall be provided within each subdivision.
- (2) Gas service and fiber optics shall be required where reasonably accessible.
- (3) All electric, telephone, cable, fiber optic, and similar transmission lines shall be designed and installed in compliance with the applicable standards of these regulations and the authority having jurisdiction.

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**1119.13 Green Infrastructure**

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**(a) Green Infrastructure Techniques**

- (1) The Village encourages the use of green infrastructure techniques because of their connection to sustainable development practices and environmental quality. The proper use of green infrastructure can dramatically improve storm water runoff quality, decrease runoff volume, protect downstream streams and rivers, and create more interesting places to live.
- (2) The following green infrastructure techniques may be incorporated into new subdivisions with approval from the Zoning Administrator, Village's engineer, or engineering consultants to the Village, as applicable, provided that the applicant submits documentation that the proposed green infrastructure technique is effective and will equal or exceed the function of traditional infrastructure techniques and meet the requirements of this code:
  - A. Narrower pavement widths;
  - B. Narrower right-of-way widths;
  - C. Grassy swales and shoulders without curb and gutter;
  - D. Pedestrian walkways that do not constitute the sidewalks required by this code;
  - E. Permeable pavements (e.g., pavers, permeable concrete, permeable asphalt pavement);
  - F. Bioretention swales;
  - G. Planter boxes;
  - H. Curb extensions; or
  - I. Other techniques.

**(b) Criteria for Green Infrastructure Waivers**

The Zoning Administrator, Village Administrator, or engineering consultants to the Village, as applicable, may grant a green infrastructure waiver for use of the green infrastructure techniques provided:

- (1) The techniques will utilize the landscape or other natural features to reduce, slow, filter, and/or absorb storm water runoff from streets, parking lots, and buildings in a method that equals or exceeds the existing infrastructure requirements of the Village;
- (2) The techniques are consistent with best management practices;
- (3) Covenants or other agreements have been presented to the Village, in a format acceptable by the Village's legal counsel, that provide for the long-term maintenance of any approved green infrastructure; and
- (4) The technique has been designed by a professional engineer and is accompanied by documentation stating that the proposed technique does not pose a threat to the public safety.



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## Chapter 1121: Nonconformities

### 1121.01 Purpose

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Within the districts established by this code, some lots, structures, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this code, but that are prohibited, regulated, or restricted under the terms of this code. The legitimate interests of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this chapter or specifically addressed in this code. This chapter has the further purposes for nonconformities:

- (a) To permit their continuance but control nonconformities so as to minimize any adverse effect on the adjoining properties and development;
- (b) To regulate their maintenance and repair;
- (c) To restrict their rebuilding if substantially destroyed;
- (d) To require their permanent discontinuance if not operated for certain periods of time; and
- (e) To require conformity if they are discontinued, and to bring about eventual conformity in accordance with the objectives of the Village's adopted plans and this code.

### 1121.02 General Provisions

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- (a) Any structure, land, or use of land or a structure that existed at the time of the effective date of this code and that was legally established under a previous code amendment or versions, may be continued even if such use, building, structure, or use of land does not conform to the provisions of this code.
- (b) An applicant for any review procedure (e.g., zoning certificate approval, site plan review, variance, etc.) that involves a nonconformity shall bear the burden of proof in demonstrating that the use, building, or structure, or combination thereof, is a legal nonconformity.
- (c) Passage of this code in no way legalizes any illegal uses existing at the time of its adoption.
- (d) Nonconformities and Variances**
  - (1) Whenever any nonconformity has been changed so that the use, structure, or condition conforms to the requirements of this code, such use, structure, or condition shall no longer be defined as a nonconformity, nor shall the property or structure be returned to the former nonconformity.
  - (2) When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the structure or lot shall no longer be considered nonconforming. In no case shall the resolved nonconformity be expanded or altered to create further nonconformities.
  - (3) If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the structure or condition that remains a nonconformity shall still be subject to the provisions of this chapter.

### 1121.03 Nonconforming Uses

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Where, at the time of adoption of this code, lawful uses of land or structures exist that would not be permitted by the regulations of this code, the uses may be continued so long as they remain otherwise lawful and provided:

- (a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land or structure than was occupied at the effective date of adoption or amendment of this code.
- (b) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.
- (c) No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this code and the applicable zoning district.
- (d) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- (e) **Change or Substitution of Nonconforming Use**
  - (1) If no structural alterations are made that increase the nonconformity, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted use, as determined by the Planning Commission. Such determination shall be made at a public hearing held in the same manner as an appeal (See Section [1103.14.](#)), including notice, but the appeals review considerations of Section [1103.14\(e\)](#) shall not apply. At the hearing, the Planning Commission shall make a determination if the proposed use, which must be a permitted use in the applicable zoning district, is similar in nature and intensity, or is a more restricted use, allowable as a change or substitution under this section.
  - (2) Whenever a nonconforming use is changed to a less intensive nonconforming use in accordance with this code, such use shall not thereafter be changed to a more intensive nonconforming use.
  - (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the applicable zoning district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (f) **Termination of Nonconforming Uses**
  - (1) **Termination of Use through Discontinuance**
    - A. When any nonconforming use is discontinued or abandoned upon a lot in the Village for more than six months, or a total of 18 months in any three-year time period, any new use shall conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.
    - B. There may be cases when a structure, or structure and premises in combination, may not be converted to a conforming use because of the original architecture, floor plan, construction, and design (e.g., townhouses in a single-family residentially zoned area). In these cases, the Planning Commission may determine that the nonconforming use may continue if the nonconforming use is the original use of the structure and/or premises. Appropriate safeguards, conditions and design standards may be required by the Planning Commission so as to minimize the impact of such continuance on the area.
  - (2) **Termination of Use by Damage or Destruction**
    - A. If a building containing a nonconforming residential use, in any district, is damaged or destroyed to any extent, such structure and use may be reestablished on the same lot provided the structure and use meet the same size in height and footprint, as well as complying with the same setbacks as previously existed.



- B. If any building containing a nonconforming use, other than a residential use, is damaged, but not to an extent greater than 50 percent of the principal structure's reconstruction value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage. Such reestablishment of the use shall require the issuance of a zoning certificate, which must be issued within six months of the damage or the use shall not be reestablished.
- C. If any building containing a nonconforming use, other than a residential use, is damaged beyond 50 percent of the principal structure's reconstruction value, such structure and use may only be reestablished in accordance with this code.
- D. Determination of the reconstruction value shall be made by three practicing building construction contractors, one to be appointed by the owner, one to be appointed by the Village and the third to be selected by the mutual consent of the two parties.

#### **1121.04 Nonconforming Structures and Sites**

A nonconforming structure or site may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (a) Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code.
- (b) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.
- (c) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.
- (d) Where a government entity acquires a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district, such government entity shall be required to file a variance, on behalf of the affected property owner, to formally allow for such reduction.
- (e) Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**
  - (1) If a nonconforming structure is damaged, but not to an extent greater than 50 percent of the structure's reconstruction value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage. Such reestablishment of the use shall require the issuance of a building permit within six months of the initial damage. If an owner rebuilds a legally nonconforming structure under this provision, they may expand the structure provided any expansion or change does not increase the nonconformity that existed prior to the damage.
  - (2) If a nonconforming structure is damaged beyond 50 percent of the structure's reconstruction value, such structure shall only be rebuilt in compliance with the requirements of this code. Such reconstruction shall require the application and issuance of all necessary zoning and building permits.
  - (3) If the owner voluntarily removes a nonconforming structure, or reduces the nonconformity of a nonconforming structure that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.
  - (4) The determination of the reconstruction value shall be made in the same manner as established in Section [1121.03\(f\)\(1\)B](#).

### **1121.05 Nonconforming Lots of Record**

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A lot of record which does not comply with the lot or yard regulations of the district in which it is located on the effective date of this code or any amendment thereto which made it nonconforming, may be used as follows:

- (a) If occupied by a building, such building may be maintained, repaired or altered. However, the building may not be enlarged in floor area unless the such enlargement complies with the applicable front, side, and rear yard setbacks of the applicable zoning district.
- (b) If vacant, the lot may be used provided that:
  - (1) No adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this code;
  - (2) Not owning adjoining land, other vacant land adjoining the lot cannot be equitably acquired; and
  - (3) All other regulations of this code, except the lot area and lot width regulations, shall be complied with.

### **1121.06 Nonconforming Signs**

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See Section [1117.10\(a\)](#) for the regulation of nonconforming signs.

### **1121.07 Nonconforming Fences and Landscaping Walls**

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See Section [1111.03](#) for the regulation of nonconforming fences and landscaping walls.

### **1121.08 Repair and Maintenance**

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- (a) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 60 percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this chapter. The value of such work shall be determined in the same manner as established in Section [1121.03\(f\)\(1\)B](#).
- (b) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, including, but not limited to the Zoning Administrator or building inspector, upon order of such official. Where appropriate, a building permit for such activities shall be required.



## Chapter 1123: Enforcement and Penalties

### 1123.01 Enforcement by the Zoning Administrator

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- (a) The Zoning Administrator is hereby designated as the enforcing officer of this code.
- (b) The Zoning Administrator is hereby authorized to enforce as well as issue orders to prevent and stop violations of the provisions of this code.
- (c) The Zoning Administrator may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance of the Village Administrator in fixing grades, of the Chief of Police in enforcing orders, of the Solicitor in the prosecution of violations and of other Village officials. In addition, the Zoning Administrator may delegate, at their discretion, the administration of this code and the building permit process to other Village officials.

### 1123.02 Records

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The Zoning Administrator shall keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered and notices or orders issued. They shall retain on file copies of all papers in connection with building work in accordance with the Village's records retention policy. All such records shall be open to public inspection, at reasonable hours, but shall not be removed from the office of the Zoning Administrator.

### 1123.03 Violations

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- (a) It shall be unlawful to:
  - (1) Use or occupy any land or place; build, erect, alter, remodel, restore, or rebuild thereon any building or structure; permit any building or structure to remain on such land; or use, occupy, or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this code;
  - (2) Use or occupy any parcel of land; use or occupy a new building; or enlarge, substitute, or otherwise change the use, occupancy, or configuration of any land or building, without having received a certificate of zoning approval, site plan approval, conditional use approval, subdivision plat approval, or other required approvals indicating compliance with the provisions of this code, or complying with any and all conditions of such approval;
  - (3) Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this code, or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated;
  - (4) Continue construction, renovation, or improvements contrary to a stop work order or notice of violation;
  - (5) Knowingly make any materially false statement of fact in an application to the Zoning Administrator for any approvals required by this code;
  - (6) Subdivide land in a manner contrary to the standards and regulations contained in this code; or
  - (7) Sell land that has not been subdivided in accordance with the regulations in this code.
- (b) Each day's continuation of a violation of this section may be deemed a separate offense.

### 1123.04 Permit or Certificate Revocation

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

### **1123.05 Complaints Regarding Violations**

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Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a complaint. Such written or verbal complaints shall fully state the causes and basis of the complaint and shall be filed with the Zoning Administrator.

### **1123.06 Notice of Violation**

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- (a) Upon finding a violation, the Zoning Administrator shall order, in writing, the owner, agent, occupant or operator of such building or premises to correct, within a stated reasonable time, all conditions that are found to be in violation of this code. After such a notice is served, no work, except to correct the violation or comply with the notice, shall proceed on any building or premises included in the violation.
- (b) As part of any notice, the Zoning Administrator shall also include the procedure for requesting an opinion from the Planning Commission under Section [1123.07](#).
- (c) Notification shall be complete upon personal delivery, or mailing, of the notice to the owner of the property at their last known address, or where no address is known, by posting the notice in a conspicuous place on the property. Failure of the Zoning Administrator to notify the owner of the property of a violation is not grounds for dismissal of a prosecution based on such a violation.

### **1123.07 Requests for an Opinion**

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- (a) A property owner, upon receiving a notice of an alleged violation of this code may request an opinion from the Planning Commission as to the existence of a violation of this code. A request for an opinion must be filed in writing with the Zoning Administrator within 15 days after the Zoning Administrator has completed notification pursuant to Section [1123.06](#) and the filing of a request for an advisory opinion stays any prosecution for the alleged violation.
- (b) The request for an opinion shall be reviewed in the same procedural manner as an appeal.

### **1123.08 Inspection of Property**

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- (a) The Zoning Administrator may inspect any building erected, altered, moved, razed or converted, and any use of land or premises carried on in alleged violation of any of the provisions of this code.
- (b) If the violation does not constitute a great and immediate danger to the public health, safety or welfare, the Zoning Administrator 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 remedy of the violation within 15 days of the date set forth in the notice. 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.

### **1123.09 Injunction**

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No person may erect, construct, alter, repair or maintain any building or structure, or use any land in violation of this code or the regulations enacted pursuant thereto. In the event of any such violation, or imminent threat thereof, upon the request of the Village Council, the Solicitor, on behalf of the Village, shall institute a suit for injunction to prevent or terminate such violation.

### **1123.10 Penalties**

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Failure to correct the conditions in violation with the provisions of this code, as ordered by the Zoning Administrator, shall constitute a misdemeanor and shall be fined \$100.00 for each day of the violation. Any other person, who commits, participates in or assists in the continuation of said violation may each be found guilty of a separate offense and suffer the penalties provided.

### **1123.11 Remedies**

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- (a) In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of this code, or any amendment or supplement thereto, Village Council, the Solicitor, the Zoning Administrator, the Village Administrator, the Village Administrator, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- (b) The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

### **1123.12 Affected Parties**

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The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

### **1123.13 Other Actions**

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Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.





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## Chapter 1125: Definitions

### 1125.01 Purpose

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It is the purpose of this chapter to define words, terms, and phrases, or identify references, contained in this code.

### 1125.02 Definitions and References

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#### **Abut, Adjoin, or Adjacent**

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

#### **Access**

Any driveway, sidewalk, or other point of entry and/or exit onto or from a street, road, or thoroughfare, which connects to the general street system. This can refer to vehicular or pedestrian access.

#### **Accessibility Ramps**

Permanent or portable ramps utilized to provide a disabled person with accessibility to a structure.

#### **Accessory Dwelling Units**

Attached or detached living quarters located on a lot with an existing principal dwelling where the accessory dwelling unit is designed for the use of persons employed on the premises or for the temporary use of guests of the occupants of the principal dwelling.

#### **Active Recreational Facilities**

Any park or recreational facility that is owned, managed, or operated by the Village of Centerburg, a local township, Knox County, the State of Ohio, or a non-profit agency. Such park or recreational facility requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other similar outdoor facilities. Such uses may include accessory retail uses that are customarily incidental recreational uses including, but not limited to, souvenir or concession stands. Such uses shall include the general use of the land as well as any activities or programming of the land or structures that are a part of the active recreational facility use.

#### **Adjudication Hearing**

An adversarial hearing during which evidence is taken for the purpose of determining issues of fact and law that will be used by the applicable decision-making body reach a determination. This may also be referenced as a quasi-judicial hearing.

#### **Administrative, Business, or Professional Offices**

A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations which carries on no retail trade and maintains no stock of goods for sale.

#### **Adult Arcade**

Adult arcade shall mean any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

### **Adult Bookstore, Adult Novelty Store, or Adult Video Store**

A commercial establishment which, as one of its purposes, offers for sale or rental for any form of consideration any one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." For the purposes of this code any retail establishment which devotes at least twenty percent of the total linear feet available for the display of items or materials for sale or rental to the display of items or material for sale or rental which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" shall be categorized as an adult bookstore, adult novelty store or adult video store.

### **Adult Cabaret**

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- Persons who appear in a state of nudity or semi-nudity;
- Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

### **Adult Entertainment Business**

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

### **Adult Entertainment Businesses**

Adult entertainment businesses shall include any use identified in Section [1105.06\(l\)](#) that relates to sexually-oriented businesses or activities including, but not limited to, adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motion picture theaters, adult theaters, etc.

### **Adult Motion Picture Theater**

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown, or show various electronic media, such as the Internet, are made available for the showing of materials, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

### **Adult Theater**

A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities."

### **Agriculture (Raising of Crops)**

Cultivated plats, tracts of land, or raised beds containing single variety or multiple varieties of vegetables, fruits, berries, or any other edible or otherwise consumable agricultural product or produce. Such use shall not include any agricultural activity related to the keeping or raising of livestock animals including, but not limited to, chickens, llamas, or the breeding of pets.

### **Alley**

A minor, service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation, but is not a public or private street as defined by this code.

**Amateur Radio Towers and Antennae**

A system of cables, electrical conductors, insulators, metallic or non-metallic tubing, poles, reflecting discs, rods, wires, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

**Animal Boarding, Training, or Daycare Facilities**

Any building, structure or land, or combination thereof, used, designed or arranged for the boarding, training, breeding, or care of domestic animals or pets, for profit, but exclusive of animals used for agricultural purposes. Such facilities include any lot or premises on which more than five dogs or cats (four months old or older), or combination thereof, are cared for as a commercial operation. Such use shall not include overnight boarding related to animal hospitals/clinics.

**Animal Hospital/Clinics and Animal Grooming**

A building where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment, including overnight stays. Such uses shall not have any outdoor facilities for the boarding or keeping of animals. Such use may include facilities for animal grooming.

**Antenna**

Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.

**Appeal**

A review procedure by which a person may call into question a decision related to this code as outlined in Section [1103.14](#) and Section [1103.15](#).

**Applicant**

Unless otherwise specified, an owner of a property or an agent for the owner, including, but not limited to, a subdivider, developer, purchaser under a contract for sale, attorney, or similar representative, who has filed an application for development review pursuant to [Chapter 1103: Administration and Enforcement](#).

**Application**

The process by which the applicant submits a request for any type of development review or approval identified in [Chapter 1103: Administration and Enforcement](#). Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the Village.

**Architectural Feature**

A prominent or significant part or element of a building, structure or site.

**Area of Special Flood Hazard**

The land in the floodplain identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Rate Map for the Village of Centerburg, Knox County, Ohio and Incorporated Areas, dated January 6, 1982, and any revisions thereto, which is subject to a one percent (1%) or greater chance of flooding in any given year. Areas of special flood hazard are designated by FEMA as Zone A4, A2, and A7.

**Assembly Halls or Conference Centers**

Facilities or buildings available for lease by private parties for gatherings of people at a variety of events, which may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

**Athletic Recreational Facilities**

An area of a lot that is permanently improved and surfaced for the recreational use of the property owner for games and activities such as football, baseball, softball, soccer and other such sports, tennis courts and courts for other sports, including basketball, racquetball, pickleball, volleyball, cornhole, bocce, or other such games,, horseshoe pits, putting greens or mini-golf, that are not part of a building, and that are accessory to a residential or nonresidential use.

**Automobile, Motorcycle, Recreational Vehicle Sales and Leasing**

Any building or land where new or used passenger cars, pick-up trucks, motorcycles, boats, trailers, and other recreational vehicles, in operational condition, are sold or leased to customers.

**Automotive Repair and Service (Major)**

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of major parts of motor vehicles (e.g., major engine repair). This use type may also include towing services that provide towing or conveyance of a wrecked, inoperable, disabled, or illegally parked motor vehicle but shall not include storage of such vehicles on site.

**Automotive Repair and Service (Minor)**

Any structure or premises used for the sale of vehicle parts and fluids, excluding fuel sales, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including a vehicle washing establishment, major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site. See also “automotive repair and service (major).”

**Awning**

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. See also definition of “canopy.”



Figure 1125-A: Examples of awnings

**Base Flood**

The 100-year recurrence internal flood as shown on the Flood Profiles and the Flood Insurance Rate Map; that flood, having a one percent (1%) chance of being equaled or exceeded in any given year, which defines the floodplain.

**Base Flood Elevation**

The elevation of surface water resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, V1–V30 and VE.

**Basement or Cellar**

That portion of a building located partly or fully underground but having at least one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground on any one side.

**Bed and Breakfast Establishments**

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

**Berm**

An earthen mound designed to provide visual interest, screen undesirable views, increase height, and/or decrease noise. The height of a berm shall be measured from the average natural grade at the base of the berm.

### **Block**

The property lying between the two nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the Village.

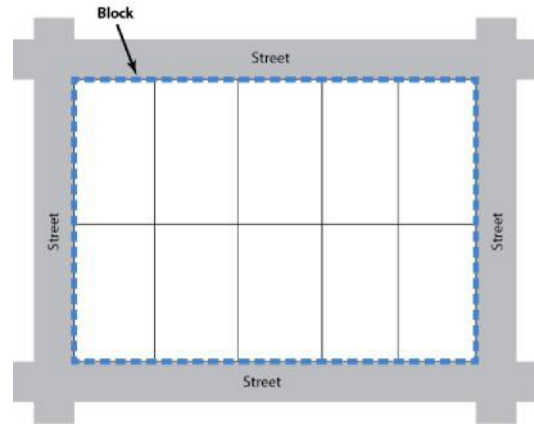


Figure 1125-B: Illustration of block

### **Buffer or Buffer Yard**

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving (with limited exceptions) or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use. A buffer may include a landscaping wall, fence, or berm as provided in accordance with the provisions of [Chapter 1113: Landscaping and Screening](#).

### **Building**

Any structure, of more or less permanent construction, having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals, or property. When separated by party walls, each portion of such building shall be considered a separate structure.

### **Building Lines**

The lines along the edge of the building. For example, the front building line is the line running equal to and parallel to the front building facade.

### **Building Unit**

Any building subdivided into separate units or spaces, any interior space occupying any portion of the ground floor of any building, and having its own exterior entrance, and separated from other such spaces by a party wall or walls.

### **Building, Accessory**

A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use and that is constructed subsequent to the principal building or main use of the land.

### **Building, Legally Nonconforming**

A building or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and that does not conform to the provisions of the code in the district in which it is located.

### **Building, Principal or Main**

A building occupied by the main use of the lot on which said building is located.

### **Camps and Campgrounds**

Any lot upon which there are five or more spaces or pads for tents, portable camping units, recreational vehicles, etc. that includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the camp.

### **Canopy**

A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building facade (e.g., structural legs, building extensions, etc.). See also the definition of “awning.”



Figure 1125-C: Example of a canopy and related sign

### **Cemeteries**

Land used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery. This definition shall not be construed to include the burial of animals or pets.

### **Churches and Places of Worship**

A religious institution where a congregation of any denomination, regularly participates in or holds religious services, meetings and other activities, including buildings in which the religious services are held and which may include accessory indoor uses such as, but not limited to, day care or educational institution facilities.

### **Code Text or Map Amendment**

An amendment or change to the text of this code or to the zoning map as reviewed and decided upon by the Village Council in accordance with Section [1103.07: Code Text and Map Amendments](#).

### **Co-location**

The use of a wireless telecommunications facility, comprising a single wireless telecommunications tower, building or other structure permanently affixed to real property, supporting two or more antennas, disks, pods or other similar devices used for telecommunications by more than one telecommunications provider, whether public or private. Co-location shall apply to such devices whether readily discernible to the naked eye or camouflaged.

### **Commercial and Business Support Services**

A profit-making activity which renders services to other commercial or industrial businesses such as, but not limited to, courier services, information technology consultants and internet providers.

### **Commercial Recreational Facilities (Indoors)**

A facility for any indoor profit-making activity which is providing participatory and/or spectator activities, such as, but not limited to, motion picture theaters, live performances, bowling alleys, commercial recreation, video game rooms, billiard halls, indoor skating rinks, bingo parlors and similar entertainment activities. Commercial recreational facilities shall not include "adult entertainment businesses."

### **Commercial Recreational Facilities (Outdoors)**

Land or facilities for any profit-making activity which is providing outdoor participatory and/or spectator activities such as, but not limited to, privately manages or owned parks, amusement park, water parks, rollerblade rental, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, outdoor ice-skating rinks, batting cages or swimming pools. Commercial recreational facilities shall not include "adult entertainment businesses."

### **Completed Application**

An application that contains all information and/or data, including attachments, plans, drawings, and other graphics necessary to enable an informed decision to be made with respect to an application.



**Construction Structures**

A mobile home, trailer, dumpster, or similar temporary structure that is used as an office, storage, or collection of debris in conjunction with a construction project.

**Contiguous**

Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

**Contractor Equipment and Storage Yards**

An unenclosed area or portion of a lot upon which a construction contractor maintains its principal office or a permanent business office used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

**County**

Knox County, Ohio

**Cultural Facilities**

Public or private facilities use for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites.

**Deciduous**

Any plant material which normally sheds its foliage at the end of the growing season.

**Deck**

A flat surface, that is not paved, which is capable of supporting weight similar to a floor, constructed outdoors and elevated from the ground that is either freestanding or attached to a building. Decks may also include stairways. Decks are unenclosed by solid or nonsolid walls or a roof.



*Figure 1125-D: Example of a deck.*

**Dedication**

The intentional and voluntary appropriation or transfer of land from the private owner to the Village or other public agency for the land to be pledged to a proper public use or purpose.

**Demolition**

Any act or process that destroys in whole or in part any building or structure.

**Density**

The number of dwelling units permitted per acre of land.

**Detached Accessory Buildings**

An accessory building that is detached from the principal building and may include, but is not limited to, storage barns or sheds, accessory dwelling units, detached garages, enclosed gazebos, etc.

**Developer**

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or other legal entity commencing proceedings under this code to affect the development of land for himself or herself or for another.



**Development**

Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

**Dormitories and Student Housing**

A building used principally to provide rooms for sleeping accommodations for students at educational institutions or for non-students at other public or institutional uses, which may also include common kitchen, sanitary, and social gathering rooms.

**Drive-Through Facility**

Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-through" shall also include "drive-up" and "drive-in" but shall not include vehicle washing establishments, automotive fuel sales, or automotive repair and service establishments.

**Driveway**

A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, structure, or a use of land.

**Dwelling**

A building designed or used exclusively as the living quarters for one or more families or housekeeping units.

**Dwelling Unit**

A single unit of one or more rooms providing complete, independent living facilities for one family, or alternatively by one housekeeping unit.

**Dwelling, Single-Family**

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

**Dwelling, Two-Family**

A building designed for or used exclusively for residential purposes by two families or housekeeping units.

**Dwellings, Multi-Family**

A building or portion thereof designed with more than two dwelling units.

**Easement**

A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.

**Educational Institutions (Higher Education)**

Any private or public secondary educational institution that includes, but is not limited to: secretarial schools, colleges and universities, business schools, seminaries, or any other institution providing collegiate level curriculum.

**Educational Institutions (Preschool and K-12)**

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, preschools, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See "educational institutions (higher education)."

**Electronic Message Center**

A sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g., electronic or digital signs).

**Encroachment (Flood Protection)**

Any intrusion into the floodway that by itself or in conjunction with other intrusions could decrease the floodway's ability to carry and discharge the base flood or could increase the surface elevation of a base flood.

### **Essential Services**

The erection, construction, alteration, or maintenance by Village utilities or Village departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such Village utility or Village department, board, or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this Code. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

### **Establishment (Adult Entertainment Business)**

Establishment means and includes any of the following:

- The opening or commencement of any adult entertainment business as a new business;
- The conversion of an existing business, whether or not an adult entertainment business, to an adult entertainment business;
- The additions of any adult entertainment business to any other existing adult entertainment business; or
- The relocation of any adult entertainment business.

### **Evergreen**

Plant material that has foliage that remains green throughout the year.

### **FAA**

The Federal Aviation Administration

### **Facade**

The exterior walls of a building or building face exposed to public view; the exterior face of a building that gives it a distinctive character.

### **Facade, Front**

The facade of a building that contains the primary entrance of the building.

### **Facade, Primary**

For the purpose of the sign regulations, a primary facade shall be as defined in Section [1117.04\(d\)](#).

### **Facade, Secondary**

For the purpose of the sign regulations, a secondary facade shall be as defined in Section [1117.04\(d\)](#).

### **Family**

One or more persons, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.

### **Farmers Market**

An outdoor location where vendors congregate to offer one or more of the following items for sale:

- Fresh unprocessed fruits and vegetables, herbs, grains, legumes, nuts, honey or other bee products and maple syrup;
- Flowers and plants;
- Livestock food products (including meat, milk, yogurt, cheese and other dairy products);
- Products of a cottage food production operation as defined by Ohio R.C. 3715.01;
- Beer and wine made in Ohio for off-premises consumption only, provided such sale complies with all applicable state statutes, rules and regulations; or
- Handmade items made by the vendor provided they comprise less than 20% of the total displayed inventory at the farmers market. (Commercially manufactured goods or products shall not be offered for sale.)

**FCC**

The Federal Communications Commission, which is primarily responsible for the administration of the Telecommunications Act of 1996.

**Fence**

Any accessory landscaping wall or structure composed of wood, metal, stone, vinyl or other material erected in such a manner and positioned to enclose, partially enclose, screen or divide any premises or part of premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose, partially enclose, screen or divide any premises or any part of any premises shall be included within the definition of fence.

**Financial Guarantee**

A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

**Financial Institutions**

Any building, property or activity of which the principal use or purpose of which is for depository purposes and including the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions.

**Flag**

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**Flood Insurance Rate Map (FIRM)**

The official map dated January 6, 1982, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Village, and any revisions thereto and is a part of this Zoning Ordinance. There can be on file a letter of map revision (LOMR) or letter of map amendment (LOMA) which would, in fact, be a revision to a FIRM map.

**Flood Insurance Study**

The official report provided by the Federal Emergency Management Agency that includes flood profiles, floodway boundaries, and the water surface elevation of the base flood.

**Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters, or
- The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Protection Elevation**

That elevation not less than one and one-half feet above the base flood elevation to which uses regulated by the special Flood Hazard Regulations are required to be elevated or floodproofed to compensate for the many unknown factors that could contribute to flood elevations greater than that calculated for a base flood.

**Floodway**

The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half foot.

**Floor Area**

The total area of a building measured by taking the outside dimension of the building at each floor level intended for occupancy, storage and circulation.

**Floor Area, Gross**

The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking.

**Footcandle**

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle

**Fraction or Fraction Thereof**

Where a calculation required by this code results in a fraction, the fraction shall be rounded to the closest whole number. Any fraction one-half or less shall rounded down and any fraction over one-half (#.5) shall be rounded up to the next highest whole number.

**Fraternal, Charitable, and Service Oriented Clubs**

A building or portion thereof or premises owned or operated by an entity, person or group of persons for a social, educational, religious, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Frontage**

All of the property abutting on one side of a street or places (crossing or terminating) or, if the street or place is dead-ended, then all of the property abutting on one side between an intersecting street or place and the dead end of the street or place.

**Frontage, Street or Lot**

The distance between the side lot lines measured along the required front setback line. In the case of a corner lot, frontage shall be measured along the shortest front lot line. Property lines which abut limited access roads shall not be construed to be included within any calculation of frontage. See Figure 1125-E.

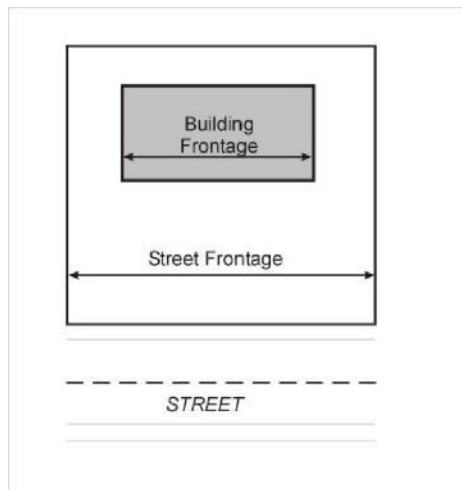


Figure 1125-E: Illustration of building frontage versus street frontage.

**Fuel Stations**

An establishment that sells unleaded and diesel gasoline or any other fuel used for in vehicles.

**Funeral Homes**

Any dwelling or establishment used and occupied by a professionally licensed mortician for human burial preparation and funeral services.

**Gaseous-Activated Device or Graphic**

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion. See also the definition for “Sign, Balloon.”

**Government Offices and Buildings (No Outdoor Activities)**

Buildings or office space utilized for the provision of services by the Village of Centerburg, Knox County, the State of Ohio, or the Federal Government that does not include outdoor activities other than parking. Such uses include, but are not limited to, the municipal building, fire stations, police stations, post office, government offices, and other similar uses.

**Grade**

The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

**Grading**

The stripping, cutting, filling, or stockpiling, or any combination thereof of earth-disturbing activity, inclusive of land in its cut or filled conditions

### **Grand Openings and Other Special Events**

Any temporary event not classified otherwise in this code but that can also include temporary events for activities such as the opening of businesses or groundbreaking ceremonies.

### **Grass**

A species of perennial grass grown, and maintained at a relatively short length, as permanent lawns or for landscape purposes.

### **Green Infrastructure**

Stormwater management techniques that use natural systems, or engineered systems, that mimic natural process.

### **Ground Cover**

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

### **Hedge**

A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

### **Height**

The vertical distance of a building or structure as measured from the finished grade in accordance with Section [1111.01\(d\)\(1\)](#).

### **Home Occupation**

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

### **Homeowners' Association**

A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, private roads, or other such facilities.

### **Hospitals**

An institution providing inpatient and outpatient medical and surgical care, diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, medical offices, training facilities, and other necessary accessory facilities. The term hospital does not include a substance abuse treatment facility, skilled nursing and personal care facilities, or other similar use.

### **Hotels and Motels**

A facility offering temporary lodging accommodations, in individual rooms or suites, on a daily rate, to the general public and potentially providing additional accessory services such as, but not limited to, restaurants, meeting rooms and recreational facilities.

### **Housekeeping Unit**

Five or fewer unrelated persons occupying a single dwelling unit, living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a hotel, motel, or other group living arrangement. Such definition shall also include "residential facilities" that allow for more than five persons when permitted as a licensed "residential facility."

### **Impervious Surface**

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, decks and paved recreational facilities. The use of porous or pervious pavers or materials shall not constitute impervious surfaces.

### **Improvement Plans**

The engineering plans showing types of materials and construction details for the proposed subdivision improvements.

### **Improvements**

Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, structures, landscaping, and other related matters normally associated with the subdivision of raw land into building sites.

### **Industrial Service Uses**

Establishments primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

### **Industrial Uses, Heavy**

Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy industrial uses" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, recycling establishments, public works yards, and container storage.

### **Industrial Uses, Light**

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not reasonably noticeable from the adjacent properties.

### **Landscaping**

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects. In no case shall landscaping include the use of artificial plants or flowers as a replacement for living plant material.

### **Light Fixture**

The structure that holds the lamp in a lighting system. It includes the elements designed to give light output controls, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

### **Light, Cutoff**

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1111.05](#).

### **Light, Non-Cutoff**

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1111.05](#).

### **Loading Area**

An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

### **Loading Space**

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials that has an appropriate means of access.

### **Lot and Sidewalk Commercial Activities**

Temporary sales related to a business that are located on the adjacent sidewalk or on the same lot but not within the designated building that contains the associated business (e.g., tent sales in parking lots or sidewalk sales).

### **Lot Area**

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See Section [1111.01\(a\)](#).

### **Lot Coverage**

That portion of a lot, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water.

**Lot Depth**

The mean horizontal distance between the front lot line and the rear lot line, measured in the general direction of the side lot lines.

**Lot Line**

The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

**Lot Line, Front**

In the case of an regular lot, means that line separating such lot from the street. In the case of a corner lot or double frontage lot, the front lot line is that line separating such lot from either street. See Section [1111.01\(b\)\(4\)](#).

**Lot Line, Rear**

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section [1111.01\(b\)\(4\)](#).

**Lot Line, Side**

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section [1111.01\(b\)\(4\)](#).

**Lot of Record**

A lot which is part of a subdivision, the part of which has been recognized by the Knox County Auditor and recorded in the office of the Knox County Recorder, or a parcel of land the deed to which was recorded, prior to adoption of this code.

**Lot Width**

The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line. See Section [1111.01\(a\)](#).

**Lot, Corner**

A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See [Figure 1125-F](#).

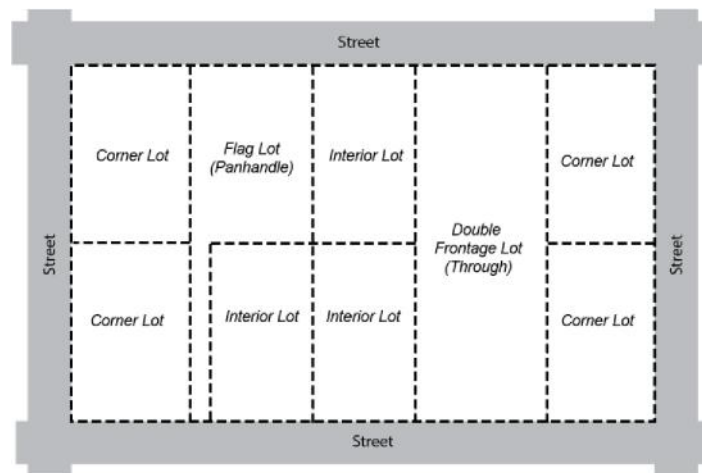


Figure 1125-F: Illustration of typical lot types.

**Lot, Curved or Cul-De-Sac**

A lot with frontage along a curved street or cul-de-sac. See Section [1111.01\(b\)\(4\)](#).

**Lot, Double Frontage (Through)**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section [1111.01\(b\)\(4\)](#).

**Lot, Nonconforming**

A lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.



**Lot, Panhandle (Flag)**

A lot that does traditionally have a frontage on or abutting a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See Section [1111.01\(b\)\(4\)](#).

**Lot, Regular**

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Section [1111.01\(b\)\(4\)](#).

**Mechanical Equipment**

Equipment, devices and accessories, the use of which relate to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**Medical Marijuana**

Marijuana that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose, including the leaves, stems, buds, and flowers of the medical marijuana plant, or as otherwise defined in Ohio Revised Code Section 3796.01(A)(2).

**Medical Marijuana Cultivation**

To grow, harvest, package, and transport medical marijuana pursuant to a certificate of operation issued by the Ohio Department of Commerce as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

**Medical Marijuana Processing**

Converting harvested Medical Marijuana into Medical Marijuana Product and packaging, selling and delivering Medical Marijuana Product for Retail Dispensing in accordance with a certificate of operation by the Ohio Department of Commerce as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

**Medical Marijuana Product**

A product that contains cannabinoids that have been extracted from medical marijuana for administration to a registered patient, including but not limited to oils, tinctures, edibles, patches and other forms approved under division (A)(6) of Section 3796.06 of the Ohio Revised Code.

**Medical Marijuana Retail Dispensing**

To distribute, sell, or otherwise provide a Medical Marijuana Product to qualifying patients and caregivers pursuant to a certificate of operation issued by the State of Ohio Board of Pharmacy as permitted under Chapter 3796 of the Ohio Revised Code and any administrative rules promulgated thereunder.

**Medical/Dental Clinics and Urgent Care**

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings. This definition includes 24-hour urgent care centers but does not include “hospitals,” “skilled nursing facilities,” or “personal care facilities.” The use shall not include any ambulance service or overnight stays.

**Message Change**

- Static/Instant message change is defined as when one message changes to another message instantly without scrolling, flashing, or other movement of the message.
- Dissolving message change is defined as a message transition accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate with the gradual appearance of the next message.
- Fading message change is defined as a message transition accomplished by varying the light intensity, where the first message gradually reduces intensity and the next message gradually increases intensity.

**Microbrewery, Microdistillery, or Microwinery**

An establishment with where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises. The manufacturing may be the principal use of the facility or may be subordinate to a restaurant, bar, or tavern as allowed in Section [1105.05: Allowed Principal Uses](#). A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law.

**Mixed Use Buildings**

A building that contains a commercial or office use and a residential use within a single building as provided for in this code.

**Monument**

A box with an iron pin at the intersection of the centerlines of two streets or at a location where the point of tangency meets the point of curvature for curved sections of streets.

**Multi-Tenant Use**

A principal building with multiple uses of a similar use classification (e.g., commercial, industrial, etc.) but that has multiple tenant spaces and/or multiple use types. A strip mall or strip center with a mixture of retail uses such as restaurants, retail stores, and personal service establishments is an example of a multi-tenant building. Such use does not include any use within the residential use classification.

**New Construction (Flood Protection)**

Structures for which the "start of construction" commenced on or after the initial effective date of the Village of Centerburg's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.

**Nonconforming Site Condition**

A site improvement that was legally established, but no longer conforms to the parking, landscaping, architectural, or other design standards for the site exclusive of the lot area, lot width, or other site development standards **established in this code. See also "lot, nonconforming"**.

**Nonconformity**

Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this ordinance or its amendments, which do not conform to the regulations of the applicable **zoning district, and are therefore incompatible. See also the definitions for "use, nonconforming," "lot, nonconforming," "building, nonconforming," "nonconforming site condition," and "structure, nonconforming."**

**Nudity or State of Nudity**

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

**Nursery Schools and Day Care Centers**

A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for an adult for a portion of a 24-hour day in a building **other than the adult's home.**

**Occupant**

A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

**Opacity**

The degree to which a structure, use or view is screened from adjacent properties.

**Open Space**

Open areas, including parks, nature areas, playgrounds, trails, and improved open space areas.

**ORC**

Ohio Revised Code

**Ordinance**

Any legislative action, however denominated, of a local government which has the full force of law, including any amendment or repeal of any ordinance.

**Outdoor Dining**

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, that are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

### **Outdoor Drop-Off Boxes**

Small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

### **Outdoor Lighting**

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See Section [1111.05](#).

### **Outdoor Sales and Storage**

An outdoor area that is permanently designated as a place for the placement of products or materials for sale outside of a retail or wholesale sales establishment.

### **Owner**

Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land.

### **Parking Aisle**

The driveway or access drive by which a car enters and departs a parking space.

### **Parking Area**

An area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

### **Parking Lots or Garages**

Surface areas or structures used to provide parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles. This may be permitted as a principal use of the lot in accordance with [Chapter 1105: Zoning Districts and Principal Uses](#), or as an accessory to a principal use as established in [Chapter 1109: Accessory and Temporary Uses](#).

### **Parking Space**

A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

### **Passive Parks, Open Space, and Natural Areas**

Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

### **Patio**

An unenclosed outdoor hard-surfaced area that is no higher than 18 inches above the ground. If a pergola or other roof structure is attached to the principal building and extends over the patio, then the patio and roofing shall be considered a porch.



*Figure 1125-G: Illustrative example of a patio.*

### **Pennants**

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

**Permanently Sited Manufactured Housing**

A building unit or assembly of closed construction as defined in the ORC.

**Person**

Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, Knox County or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

**Personal Care**

Personal care means the provision of personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

**Personal Services**

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**Planned Development**

A development constructed on a tract of minimum size under single ownership planned and developed as an integral unit and consisting of a combination of residential and/or nonresidential uses on the land.

**Planning Commission**

The Planning Commission of the Village of Centerburg, Ohio

**Plat**

A map graphically indicating a proposed land subdivision or re-subdivision prepared in a form suitable for filing for record, with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots, blocks, streets, alleys, public areas, and other dimensions of land.

**Plat, Final Subdivision**

The final map of all or a portion of the subdivision which is presented to the Planning Commission and Village Council for final approvals in accordance with this code, and which, if approved, shall be filed with the proper county recording officer.

**Plat, Preliminary Subdivision**

A plat of all parts of a subdivision prepared by a professional registered engineer or surveyor, incorporating recommendations and requirements of planning authorities, and showing topography, means of drainage, roadways, grades, sanitary and water service, and other information for preliminary approval by the Planning Commission in accordance with Section [1103.10](#).

### **Porch**

An unenclosed area with a roof that is attached to a building but not used for livable space. A porch also includes paved areas without a roof if the surface area is higher than 18 inches above the adjacent grade (e.g., stoops).



*Figure 1125-H: Examples of a front porch (left) and back porch (right).*

### **Portable Storage Units**

Any portable enclosed unit of whatever type of construction or material, designed for permanent or temporary storage, which can be transported by vehicle and left on-site.

### **Public Hearing**

A public hearing is where a decision-making board (Village Council or Planning Commission) holds a special review of an application where specific notice is provided to the public and the public is afforded an opportunity to speak and be heard. Public hearings take place during a public meeting of the applicable decision-making body.

### **Public Improvements**

See definition of “improvements.”

### **Public Meeting**

A public meeting is a prearranged gathering of a majority of the members of a public body (Village Council or Planning Commission) for the purpose of discussing public business. Public meetings are subject to the Open Meetings Act of Ohio. Both public hearings and adjudication hearings, as defined and addressed in this code, can only take place at a public meeting.

### **Public Utility Buildings and Facilities**

Structures and land used for storage, transmission, or recovery facility for water, sewerage, telephone, electric or gas and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission (PUCO). Such uses may also include salt storage or other outdoor activities necessary for the efficient operations of the local, state, or federal government.

### **Raceway or Wireway**

An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.

### **Research and Development Facilities**

An establishment or facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products. Such establishment shall not include the manufacturing or assembly of products beyond the development of prototype systems or products. All activities shall take place within an enclosed building.

### **Residential Community Centers**

A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development with which the use is associated and that may be privately owned or jointly owned by property owners.

### **Residential Facilities**

Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than 16 persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119 and 5123 of the Ohio Revised Code.

### **Restaurants**

An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings.

### **Retail Businesses**

Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. A retail business use includes, but is not be limited to such activities as: supermarkets; stores that sell electronics, hardware, apparel, footwear, appliances, furniture, department stores, and discount stores.

### **Retail Commercial Uses**

For the purposes of accessory uses, this term shall mean “retail businesses” that are accessory to the principal use.

### **Retail Sales of Holiday Items**

Temporary sales of holiday items such as Christmas trees, pumpkins, etc.

### **Right-of-Way**

A strip or area of land dedicated for use as a public roadway, railroad, or dedicated for other public uses. For streets, the right-of-way typically includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

### **Right-of-Way Width**

The distance between property lines measured at right angles to the center line of street.

### **Road**

See definition of “street.”

### **Roadside Stands**

A structure that may be located on a farm for the sale of produce and products grown or produced on site, utilizing materials grown on site.

### **Roof Line**

Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. In regards to sign placement, where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

### **Satellite Dishes**

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

### **Self-Storage Facilities (Indoor)**

A building that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer’s goods or wares where all access to such stalls or lockers occurs within the inside of the building and where there is no outdoor storage.

### **Self-Storage Facilities (Outdoor)**

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer’s goods or wares where the access to such stalls or lockers occurs from the exterior of the building. Such use may include the outdoor storage of vehicles as an accessory use if approved by the Planning Commission as part of the conditional use approval.

**Semi-Nudity or Semi-Nude Condition**

The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel, provided that the areola is not exposed in whole or part.

**Setback**

Setback means the required minimum horizontal distance between a lot line or the proposed right-of-way, whichever is more restrictive and a building, surface parking lot or structure as established by this code.

**Setback Line**

A line established by this code generally parallel with and measured from the lot line or the right-of-way, whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this code. For example, a front yard setback line is the line formed by applying the minimum front yard setback from any applicable front lot lines.

**Setback, Building**

The setback required from any right-of-way and the principal or accessory building as established in this code.

**Setback, Front**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the front lot line. See Section [1111.01\(b\)\(4\)](#).

**Setback, Rear**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the rear lot line. See Section [1111.01\(b\)\(4\)](#).

**Setback, Side**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and a lot that that is shared with another lot where such lot line is defined as a side lot line. See Section [1111.01\(b\)\(4\)](#).

**Short-Term Rentals**

The leasing of any residential property, either the entire dwelling unit or individual rooms, for a period of time less than 30 consecutive days to one additional family or housekeeping unit. This use includes, but is not limited to homes or rooms being rented through services such as AirBnB, VRBO, HomeAway, etc.

**Shrub**

A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

**Sidewalk**

That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public.

**Sign**

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to communicate a message, including but not limited to, advertising, identifying, displaying, directing or attracting attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

**Sign Area**

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section [1117.04\(c\)](#).

**Sign Copy**

Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.



**Sign Face**

The surface of the sign upon, against or through which the message of the sign is exhibited.

**Sign, A-Frame**

A freestanding sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

**Sign, Awning**

A permanent sign painted on, printed on or attached flat against the surface of an awning.

**Sign, Balloon**

A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for “Gaseous-Activated Device or Graphic.”

**Sign, Banner**

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary “yard sign.”

**Sign, Building**

Any permanent sign attached to any part of a building including awning, canopy, projecting, wall, or permanent window signs.

**Sign, Canopy**

A permanent sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, or to a permanent awning.

**Sign, Changeable Copy**

A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. See also the definition of “sign, manual changeable copy” and “electronic message center”.

**Sign, Drive-Through Facility**

Any permanent signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

**Sign, Driveway**

A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

**Sign, Feather**

A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

**Sign, Freestanding**

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building.

**Sign, Illuminated**

Any sign which has characters, letters, figures, designs, or outlines illuminated externally or internally by any light source other than non-reflected natural daylight.

**Sign, Manual Changeable Copy**

A changeable copy sign designed so that the characters, letter or illustrations can be changed or rearranged manually. May also be known as readerboards.

**Sign, Monument**

A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

**Sign, Nonconforming**

Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

**Sign, Permanent**

A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground that is constructed of rigid, non-flexible materials.

**Sign, Pole**

A sign which is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic to flow underneath the bottom of the sign cabinet or copy.

**Sign, Projecting**

A permanent sign that is affixed perpendicular to a building or facade wall and extends more than eighteen inches beyond the face of such building or facade wall.

**Sign, Roof**

Any sign erected on a roof.

**Sign, Sidewalk**

A temporary sign that may be placed on the sidewalk, in the public right-of-way, during business hours in accordance with this section and all other applicable ordinances and resolutions. See definition of “sign, 1-frame” and “sign, A-frame.”

**Sign, Temporary**

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

**Sign, T-Frame**

A freestanding sign which is ordinarily in the shape of an upside down “1” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

**Sign, Wall**

A permanent sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

**Sign, Window**

Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building.

**Sign, Yard**

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

**Site Plan**

A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings, exterior lighting, landscaping, vehicular use areas, access drives, signs, outdoor storage areas, and any other features that comprise a proposed development that are further defined in Section [1103.11](#) and that demonstrate a development’s compliance with this code.

**Site Plan Review**

The review of proposed site plans as reviewed and decided upon in accordance with Section [1103.11](#).

**Skilled Nursing**

Those nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

### **Skilled Nursing or Personal Care Facilities**

A long-term or short-term residential facility that provides skilled nursing services or personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as “hospitals” or “residential facility.”

### **Solar Panels**

The equipment and requisite hardware that provides and is used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. Such systems include passive solar energy systems that capture the sun's energy in building design and construction components; solar thermal energy systems that convert sunlight to heat as in a hot water tank or swimming pool; and photovoltaic solar energy systems that convert sunlight to electricity.

### **Specified Anatomical Areas**

- The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

### **Specified Sexual Activities**

Specified sexual activities means any of the following:

- The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
- Excretory functions as part of or in connection with any of the above activities.

### **Stacking Space**

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.

### **Start of Construction**

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

### **Store, Stored, Storing**

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

### **Story**

The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above, and having a height consistent with the requirement of occupiable space as defined in the residential building code.

### **Streamer**

A ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two or more supports.

**Street**

A right-of-way dedicated or deeded and accepted for public use, which provides for vehicular and pedestrian traffic. A street will typically include:

- The paved area, or cartway, principally for use by motorized vehicles, and usually bordered with curbs and gutter;
- A sidewalk between the paved area and right-of-way line principally for use by pedestrians; and
- A landscaped area between the sidewalk and paved area which is often called a

“treelawn”. Streets may be referred to as roads or thoroughfares.

**Street, Arterial**

Streets designed for the movement of large amounts of fast traffic between points of heavy traffic generation (e.g., freeways, large residential areas or business and industrial areas) and from one section of the community or communities to another. Major arterial streets have the widest rights-of-way and carry the largest volumes of traffic within the Village.

**Street, Collector**

A road intended to move traffic from local roads to arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

**Street, Cul-de-Sac**

A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Street, Dead-End**

A road or a portion of a road with only one vehicular-traffic outlet.

**Street, Half**

A partially constructed street that extends from one right-of-way into a portion of the pavement and where the remainder of the street is anticipated to be constructed through development of an adjacent subdivision or development.

**Street, Local**

A road whose sole function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

**Street, Public**

A street that has been dedicated or deeded to the public for public use and which affords principal access to abutting property.

**Structural Alteration**

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

**Structure**

Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, freestanding signs, cabins, manufactured homes, and other similar items. Patios, parking lots, or other similarly paved surfaces shall not be deemed structures.

**Structure, Accessory**

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**Structure, Nonconforming**

A structure or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and which does not conform to the provisions of the code in the district in which it is located.

**Structure, Temporary**

A structure permitted for limited duration with the intent that such use will terminate or the structure will be removed automatically upon expiration of the fixed time period. A temporary structure is without a foundation or footing.

**Subdivider**

Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this code to effect a subdivision of land hereunder for himself or for another.

**Subdivider's Agreement**

A contract entered into by the applicant and the Village on behalf of the municipality by which the applicant promises to complete certain required public improvements within the subdivision within a specified time period following final subdivision plat approval.

**Subdivision**

The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, not involving the division, combination, alteration, or allocation of land for the opening, widening or extension of any street or streets, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be exempted.

**Subdivision, Major**

A subdivision that is not classified as a minor subdivision in accordance with Section [1103.09\(b\)](#).

**Subdivision, Minor**

A division of a parcel of land along an existing street not involving the opening, widening or extension of any street or road and involving no more than five lots after the original tract has been completely subdivided. See further distinction in Section [1103.09\(b\)](#).

**Substance Abuse Treatment Facility**

A facility used for the inpatient or outpatient care of persons suffering from or recovering from alcohol, drug, or other substance abuse issues.

**Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Substantial Enlargement (Adult Entertainment Business)**

Substantial enlargement of an adult entertainment business means the increase in floor area occupied by the business by more than twenty-five percent as the floor areas exist on the date this code takes effect.

**Substantial Improvement**

means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. "Substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed. "Substantial improvement" does not, however, include:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- Any improvement to a structure which is considered new construction.

**Swimming Pool, Private**

Any pool, lake, or open tank, primarily used for swimming or wading, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. Such use shall be designed, used, and maintained for swimming or wading by the residents, tenants, or occupants of the subject property.

**Temporary Outdoor Sales and Events**

As defined in Section [1109.02\(c\)\(4\)](#).

**Temporary Sales Office and Model Homes**

A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

**Theaters**

Any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live or pre-recorded performances. Such use may include a lobby area and refreshment stand for the patrons.

**Tree, Shade**

A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

**Truck and Heavy Equipment Sales**

An establishment engaged in the temporary storage for the sale or repair of tractor trailer trucks and other equipment or vehicles used in commercial, industrial or construction enterprises such as, but not limited to, bulldozers, cranes, backhoes, rollers, and lifts.

**Type-B Day Care Home**

A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type B Home shall be counted. A Type B Home does not include a residence in which the needs of children are administered, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.

**Use**

Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Use, Accessory**

A use located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.

**Use, Conditional**

A use which may be appropriate or desirable in a specified zoning district, but requires special approval through the conditional use approval (See Section [1103.08.](#)) because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

**Use, Nonconforming**

Any building or land lawfully occupied by a use that was in accordance with the zoning regulations, if any, in existence when the use commenced and which, through subsequent enactments or changes of zoning regulations either prior to the passage of this code or by the passage of this code or amendments thereto, does not conform or did not conform thereafter with the use regulations of the district in which it is situated.

**Use, Principal or Main**

The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, permitted with standards, or conditionally permitted.

**Use, Temporary**

A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.

**Variance**

A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty. See Section [1103.12.](#)

**Vehicle Washing Establishments**

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment. This shall include establishments that provide car detailing services.

**Vehicle, Commercial**

A motorized vehicle which is used primarily for commercial purposes and not for personal or recreational purposes.

**Vehicle, Recreational**

A vehicle that is:

- Built on a single chassis,
- 400 square feet or less when measured at the largest horizontal projection,
- Designed to be self-propelled or permanently towable by a light duty truck, and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Vehicular Use Area**

The entire paved area that encompasses all parking spaces, loading areas, stacking spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, stacking space, or loading space.

**Village**

The Village of Centerburg, Ohio in Knox County, Ohio

**Village Council**

The Village Council of the Village of Centerburg, Ohio

**Violation**

The failure of a structure or other development to be fully compliant with the regulations of this code.

**Wall, Landscaping**

See definition of “fence.”

**Wall, Retaining**

A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

**Warehouses**

A business establishment primarily engaged in the storage, loading, and unloading of merchandise, goods, and materials, not including “self-storage facilities.”

**Wholesale Establishments**

An establishment or place of business primarily engaged in selling merchandise to retailers, including associated showrooms and warehousing; to industrial, commercial, institutions, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Wireless Telecommunication Facilities**

A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.

**Yard**

An open space on the same lot with a building, established by the application of setbacks, which is unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See Section [1111.01\(b\)](#) for rules of measurement and determination for all yard types.

**Yard, Front**

Unless otherwise stated in Section [1111.01\(b\)](#), a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

**Yard, Rear**

Unless otherwise stated in Section [1111.01\(b\)](#), a rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.



**Yard, Side**

Unless otherwise stated in Section [1111.01\(b\)](#), a side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

**Zoning Administrator**

The Zoning Administrator of the Village of Centerburg, Ohio. The individual designated to administer and enforce this code, unless otherwise stated.

**Zoning Certificate**

An official statement certifying that a proposed building or use complies with all the provisions of this code. See Section [1103.13](#).

**Zoning District**

An area within the Village limits for which the regulations and requirements governing use are uniform as defined by Section [1105.02: Establishment of Zoning Districts](#).

**Zoning District Map**

The Zoning District Map or maps of the Village, together with all amendments subsequently adopted by Village Council.

**Zoning District, Nonresidential**

The term “nonresidential zoning district” shall include the CC, VC, RO, ID, and P-I districts, regardless if residential uses are permitted.

**Zoning District, Residential**

The term “residential zoning district” shall include the ER, R-1, R-2, and R-3 districts.