



Zoning Regulations

Village of South Lebanon, Ohio

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APPENDIX 211

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| <u>Ordinance</u> | <u>Date Passed</u> | <u>Revisions</u> |
|-------------------------|---------------------------|---|
| 2012-22 | 2012 | Amending Zoning Regulations Section 15.4.9 [Non-Conforming uses of Land] |
| 2012-19 | 2012 | Amending Zoning Regulations Section 15.11.7 [Private Swimming Pools] |
| 2010-16 | 2010 | Amending the Village of South Lebanon Zoning Regulations by creating Sec. 15.9.15 of Article 9 District Regulations. |
| 2004-15 | 2004 | Amending the Village of South Lebanon Zoning Regulations by creating Sec. 15.3.19 of Article 3 Enforcement; amending and replacing Section 15.8.2 of Article 8 Establishment of District; amending and replacing Article 14 RPUD; amending and replacing Article 15 Definitions; establish Article 17 Landscape and Screening Requirements; and establish Article 18 Site Plan Review. |
| 92-04 | 2004 | Establishing the Permissible Types and Location of Fences and Location of Fences within the Village of South Lebanon |
| 91-_____ | 1991 | An Ordinance of the Village of South Lebanon, Ohio, enacted in accordance with Chapter 711, Ohio Revised Code, and for the purpose of protecting the public health, safety, comfort, convenience and general welfare; and regulating the development of subdivided area; promoting the proper arrangement of streets and layout of lots; providing for adequate and convenient provision of open spaces, utilities, recreation, and access to service and emergency vehicles; providing for adequate provision of water, drainage, sewer, and other sanitary facilities; providing for the administrative officers; prescribing penalties for the violation of the provisions in this Ordinance or any amendment thereto; and for the repeal thereof. |

ARTICLE 1 GENERAL PROVISIONS

Sec 15.1.1 Title

These Regulations shall be known and may be cited as the “Zoning Regulations of the Village of South Lebanon, Ohio.”

Sec 15.1.2 Purpose.

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

Sec 15.1.3 Interpretation.

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

Sec 15.1.4 Separability.

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

Sec 15.1.5 Repeal of Conflicting Ordinances (Resolutions).

All Ordinances or Resolutions in conflict with these Regulations or inconsistent with the provisions of these Regulations are hereby repealed to the extent necessary to give these Regulations full force and effect.

Sec 15.1.6 Effective Date.

These Regulations shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE 2 ADMINISTRATION

Sec 15.2.1 Purpose.

This article sets forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Village Council and the Zoning Administrator with respect to the administration of the provisions of these Regulations.

Sec 15.2.2 General Provisions.

The formulation, administration and enforcement of these Regulations is hereby vested in the following offices and bodies within the Village of South Lebanon government:

1. Zoning Administrator
2. Planning Commission
3. Board of Zoning Appeals
4. Village Council
5. Village Solicitor

Sec 15.2.3 Zoning Administrator.

A Zoning Administrator nominated by the Mayor and confirmed by council, shall administer and enforce these Regulations. He shall be provided with the assistance of such other persons as the Mayor may direct.

Sec 15.2.4 Responsibilities of Zoning Administrator.

For the purpose of these Regulations the Zoning Administrator shall have the following duties:

1. Enforce the provisions of these Regulations and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Zoning Regulations text and the Official Zoning District Map.
3. Issue zoning permits and certificates of occupancy as provided by these Regulations, and keep a record of same with a notation of any special conditions involved.
4. Act on all applications upon which he is authorized to act by the provisions of these Regulations within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified

time shall entitle the applicant to submit his request to the Board of Zoning Appeals.

5. Conduct inspections of building and uses of land to determine compliance with these Regulations and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
6. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Village offices.
7. Make such records available for the use of the Village Council, the Planning Commission, the Board of Zoning Appeals, and the public.
8. Act on site plans pursuant to these Regulations.
9. Determine the existence of any violations of these Regulations, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.

Sec 15.2.5 Planning Commission.

The Planning Commission shall be established in accordance with ORC Section 713.01.

Sec 15.2.6 Duties of Planning Commission.

For the purpose of these Regulations the Commission shall have the following duties:

1. Recommend the proposed Zoning Regulations, including text and map to the Village Council for formal adoption.
2. Initiate and recommend to Council advisable map or text changes where same will promote the best interest of the public in general through recommendation to the Village Council.
3. Review all proposed amendments to the text or map and make recommendations to the Village Council.
4. Review all Planned Unit Development Applications and make recommendations to the Village Council as provided in these Regulations.
5. Review and act on site plans as required by these regulations.
6. Adopt Commercial Design Guidelines and Standards

Sec 15.2.7 Board of Zoning Appeals.

A Board of Zoning Appeals is hereby established as per Chapter 713.11 of the Ohio Revised Code.

Sec 15.2.8 Duties of the Board of Zoning Appeals.

For the purpose of these Regulations the Board has the following specific responsibilities:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Administrator;
2. Hear and act on applications for a Conditional Use Permit as per Article 6.
3. Hear and act on cases of potential "Substantially Similar Use" as per Article 6.
4. Hear and act on variances as specified in Article 5.

Sec 15.2.9 Duties of Zoning Administrator, Village Council, and Courts relative to the Board of Zoning Appeals.

It is the intent of these Regulations that all questions, of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of these Regulations that the duties of the Village Council shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and these Regulations. Under these Regulations Village Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of these Regulations as provided by law, and of establishing a schedule of fees and charges as stated in Section 15.2.11 of these Regulations. Nothing in these Regulations shall be interpreted to prevent any official of the Village from appealing a decision of the Board to the courts as provided in the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

Sec 15.2.10 Village Council.

The powers and duties of the Village Council pertaining to the Zoning Regulations are as follows:

1. Act on the nominations appointments of members to the Planning Commission, as per Section 713 of the Ohio Revised Code.
2. Act on the nominations of members to the Zoning Board of Appeals, as per Section 713 of the Ohio Revised Code.
3. Act upon suggested amendments to the Zoning Regulations text or map, as per Section 713 of the Ohio Revised Code, and per Article 7 of these Regulations.
4. Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than three-quarters of the Village Council.

Sec 15.2.11 Schedule of Fees.

The Village Council shall establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and

services pertaining to the administration and enforcement of these Regulations, after considering the recommendations of the Zoning Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Village Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

ARTICLE 3 ENFORCEMENT

Sec 15.3.1 General.

This article stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under these Regulations.

Sec 15.3.2 Zoning Permits Required.

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Administrator. Zoning permits shall be issued only in conformity with the provisions of these Regulations unless the Zoning Administrator receives a written order *from* the Board of Zoning Appeals deciding an appeal, conditional use, variance, or finding of substantially similar use, or from Village Council, approving a Planned Unit Development District, as provided by these Regulations.

Sec 15.3.3 Contents of Application for Zoning Permit.

The application for a zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2-½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Existing use
4. Proposed use;
5. Zoning district;
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths, and their layout;
9. Location and design of access drives; Number of dwelling units;
10. If applicable, application for such additional permits as may be required;
11. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, these Regulations.

Sec 15.3.4 Approval of Zoning Permit.

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

Sec 15.3.5 Expiration of Zoning Permit.

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Administrator; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one half (2 ½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

Sec 15.3.6 Certificate of Occupancy.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued therefore by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of these Regulations. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of these Regulations.

Sec 15.3.7 Temporary Certificate of Occupancy.

A temporary certificate of occupancy may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

Sec 15.3.8 Record of Zoning Permits and Certificates of Occupancy.

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

Sec 15.3.9 Failure to Obtain a Zoning Permit or Certificate of Occupancy.

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of these Regulations.

Sec 15.3.10 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates.

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

Sec 15.3.11 Complaints Regarding Violations.

Whenever a violation of these Regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, investigate it, and take action thereon as provided by these Regulations.

Sec 15.3.12 Entry and Inspection of Property.

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

Sec 15.3.13 Stop Work Order.

Subsequent to his determination that work is being done contrary to these Regulations, the Zoning Administrator shall write a stop work order and post it on the premises

involved. Removal of a stop work order, except by the order of the Zoning Administrator, shall constitute a punishable violation of these Regulations.

Sec 15.3.14 Zoning Permit Revocation.

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

Sec 15.3.15 Notice of Violation.

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

Sec 15.3.16 Citation Procedure.

If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a citation. Such citation shall:

1. Be served personally;

2. Be in writing;
3. Identify the violation;
4. State the time, date and place for appearance in court; and
5. State the amount of the fine payable in lieu of a court appearance.
6. Citations shall be delivered by the Police Department.

If the citation cannot be served personally, the Zoning Administrator shall request that a summons be issued by the court

Sec 15.3.17 Penalties and Fines.

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of these Regulations or any amendment thereto. Any person, firm or corporation who violates these Regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred (100) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Sec 15.3.18 Additional Remedies.

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

Sec 15.3.19 Performance Guarantee.

1. Intent and scope of requirements. To insure compliance with the provisions of this ordinance and any conditions imposed thereunder, the Planning Commission and village council may require that a performance guarantee be deposited with the village to insure faithful completion of improvements. Improvements for which the village may require a performance guarantee include, but are not limited to, roadways, lighting, utilities, sidewalks, landscaping, screening, and drainage.
2. General Requirements. The performance guarantee shall meet the following requirements:

- a. The performance guarantee shall be in the form of a cash deposit, certified check, surety bond, or performance bond which names the property owner as the obligor and the village as the obligee.
 - b. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the village shall deposit the funds in an interest bearing account in a financial institution with which the village regularly conducts business.
 - c. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the zoning administrator.
 - d. The entire performance guarantee, including interest accrued, shall be returned to the applicant following inspection by the building official and/or zoning administrator and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten (10) percent shall be held back on each element until satisfactory completion of the entire project.
3. Unsatisfactory completion of improvements. Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this ordinance, the village may complete the necessary improvements in itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the village shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

ARTICLE 4 NONCONFORMITIES

Sec 15.4.1 Purpose.

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

Sec 15.4.2 Uses Under Conditional Use Provisions Not Non-Conforming Uses.

Any use which is permitted as a conditional use in a district under the terms of these Regulations shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

Sec 15.4.3 Incompatibility of Nonconformities.

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

Sec 15.4.4 Avoidance of Undue Hardship.

To avoid undue hardship, nothing in these Regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of

these Regulations and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

Sec 15.4.5 Certificates for Nonconforming Uses.

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

Sec 15.4.6 Substitution of Nonconforming Uses.

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

Sec 15.4.7 Single Non-Conforming Lots of Record.

A single-family dwelling and customary accessory building may be erected on any single lot which is of record upon the effective date of adoption or amendment of these regulations. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of these Regulations, notwithstanding limitations imposed by other provisions of these Regulations. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district,

provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 9 through 12 inclusive of these Regulations other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals.

Sec 15.4.8 Non-Conforming Lots of Record in Combination.

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

Sec 15.4.9 Non-Conforming Uses of Land.

Where, at the time of adoption of these Regulations, lawful uses of land exist which would not be permitted by the regulations imposed by these Regulations, the uses may be continued so long as they remain otherwise lawful, provided:

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

Sec 15.4.10 Non-Conforming Structures.

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

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
2. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of these Regulations;
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Sec 15.4.11 Non-Conforming Uses of Structures or of Structures and Land in Combination.

If a lawful use involving structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of these Regulations that would not be allowed in the district under the terms of these Regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by these Regulations in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. 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 these Regulations, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of these Regulations;
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Sec 15.4.12 Termination Of Non-Conforming Uses.

When any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

Sec 15.4.13 Termination of Nonconformity by Damage or Destruction.

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

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

Sec 15.4.14 Repairs and Maintenance.

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

ARTICLE 5

BOARD OF APPEALS: PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

Sec 15.5.1 General.

Appeals and variances shall conform to these Regulations. The Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Sec 15.5.2 Appeals.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of these Regulations may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Administrator and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Sec 15.5.3 Stay of Proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filled with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken on due cause shown.

Sec 15.5.4 Variances.

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of these Regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these Regulations would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of these Regulations would result in unnecessary hardship.

Sec 15.5.5 Application and Standards For Variances.

Except as otherwise permitted in these Regulations, no variance in the strict application of the provisions of these Regulations shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

1. Name, address and phone number of applicant(s);
2. Legal description of property;
3. Description or nature of variance requested;
4. The required fee has been paid;
5. Narrative statements establishing and substantiating that variance conforms to the following standards:
 - a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by these Regulations on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 - c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or building in the area, and which are such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
 - d. There must be proof of hardship created by the strict application of these Regulations. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of these Regulations; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
 - e. The granting of the variance is necessary for the reasonable use of the land or building, and the variances as granted is the minimum variance that will accomplish this purpose.
 - f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion upon public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
 - g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or same district.

Sec 15.5.6 Additional Conditions and Safeguards.

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under these Regulations.

Sec 15.5.7 Public Hearing by the Board of Zoning Appeals.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Administrator or an applicant.

Sec 15.5.8 Notice of Public Hearing in Newspaper.

Before conducting the public hearing required above, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Sec 15.5.9 Notice of Parties in Interest.

Before conducting the public hearing required above, written notice of such hearing shall be mailed, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 15.7.9, including a summary of the proposed variance.

Sec 15.5.10 Action by Board of Zoning Appeals.

Within thirty (30) days after the public hearing required in Section 15.5.6, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified herein, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decision shall be made in the manner specified in these Regulations.

Sec 15.5.11 Term of Variance.

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

Sec 15.5.12 Authorized Variances.

Variances from the regulations of these Regulations shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in this Article have been met by the applicant. Variances may be granted as guided by the following:

1. To permit any yard or setback less than the yard of setback required by the applicable regulations.
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.
3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
4. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
5. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
6. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent.
7. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
8. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.

ARTICLE 6

BOARD OF APPEALS: PROCEDURES AND REQUIREMENTS FOR SUBSTANTIALLY SIMILAR USES AND CONDITIONAL USES

Sec 15.6.1 Procedure And Requirements To Determine That A Use Is Substantially Similar.

Where a specific use is proposed that is not listed or provided for in these Regulations, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in these Regulations. If the Board finds that a use is substantially similar to a specific use listed in these Regulations, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in Article 5 of these Regulations.

Sec 15.6.2 Remedy by Application for Amendment.

If the Board determines that a proposed use is not substantially similar, remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Article 7.

Sec 15.6.3 Standards for Consideration of Substantially Similar Uses.

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

1. The compatibility of the proposed use with the general classification system as specified in these Regulations.
2. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by these Regulations as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in these Regulations.
4. In no case shall a finding of substantially similar use be made if the proposed use is explicitly stated as a permitted use or conditional use in a zoning district other than the zoning district for which the proposed use is intended.

Sec 15.6.4 Effect of Determination That a Use Is Substantially Similar.

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in these Regulations, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

Sec 15.6.5 Record of Substantially Similar Uses.

The Zoning Administrator shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in these Regulations, the use unlisted in these Regulations about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Administrator shall consult this record in the process of issuing future permits.

Sec 15.6.6 Regulation Of Conditional Uses.

The provisions of Section 15.6.6 to 15.6.15 inclusive of these Regulations shall apply to the location, establishment, and maintenance of any and all conditional uses; the conditional use provisions of Articles 9 and 11 shall also apply.

Sec 15.6.7 Purpose.

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that these Regulations should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, methods(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 15.6.6 through 15.6.15 of this Article, and the conditional use provisions of Articles 9 and 11.

Sec 15.6.8 Contents of Conditional Use Permit Application.

Any owner, or agent there of, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Administrator, who shall within seven days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

1. Name, address and phone number of the applicant;
2. Legal description of the property;
3. Zoning district;
4. Description of existing use;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
8. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
9. A fee as established by these Regulations.

Sec 15.6.9 General Standards For All Conditional Uses.

In addition to the specific requirements for conditionally permitted uses as specified in Articles 9 and 11, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Schedule of District Regulations adopted for the zoning district involved;
2. Will be in accordance with the general objectives, or with any specific objective, of the Village comprehensive plan and the zoning regulation;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearances with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare, or odors;

8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Sec 15.6.10 Public Hearing.

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit submitted by an applicant through the Zoning Administrator.

Sec 15.6.11 Notice of Public Hearing.

Before conducting the public hearing required in Section 15.6.10, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

Sec 15.6.12 Notice to Parties of Interest.

Prior to conducting the public hearing required in Section 15.6.10, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section 15.7.9 for notices published in newspapers, along with a summary of the proposed conditional use.

Sec 15.6.13 Action by the Board of Zoning Appeals.

Within thirty (30) days after the date of the public hearing, the Board shall take one of the following actions:

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 15.6.9 and/or in Article 11. Upon making an affirmative finding, the Board shall direct the Zoning Administrator to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.

2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
3. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas.

Sec 15.6.14 Supplementary Conditions and Safeguards.

In granting approval for any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with these Regulations. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of these Regulations.

Sec 15.6.15 Expiration of Conditional Use Permit.

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than two (2) years.

ARTICLE 7 AMENDMENT PROCEDURES

Sec 15.7.1 Procedure For Amendment or District Changes.

These Regulations, either text or map, may be amended utilizing the procedures specified in Article 7.

Sec 15.7.2 General.

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

Sec 15.7.3 Initiation of Zoning Amendments.

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

1. By the adoption of a motion by the Planning Commission; By the adoption of a resolution by Village Council;
2. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

Sec 15.7.4 Contents of Application For Zoning Map Amendment.

Applications for amendments to the Official Zoning Map adopted as part of these Regulations shall contain at least the following information:

1. The name, address, and phone number of the applicant;
2. A statement of the reason(s) for the proposed amendment;
3. Present use;
4. Present zoning district;
5. Proposed use;
6. Proposed zoning district;
7. A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Administrator may require;
8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that

addresses need not be included where more than ten (10) parcels are to be rezoned;

9. A statement on the ways in which the proposed amendment relates to the comprehensive plan;
10. A fee as established by Village Council.

Sec 15.7.5 Contents of Application For Zoning Text Amendment.

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of these Regulations, other than the Official Zoning Map, shall contain at least the following information:

1. The name, address, and phone number of the applicant;
2. The proposed amending ordinance, approved as to form by the Village Solicitor.
3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
5. A fee as established by Village Council.

Sec 15.7.6 Transmittal to Planning Commission.

Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

Sec 15.7.7 Recommendation by Planning Commission.

Within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

Sec 15.7.8 Public Hearing by Village Council.

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than forty (40) days from the receipt of the recommendation from the Planning Commission.

Sec 15.7.9 Notice of Public Hearing in Newspaper.

Notice of the public hearing required in Section 15.7.8 shall be given by Council by at least one (1) publication in one or more newspapers of general circulation in the Village. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

Sec 15.7.10 Notice to Property Owners by Village Council.

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by Village Council. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 15.7.9.

Sec 15.7.11 Action by Village Council.

Within thirty (30) days after the public hearing required by Section 15.7.8 the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths of the full membership of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinances may become emergency legislation if three-fourths of the members of Village Council vote to dispense with this rule.

Sec 15.7.12 Effective Date and Referendum.

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

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon

certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

Sec 15.7.13 Zoning Upon Annexation.

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

1. If any lots, tracts, or lands are not subject to zoning at the time of their annexation, they shall be classified into whichever districts established by these Regulations most closely resembles the existing uses at the time of the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council.
2. Any lots, tracts, or areas which are subject to zoning at the time of their annexation shall be classified as being in whichever district established by these Regulations most closely resembles the zoning district that existed in the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council, as specified in the amendment process of Article 7.
3. With respect to any annexation, the Planning Commission shall within sixty (60) days conduct a public hearing on the matter of permanent zoning classification.
4. The referendum provisions as specified in Section 15.7.12 shall apply providing such petition is filed as per Section 15.7.12.

Sec 15.7.14 Zoning Map Amendments.

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Administrator shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the ordinance authorizing such change. The Official Zoning Map shall then be signed by the Mayor and the Chairman of the Planning Commission and attested to by the Clerk.

ARTICLE 8

ESTABLISHMENT OF DISTRICTS

Sec 15.8.1 Purpose.

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

Sec 15.8.2 Establishment of Districts.

The following zoning districts are hereby established for the Village of South Lebanon, Ohio:

| | |
|-----|--|
| A | Agriculture |
| RFP | Residential Flood Plain |
| R1 | Single Family Residential |
| R2 | Single and Two-Family Residential |
| R3 | Single Family/Multi Family Residential |
| RMH | Residential Manufactured Home |
| B1 | Neighborhood Business District |
| B2 | General Business District |
| PUD | Planned Unit Development District |
| FPO | Flood Plain Overlay |
| ME | Mineral Extraction |
| MEP | Mineral Extraction and Processing |
| I1 | Light Industrial |
| LMR | Little Miami River Overlay District |

Sec 15.8.3 Zoning District Map.

The districts established in Section 15.8.2, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of these Regulations and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

Sec 15.8.4 Identification of Official Zoning Map.

The Official Zoning Map shall be properly identified by the signature of the Mayor and the chairperson of the Planning Commission, as attested by the Village, County, Clerk, and bearing the official seal. The Map shall be maintained by the Zoning Administrator, and shall remain on file in the office of the Clerk. The Official Zoning Map shall be a

reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by these Regulations. Not later than January 30 of each year, the map shall be recertified by the Mayor, the chairman of the Planning Commission, and the Clerk.

Sec 15.8.5 Interpretation of District Boundaries.

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

1. Where district boundaries are so indicated as approximately following the center line of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated;
6. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;
7. Whenever any street, alley, or other public way is vacated by official Council (Board of Commissioners, Board of Township Trustees) action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.
8. Official U.S. Government Flood Boundary and Floodway Maps (FBFM's) or Flood Insurance Rate Maps (FIRM's) shall prevail if the question involves the flood potential specific location.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

ARTICLE 9 DISTRICT REGULATIONS

Sec 15.9.1 Compliance with Regulations.

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

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

Sec 15.9.2 Official Schedule of District Regulations Adopted.

District Regulations shall be as set forth herein and are declared to be a part of these Regulations. Other districts (such as those allowing for Planned Unit Development or Manufactured Home Parks) are also integral parts of these regulations even if not included in this Article.

Sec 15.9.3 Essential Services, Public Service Facilities, and Neighborhood Parkland/Open Space.

Nothing in Article 9 shall be deemed to prevent or restrict a unit of government from exercising the provision of essential services, from establishing a public service facility, or from establishing neighborhood parkland or open space.

Sec 15.9.4 A Agricultural District Regulations.

1. Principal Permitted Uses:
 - a. Agriculture, and single-family residential uses established in conjunction therewith
2. Conditional Uses requiring Conditional Use Permit from the Board of Appeals:
 - a. Outdoor seasonal commercial recreation establishments
 - b. Home Occupations as identified in Section 15.11.24
3. Zoning Lot, Area and Building Requirements:
 - a. Zoning Lot Area Requirements: 3 acres minimum
 - b. Yard Requirements; the following are minimum ("setback") dimensions for all uses listed in section:
 - 1) Front: 40'
 - 2) Rear: 40'
 - 3) Side: 10'
 - c. Additional Zoning Lot and building requirements; the following are required dimensions for all uses listed in this section:
 - 1) Frontage: 100' minimum
 - 2) Living Area: 1100 square feet minimum per dwelling unit for single-family housing
 - 3) Maximum Lot Coverage: 20%
 - 4) Maximum Height: 35'
4. Other Minimum Requirements:
 - a. As specified in Article 15 single family dwellings meet the building codes for dwellings, which are constructed on-site with permanent foundations.
 - b. Where applicable, the requirements of the Flood Damage Prevention Ordinance, #86-15, as amended, shall apply, as well as the FEMA Elevation Certificate requirement and the FEMA floodproofing Certificate for Non-Residential Structures, and the FPO Flood Plain Overlay Zone.

Sec 15.9.5 RFP Residential Flood Plain District Regulations

1. Principal Permitted Uses within the 100-year regulatory flood plain but outside the floodway as delineated by FIRM panel #390563-0005 C, October 18, 1994, and/or such additional official maps as may apply. Principal permitted uses include:
 - a. Single-Family Dwelling
 - b. Agriculture, and single-family residential uses established in conjunction therewith, provided that the agricultural activity does not include the

keeping of livestock or poultry.

2. Principal Permitted Uses within the floodway, as delineated by FIRM panel #390563-0005 C, dated October 18, 1994, and/or such additional official maps as may apply. Principal permitted uses include:
 - a. Agriculture, provided that the agricultural activity shall not include any of the following:
 - 1) Building a structure,
 - 2) Alteration of the contours of the terrain,
 - 3) The keeping of livestock or poultry.
3. Conditional Uses requiring Conditional Use Permit from the Board of Appeals
 - a. Within the 100-year regulatory flood plain, but outside the floodway, as delineated by FIRM panel #390563-0005 C, dated October 18, 1994, and/or such additional official maps as may apply. Principal permitted uses include:
 - 1) Outdoor seasonal commercial recreation establishments
 - 2) Plant nurseries and garden centers
 - 3) Drive-in motion picture theatres
 - 4) Home occupations as identified in Section 15.11.24
 - b. Within the floodway, as delineated by FIRM panel #390563-0005 C, dated October 18, 1994, and/or such additional official maps as may apply. Principal permitted uses include:
 - c. Outdoor seasonal commercial recreation establishments provided that this activity does not include:
 - 1) Building a structure, or
 - 2) Alteration of the contours of the terrain.
4. Zoning lot, area and building requirements:
 - a. Zoning lot area requirements: For all uses: 21,780 square feet minimum.
 - b. Yard requirements; the following are minimum yard dimensions ("setback") for all uses listed in this section:
 - 1) Front: 35'
 - 2) Rear: 40'
 - 3) Side: 10'
 - c. Additional zoning lot and building requirements; the following are required dimensions for all uses listed in this section:
 - 1) Frontage: 80' minimum
 - 2) Maximum Lot Coverage: 20%
 - 3) Height: 35' maximum
 - 4) Living Area: minimum 1000 square feet for single-family housing
5. Other Minimum Requirements:

- a. The requirements of the Flood Damage Prevention Ordinance, #86-15, as amended, shall apply, as well as the FEMA Elevation Certificate requirement and the FEMA Floodproofing Certificate for non-residential structures, and the FPO Flood Plain Overlay Zone.
- b. As specified in Article 15, single family dwellings meet the building codes for dwellings which are constructed on-site with permanent foundations.

Sec 15.9.6 R-1 Single-Family Residential District Regulations

- 1. Principal Permitted Uses:
 - a. Single-Family Dwellings
- 2. Conditional Uses Requiring Conditional Use Permit from the Board of Appeals:
 - a. Cemeteries
 - b. Churches of similar places of worship
 - c. Elderly (Multi-family) Housing at a density of 3,000 sq. ft. zoning lot area per unit maximum density
 - d. Home Occupations as identified in Section 15.11.24
 - e. Schools
 - f. Rooming Home Dwelling as identified in Article 15
- 3. Zoning Lot, Area and Building Requirements:
 - a. Zoning Lot Area Requirements for all uses: 21,780 square feet minimum.
 - b. Yard Requirements; the following are minimum yard ("setback") dimensions for all uses listed in this section:
 - 1) Front: 35'
 - 2) Rear: 40'
 - 3) Side: 10'
 - c. Additional zoning lot and building requirements; the following are required dimensions for all uses listed in this section:
 - 1) Frontage: 80' minimum
 - 2) Maximum Lot Coverage: 20%
 - 3) Height: 35' maximum
 - 4) Living Area: minimum 1100 square feet per dwelling unit for single family housing
- 4. Other Minimum Requirements:
 - a. As specified in Article 15, single family dwellings meet the building codes for dwellings which are constructed on-site with a permanent foundation.
 - b. The following agricultural activities are permitted provided that the zoning lot is 3 acres minimum:
 - 1) The keeping of livestock or poultry, providing that the building housing the animals be a minimum of 100 feet from any property line. Nothing herein shall be construed to prohibit the lawful

- keeping of pets which are not a nuisance;
- 2) Seasonal roadside stands, removed when not in use, offering for sale produce grown on the premises; a sign, maximum size 12 square feet, is permitted provided it is removed when not in use.

Sec 15.9.7 R-2 Single-and Two-Family Residential District Regulations

1. Principal Permitted Uses:
 - a. Single-Family Dwellings
 - b. Two-Family Dwellings
2. Conditional Uses requiring Conditional Use Permit from the Board of Appeals:
 - a. Cemeteries
 - b. Churches or similar places of worship
 - c. Elderly (multi-family) housing at a density of 2,500 sq. ft. zoning lot area per unit maximum density
 - d. Funeral Homes
 - e. Group residential facilities as identified in Article 11 Section 15.11.20.
 - f. Home Occupations as identified in Section 15.11.24
 - g. Nursery Schools and Child Day Care Centers
 - h. Rooming Home Dwelling as identified in Article 15
3. Zoning Lot, Area and Building Requirements:
 - a. Zoning Lot Area Requirements; for all uses: minimum 12,000 square feet; 6000 square feet per dwelling unit for two-family dwellings. (All dimensions are required minimum).
 - b. Yard Requirements; the following are minimum yard ("setback") dimensions for all uses listed in this section:
 - 1) Front: 25'
 - 2) Rear: 30'
 - 3) Side: 6' one side yard, although the sum of both side yards must be 16' minimum.
 - c. Additional Zoning Lot and Building Requirements; the following are required dimensions for all uses listed in this section:
 - 1) Frontage: 60' minimum
 - 2) Maximum Lot Coverage: 30% maximum
 - 3) Height: 35' maximum
 - 4) Living Area: minimum 800 square feet per dwelling unit (single-family or two-family dwellings). There is no minimum for elderly multi-family housing promulgated by a unit of government.
4. Other Minimum Requirements:
 - a. As specified in Article 15, single family dwellings and two-family dwellings meet the building codes for dwellings which are constructed

on-site with permanent foundations.

- b. Where applicable, the requirements of the Flood Damage Prevention Ordinance, #86-15, as amended, shall apply for lands mapped within the FPO (Flood Plain Overlay) zoning district, as well as the FEMA Elevation Certificate requirement and the FEMA Floodproofing Certificate for Nonresidential Structures. The requirements of the FPO Zone, where applicable, shall apply as well.

Sec 15.9.8 R-3 Single and Multiple Family Residential District Regulations

- 1. Principal Permitted Uses:
 - a. Single-Family Dwellings Two-Family Dwellings
 - b. Multiple-Family Dwellings
- 2. Conditional Uses Requiring Conditional Use Permit from the Board of Appeals:
 - a. Cemeteries
 - b. Churches or similar places of worship
 - c. Funeral Homes
 - d. Group residential facilities as identified in Article 11, Section 15.11.20.
 - e. Home Occupations as identified in Section 15.11.24
 - f. Nursery schools or Day Care Centers
 - g. Schools
 - h. Roming Home Dwelling as identified in Article 15
- 3. Zoning Lot, Area and Building Requirements:
 - a. Zoning Lot Area Requirements for all uses: minimum of 6000 square feet. For two-family dwellings, 3000 square feet per dwelling unit; for multiple-family dwelling, 2000 square feet per dwelling unit. An additional 2000 square feet shall be required for each unit added (all dimensions are required minimum).
 - b. Yard Requirements; the following are minimum yard ("setback") dimensions for all uses listed in this section:
 - 1) Front: 25'
 - 2) Rear: 30'
 - 3) Side: 6' one side yard, although the sum of both side yards must be 16' minimum.
 - c. Additional zoning lot and building requirements; the following are required dimensions for all uses listed in this section:
 - 1) Frontage: 60' minimum
 - 2) Maximum Lot Coverage: 40%
 - 3) Height: 35' maximum
 - 4) Living Area: 700 square feet per dwelling unit, although there is no minimum for elderly multi family housing promulgated by a unit of government.

4. Other Minimum Requirements:
 - a. As specified in Article 15, single family dwellings and two-family dwellings meet the building codes for dwellings which are constructed on-site with permanent foundations.
 - b. Where applicable, the requirements of the flood Damage Prevention Ordinance, #86-15, as amended, shall apply for lands mapped within the FPO (Flood Plain Overlay) zoning district, as well as the FEMA Elevation Certificate requirement and the FEMA Floodproofing Certificate for Nonresidential Structures. The requirements of the FPO Zone, where applicable, shall apply as well.

Sec 15.9.9 B-1 Neighborhood Business District Regulations

1. Principal Permitted Uses:
 - a. Business or professional offices
 - b. Churches and similar places of worship
 - c. Financial Institutions
 - d. Home furnishings sales/rental/repair
 - e. Printing, copying, and publishing establishments
 - f. Restaurants
 - g. Retail stores or rental/lease establishments, including those which sell petroleum products but do not do on-site servicing or repair work
 - h. Service businesses which do not do on-site installation or repair work
 - i. Studios, salons and health clubs
2. Conditional Uses requiring Conditional Use Permit from the Board of Appeals:
 - a. Funeral Homes
 - b. Group residential facilities as identified in Article 11 Section 15.11.20.
 - c. Indoor recreation, entertainment or amusement establishments
 - d. Long-term parking facilities Nursery schools and Day Care Centers
 - e. Rooming Home Dwelling as identified in Article 15
3. Area and Building Requirements:
 - a. Zoning lot area requirements; for all uses: 6000 square feet minimum
 - b. Yard Requirements; the following are minimum yard ("setback") dimensions for all uses listed in this section:
 - 1) Front: 20'
 - 2) Rear: 20'
 - 3) Side: 10'
 - 4) Refer to Article 12, Section 15.12.2 and Article 10, Section 15.10.17 for provisions regulating parking in required yard areas.
 - c. Additional zoning lot and building requirements;
 - 1) Frontage: 60' minimum

2) Height: 35' maximum

4. Other Minimum Requirements:

Other Requirements: where applicable, the requirements of the Flood Damage Prevention Ordinance, #86-15, as amended, shall apply, as well as the FEMA Elevation Certificate requirement and the FEMA floodproofing Certificate for Nonresidential Structures; the requirements of the FPO zone, where applicable shall apply as well.

Sec 15.9.10 B-2 General Business District Regulations

1. Principal Permitted Uses:

- a. Animal hospitals/Kennels
- b. Automotive, mobile home, farm implement, sales, service, rental or lease establishments
- c. Building and related trades, including sales areas
- d. Business or professional offices
- e. Car washes
- f. Churches and similar places of worship
- g. Financial Institutions
- h. Home furnishings sales/rental/repair
- i. Medical clinics
- j. Motels and Hotels
- k. Motion picture theatres, indoor or outdoor printing, copying, and publishing establishments
- l. Restaurants
- m. Retail stores including those which sell petroleum products and may do on-site servicing or repair work
- n. Service businesses which may do on-site installation or repair work
- o. Studios, salons and health clubs

2. Conditional Uses requiring Conditional Use Permit from the Board of Appeals:

- a. Automotive body shops
- b. Funeral Homes
- c. Group residential facilities as identified in Article 11 Section 15.11.20.
- d. Indoor recreation, entertainment or amusement establishments and amusement arcades as regulated by Article 11
- e. Long Term Parking Facilities
- f. Nursery schools and Day Care Centers

3. Zoning lot, area and building requirements:

- a. Zoning lot area requirements; for all uses: 8000 square feet minimum
- b. Yard Requirements; the following are minimum yard ("setback") dimensions for all uses listed in this section:

- 1) Front: 20'
 - 2) Rear: 20'
 - 3) Side: 10'
 - 4) Refer to Article 12, Section 15.12.2 and Article 10 Section 15.10.17 for provisions regulating parking in required yard areas.
- c. Additional zoning lot and building requirements; the following are required dimensions for all uses listed in this section:
- 1) Frontage: 60' minimum
 - 2) Height: 35' maximum.

Sec 15.9.11 FPO Flood Plain Overlay District Regulations

1. Map depicting FPO District:

The FPO District is a Flood Plain Overlay District to precisely reflect the area mapped as being within the 100 year regulatory flood plain. FIRM (Flood Insurance Rate Map) Community Panel Number 390563-00Q5-C and/or such additional official maps as may apply is hereby incorporated by reference to be the official zoning district map for the FPO zone. By amendment, or by action of the Board of Appeals, these regulations shall be made to reflect more recent official information if, or when, such information becomes available from the Federal government.

2. Use Regulations:

- a. Principal Permitted Uses:
 - 1) As permitted in the underlying zoning district
- b. Conditional Uses requiring Conditional Use Permit from the Board of Appeals:
 - 1) As permitted in the underlying zoning district

3. Zoning lot, area and building requirements

- a. Zoning lot area requirements: as permitted in the underlying district
- b. Yard Requirements: as permitted in the underlying district
- c. Additional zoning lot and building requirements: as permitted in the underlying district

4. Other Minimum Requirements:

- a. Parking: as permitted in the underlying zoning district
- b. Buffer Requirements: as permitted in the underlying zoning district
- c. Other Requirement: the requirements of the Flood Damage Prevention Ordinance, #86-15, as amended, shall apply, as well as the FEMA Elevation Certificate requirement, and the FEMA Floodproofing Certificate for Nonresidential Structures. The terms and conditions of the Villages participation in the National Flood Insurance Program, and

the Program's Community Rating System, shall also apply.

Sec 15.9.12 I-1 Light Industrial District Regulations.

The regulations set forth in this section, or set forth elsewhere in these Zoning Regulations, are the zoning regulations for Light Industry "I-1".

1. Use Regulations

- a. A building or lot shall be used only for the following purposes, provided the sewage system is approved by the appropriate authorities.
- b. Light Manufacturing establishments including the manufacturing, compounding, processing, packaging, assembling or repair and/or servicing (when repair / servicing is incidental or accessory to manufacturing/ assembling) of the following:
 - 1) Appliances and audio-visual equipment devices for the recording, transmission, or storage of sound or images
 - 2) Candy, confectionary, food, beverage, tobacco products provided that such activities do not involve the rendering or refining of fats and oils or the slaughter or dressing of poultry or animals
 - 3) Commercial advertising including billboards, signs, illuminated signs
 - 4) Computers, data processing equipment, business service equipment and office equipment
 - 5) Cosmetics, pharmaceuticals, toiletries
 - 6) Electrical machinery including equipment and supplies
 - 7) Elevators, escalators, automated parking systems
 - 8) Fountain and beverage dispensing equipment
 - 9) Furniture, household or business furnishings
 - 10) Instruments, musical
 - 11) Instruments, of professional, scientific, optical use
 - 12) Metal products and metal finishing, excluding the use of blast furnaces and drop forges
 - 13) Pottery, china, figurines
 - 14) Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semiprecious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco
 - 15) Textiles and textile products
 - 16) Bottling or canning works
 - 17) Building and related trades, including sales areas
 - 18) Carting, transportation, freight services and terminals; truck terminals
 - 19) Laboratories or research activities, including the production or testing of pharmaceuticals and medical supplies; other laboratory / research and development
 - 20) Machine shops

- 21) Printing, publishing, engraving
 - 22) Professional, business or corporate offices
 - 23) Warehouse or wholesale operations
2. Height requirements: 45' maximum; except that taller buildings or structures are permitted provided that each of the yard requirements: front, rear, both sides shall be increased by one foot for each foot above the 45' height.
 3. Yards:
 - a. The front yard depth shall be fifty feet (50') minimum
 - b. Side yard: twenty five feet (25') minimum
 - c. Rear yard: fifty feet (50') minimum depth
 4. Minimum lot size: One (1) acre.
 5. Frontage: One hundred fifty feet (150') minimum.
 6. Other Development Controls:
 - a. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of seventy-five feet (75') for each side yard and/or rear yard shall be provided, and screening shall be provided as required by Section 15.10.17 to buffer the residential district from this district or the use.
 - b. Off Street parking and loading shall be required as specified in Article 12 of these regulations.
 - c. A plan shall accompany the application for zoning permit as specified in Section 15.3.3 (as required throughout these regulations). In addition, such application and plan shall clearly demonstrate compliance with Sections 15.10.13 and 15.10.14 of these regulations.
 7. Other Requirements:

Where applicable, the requirements of the municipal Flood Damage Prevention Ordinance, as amended, shall apply, as well as the FEMA Elevation Certificate requirement and the FEMA floodproofing certificate for nonresidential structures; the requirements for the FPO zone, where applicable, shall apply as well.

Sec 15.9.13 M-E Mineral Extraction District Regulations

1. The regulations set forth in this section are for the Mineral Extraction Zone "M-E".
2. Map Amendment Application Requirements:

In addition to other application requirements that may be set forth in other sections of these regulations, an application to zone any tract of land to Mineral Extraction "M-E" shall include the following information:

 - a. A hydrologic study determining and describing both ground and surface

in the vicinity, identified as to area by the Zoning Administrator, of the land requested to be zoned. The description of surface water shall include the location of the water body, the area and depth of ponds, the volume and direction of stream flow, and other characteristics as may be determined by the Zoning Administrator. The description of ground water shall include depth of water table, direction of ground water movement (flow), the location and ownership of water wells used for both domestic and agricultural purposes, and other characteristics as may be determined by the Zoning Administrator.

The applicant shall perform ground water quality testing to establish the pre-development water quality and quantity as required by, and to the specifications of, Warren County Combined Health District, the Ohio EPA, or appropriate authority.

Permanent groundwater testing wells shall be established by the applicant to a depth determined by the Warren County Combined Health District, the Ohio EPA, or appropriate authority.

- b. A statement indicating whether or not dewatering is to be used in the mining operation. If dewatering is to be included, a geologic engineer's report shall be provided to describe the impact of the dewatering process on the groundwater table and its impact on surrounding properties. If necessary, this report shall declare where groundwater recharge will occur.

3 Permitted Uses: A tract of land shall be used only for the extraction of resources as follows:

- a. Extraction, Mineral Extraction, or Resource Extraction as defined in these regulations, including sand extraction, gravel extraction, rock/stone quarries, or the extraction of any other ore or resource ORC 1514.01 B.
- b. These regulations apply to any mineral extraction operations for commercial purposes as such, but shall not apply to mineral extraction activities incidental to routine site development activity associated with other land use activities, which have been subject to review and approval by the Village of South Lebanon.

4. Applicability:

- a. The regulations set forth in this section shall apply to future uses as permitted on property zoned Mineral Extraction "M-E"
- b. "Future Uses", as used herein, means land not being actively mined as of _____(date). The area of parcels " zoned "MEII which are being actively mined for purposes of this section are depicted upon aerial photographs taken on or after the date hereof which are maintained at the Warren County Zoning Department and which are incorporated by reference into these regulations. These photographs are dated_____.

5. Uses permitted by this Chapter shall be subject to and in conformance with the Ohio Revised Code, Sec. 1514.02. A complete copy of the surface mining permit application required by the Ohio Revised Code, Sec. 1514.02 (A) and any amendments thereto shall be provided To the Village of South Lebanon as a site plan for the surface mining operation. In addition to the requirements of the Ohio Revised Code Sections 1514.02 and 4153.11, the following provisions of this chapter shall apply.
- a. Noise: When the active mining area is within one thousand (1000) feet of an existing residential structure, the maximum hours of operation shall be sunrise to sunset.
 - b. Air Pollution: Control measures shall be implemented on a continuing basis, during times of operation, to control dust on entrance roadways, in equipment operation, and throughout the mining site. The Zoning Administrator may require the paving of travel surfaces, the upgrading of dust control devices, and other treatments to control dust as may be needed.
 - c. Visual Impact: Ten (10) foot high screens shall be established to attempt to minimize the visual impact of the active mining or processing area from adjacent public road right-of-way except in those instances where prohibited by other governmental rules and/or regulations or where deemed to be impractical by the Zoning Administrator.
 - d. Transportation:
 - 1) Points of ingress and egress associated with extraction and/or processing sites shall be located as approved by The Village of South Lebanon, the Warren County Engineer, The Ohio Department of Transportation, or other authorities as appropriate.
 - 2) The applicant shall include with his submittal a map describing the proposed major access roads to be utilized for ingress and egress for the extraction operation.
 - 3) In no case shall overburden deposit interfere with safe roadway sight distance, as determined by the Zoning Administrator under Section 15.3.4 "Site plan approval by Zoning Administrator."
 - e. Surface Water:
 - 1) The hydrographs and quality of water leaving the site of an extraction activity shall not be degraded due to the activities.
 - 2) During mining and reclamation, drainage shall be controlled so as to prevent the causing of flooding, landslides, and flood hazards to adjoining lands resulting from the mining, ponds shall be left in such condition as to avoid their constituting a hazard to adjoining lands.
 - f. Ground Water:
 - 1) During mining and reclamation, contamination of underground water supplies shall be prevented. Backfilling or grading of any nature up to a level of ten (10) feet above the water level shall be accomplished with materials approved by the Zoning

Administrator and the Ohio Environmental Protection Agency. Materials contaminating to ground water shall not be used for filling or grading at any time. Upon completion of reclamation, any lake or pond located within the site boundaries shall be free of substances resulting from mining in amounts or concentrations that are harmful to persons, fish, waterflow or other beneficial species of aquatic life.

- 2) The storage of fuels and chemicals and equipment service facilities required by permitted uses shall be located where they are least likely to contaminate ground water as determined by the Zoning Administrator.

g. Vibration and Blasting

- 1) The operation of stationary and mobile equipment shall not cause vibrations in excess of that permitted by applicable federal and state law.
- 2) Blasting shall be done in accordance with the applicable laws of the State of Ohio, and shall be carried out by persons certified to be knowledgeable and competent in the sizing and placing of the explosive to be used for blasting.
- 3) When the blasting area is within one thousand (1000) feet to an existing residential structure the maximum hours of blasting operation shall be sunrise to sunset.

h. Slope stability:

- 1) In all cases during operation or subsequent reclamation, the sides of excavation sites shall be set back a minimum of fifty (50) feet from the property line with a sufficient slope of excavation to insure adequate lateral support of surrounding property, as supplemented, or modified, by the following provisions:
 - A. The reclaimed sides of excavation sites shall be set back a minimum of one hundred fifty (150) feet from the right-of-way of all public streets or roads.
 - B. If the adjoining property is zoned Mineral Extraction "M-E" or "MEP", no setback from the common property line is required if both property owners, by signed agreement, are mining their properties as if one (1) operation with an approved site plan.
- 2) All final slopes shall be graded, contoured or terraced, wherever needed, sufficient to achieve soil stability and control landslides, erosion, and sedimentation. High walls will be permitted if they are compatible with the future uses specified in the site plan and measures are taken to insure public safety. Where ponds, impoundments, or other resulting bodies of water are intended for recreational use, banks and slopes shall be established that will assure safe access to such bodies of water. Where such bodies of water are not intended for recreation, measures to insure public safety shall be included, but access need not be provided.

i. Soil Erosion Sedimentation Control:

- 1) The area of land affected shall be resoiled, wherever needed, with

top soil suitable subsoil, fertilizer, lime, or soil amendments, as appropriate, in sufficient quantity and depth to raise and maintain a diverse growth of vegetation adequate to bind the soil and control soil erosion and sedimentation.

- 2) A diverse vegetative cover of grass and legumes or trees, grasses, and legumes capable of self-regeneration and plant succession wherever required by the site plan shall be established.
- 3) Silt and sediment shall not be permitted to leave the site in stormwater runoff.

j. Other Requirements:

- 1) Government boundary, section corner, and other government survey monuments that were removed by the operator as a result of the mining shall be replaced where practical.
- 2) Mining and reclamation shall be carried out in the sequence and manner set forth in the site plan and reclamation measure shall be performed in a timely manner. All reclamation of an area of land affected shall be completed no later than three (3) years following the active mining of such an area, unless showing satisfactory evidence to the Board of Zoning Appeals demonstrates that the future use of such area requires a longer period for completing reclamation.
- 3) During mining, the operator shall store topsoil or fill in quantities sufficient to complete the backfilling grading, contouring, terracing, and resoling that is specified in the plan. The operator shall also stabilize the slopes and plant each spoil bank to control soil erosion and sedimentation.
- 4) On sites located along the Little Miami River, the excavation area shall be set back a minimum of two hundred fifty (250) feet from the ordinary high water mark of the river.

6. Additional Site Plan Materials:

- a. In addition to the requirements set forth elsewhere in these regulations, an applicant seeking approval for a mineral extraction operation shall provide aerial photographs showing the site location and immediate environs. The aerial photograph shall not have been taken more than one (1) year prior to the submission of the site plan.
- b. In addition, a cover letter shall be provided with the site plan application and should address the following issues:
 - 1) The letter should clearly indicate that a request for a site plan approval is being made.
 - 2) The letter shall clearly identify the applicant and name or person conducting the operation.
 - 3) All sites within the Village where the applicant or operating person or corporation has extraction rights, either directly and indirectly, and where the applicant holds or has options on processing sites shall be specified in the letter and illustrated on a map provided as an attachment to the letter.

7. The site plan required by the Ohio Revised Code and by these regulations shall be approved by the Zoning Administrator before the start of operation of any use permitted by these regulations.
8. Other Provisions: The following reports and permits shall be required.
 - a. A copy of the reports required by the Ohio Revised Code Sec. 1514.03 shall be provided to the Zoning Administrator of the Village of South Lebanon on an annual basis within thirty (30) days or its filing with the Chief of the Ohio Division of Reclamation, to the Zoning Administrator.
 - b. A copy of the bond or other acceptable financial guarantee as required by the Ohio Revised Code, Sec. 1514.04 shall be provided, within thirty (30) days of its filing with the Chief of the Ohio Division of Reclamation, to the Zoning Administrator.
 - c. No surface mining shall be permitted without a surface mining permit covering the area to be mined issued by the Chief of the Ohio Division of Reclamation pursuant to the Ohio Revised Code Sec. 1514.02 and a copy of said permit shall be provided to the Zoning Administrator.
 - d. Ground Water testing to the requirements and specifications of the Warren County Combined Health District, Ohio EPA, or appropriate agency shall be performed annually after the date of approval of the site plan, or as required by the Warren County Combined Health District, Ohio EPA, or appropriate agency. Permanent groundwater testing wells shall be established by the applicant to a depth determined by the Warren County Combined Health District, Ohio EPA, or appropriate agency.
9. The Statutes contained in the Ohio Revised Code, Chapters 1514 and 4153.11 and the rules promulgated there under are hereby incorporated and made a part of this resolution and shall be enforced by the Zoning Administrator.
10. Reclamation: An area which has been surface mined shall be completely reclaimed in accordance with a reclamation plan which shall be a part of the site plan required by these regulations.
11. Where applicable, the requirements of the municipal Flood Damage Prevention Ordinance, as amended, shall apply, as well as the FEMA Elevation Certificate requirement and the FEMA floodproofing certificate for nonresidential structures; the requirements of the FPO zone, where applicable, shall apply as well.

Sec 15.9.14 MEP Mineral Extraction And Processing District Regulations

1. The regulations set forth in this section are for the Mineral Extraction and Processing Zone "MEP".
2. Map Amendment Application Requirements:

In addition to other application requirements that may be set forth in other sections of these regulations, an application to zone any tract of land to Mineral Extraction and Processing shall include the following information:

- a. A hydrologic study determining and describing both ground and surface in the vicinity, identified as to area by the Zoning Administrator, of the

land requested to be zoned. The description of surface water shall include the location of the water body, the area and depth of ponds, the volume and direction of stream flow, and other characteristics as may be determined by the Zoning Administrator. The description of ground water shall include depth of water table, direction of ground water movement (flow), the location and ownership of water wells used for both domestic and agricultural purposes, and other characteristics as may be determined by the Zoning Administrator.

The applicant shall perform ground water quality testing to establish the pre-development water quality and quantity as required by, and to the specifications of, Warren County Combined Health District, Ohio EPA, or other appropriate agency.

Permanent groundwater testing wells shall be established by the applicant to a depth determined by the Warren County Combined Health District, the Ohio EPA, or other appropriate agency.

- b. A statement indicating whether or not dewatering is to be used in the mining operation. If dewatering is to be included, a geologic engineer's report shall be provided to describe the impact of the dewatering process on the groundwater table and its impact on surrounding properties. If necessary, this report shall declare where groundwater recharge will occur.
3. Permitted Uses: A tract of land shall be used only for the extraction or processing of resources as follows:
- a. Extraction, Mineral Extraction, or Resource Extraction as defined in these regulations, including sand extraction, gravel extraction, rock/stone quarries, or the extraction of any other ore or resource included under ORC 1514.01 B.
 - b. Processing, Mineral Processing, as defined herein.
 - c. These regulations apply to any mineral extraction or processing operations for commercial purposes as such, but shall not apply to mineral extraction or processing activities incidental to routine site development activity associated with other land use activities which have been subject to review and approval by the Village of South Lebanon.
4. Applicability:
- a. The regulations set forth in this section shall apply to future uses as permitted on property zoned Mineral Extraction and Processing "MEP"
 - b. "Future Uses", as used herein, means land not being actively mined or used for a permitted use as of _____(date). The area of parcels zoned "MEP" which are being actively mined or used for a permitted use for purposes of this section are depicted upon aerial photographs taken on, or after the date hereof which are maintained at the Warren County

Zoning Department and which are incorporated by reference into these regulations. These photographs are dated_____.

5. Uses permitted by this Chapter shall be subject to and in conformance with the Ohio Revised Code, Sec. 1514.02. A complete copy of the surface mining permit application required by the Ohio Revised Code, Sec. 1514.02 (A) and any amendments thereto shall be provided to the Village of South Lebanon as a site plan for the surface mining operation. In addition to the requirements of the Ohio Revised Code Sections 1514.02 and 4153.11, the following provisions of this chapter shall apply.
 - a. Noise: When the active mining or processing area is within one thousand (1000) feet of an existing residential structure, the maximum hours of operation shall be sunrise to sunset.
 - b. Air Pollution: Control measures shall be implemented on a continuing basis, during times of operation, to control dust on entrance roadways, in equipment operation, and throughout the site. The Zoning Administrator may require the paving of travel surfaces, the upgrading of dust control devices for processing and on-site equipment and other treatments to control dust as may be needed.
 - c. Visual Impact: Ten (10) foot high screens shall be established to attempt to minimize the visual impact of the active mining or processing area from adjacent public road right-of-way except in those instances where prohibited by other governmental rules and/or regulations or where deemed to be impractical by the Zoning Administrator.
 - d. Transportation:
 - 1) Points of ingress and egress associated with extraction and/or processing sites shall be located as approved by the Village of South Lebanon, the Warren County Engineer, the Ohio Department of Transportation, or other appropriate authorities.
 - 2) The applicant shall include with his submittal a map describing the proposed major access roads to be utilized for ingress and egress for the extraction operation.
 - 3) In no case shall overburden deposit interfere with safe roadway sight distance, as determined by the Zoning Administrator under Section 15.3.4 "site plan approval by Zoning Administrator."
 - e. Surface Water:
 - 1) The hydrographs and quality of water leaving the site of an extraction activity shall not be degraded due to the activities.
 - 2) During mining and reclamation, drainage shall be controlled so as to prevent the causing of flooding, landslides, and flood hazards to adjoining lands resulting from the mining, ponds shall be left in such condition as to avoid their constituting a hazard to adjoining lands.

- f. Ground Water:
 - 1) During mining and reclamation, contamination of underground water supplies shall be prevented. Backfilling or grading of any nature up to a level of ten (10) feet above the water level shall be accomplished with materials approved by the Zoning Administrator and the Ohio Environmental Protection Agency. Materials contaminating to ground water shall not be used for filling or grading at any time. Upon completion of reclamation, any lake or pond located within the site boundaries shall be free of substances resulting from mining in amounts or concentrations that are harmful to persons, fish, water flow or other beneficial species of aquatic life.
 - 2) The storage of fuels and chemicals and equipment service facilities required by permitted uses shall be located where they are least likely to contaminate ground water as determined by the Zoning Administrator.
- g. Vibration and Blasting
 - 1) The operation of stationary and mobile equipment shall not cause vibrations in excess of that permitted by applicable federal and state law.
 - 2) Blasting shall be done in accordance with the applicable laws of the State of Ohio, and shall be carried out by persons certified to be knowledgeable and competent in the sizing and placing of the explosive to be used for blasting.
 - 3) When the blasting area is within one thousand (1000) feet to an existing residential structure the maximum hours of blasting operation shall be sunrise to sunset.
- h. Slope Stability:
 - 1) In all cases during operation or subsequent reclamation, the sides of excavation sites shall be set back a minimum of fifty (50) feet from the property line with a sufficient slope of excavation to insure adequate lateral support of surrounding property, as supplemented, or modified, by the following provisions:
 - A. The reclaimed sides of excavation sites shall be set back a minimum of one hundred fifty (150) feet from the right-of-way of all public streets or roads.
 - B. If the adjoining property is zoned Mineral Extraction "M-E" or "MEP," no, setback from the common property line is required if both property owners, by signed agreement, are operating their properties as if one (1) operation with an approved site plan.
 - 2) All final slopes shall be graded, contoured or terraced, wherever needed, sufficient to achieve soil stability and control landslides, erosion, and sedimentation. High walls will be permitted if they are compatible with the future uses specified in the site plan and measures are taken to insure public safety. Where ponds, impoundments, or other resulting bodies of water are intended for recreational use, banks and slopes shall be established that will

assure safe access to such bodies of water. Where such bodies of water are not intended for recreation, measures to insure public safety shall be included, but access need not be provided.

- i. Soil Erosion Sedimentation Control:
 - 1) The area of and affected shall be resoiled, wherever needed, with top soil suitable subsoil, fertilizer, lime, or soil amendments, as appropriate, in sufficient quantity and depth to raise and maintain a diverse growth of vegetation adequate to bind the soil and control soil erosion and sedimentation.
 - 2) A diverse vegetative cover of grass and legumes or trees, grasses, and legumes capable of self-regeneration and plant succession wherever required by the site plan shall be established.
 - 3) Silt and sediment shall not be permitted to leave the site in stormwater runoff.
- j. Other Requirements:
 - 1) Government boundary, section corner, and other government survey monuments that were removed by the operator as a result of the mining shall be replaced where practical.
 - 2) Mining, operation, and reclamation shall be carried out in the sequence and manner set forth in the site plan and reclamation measures shall be performed in a timely manner. All reclamation of an area of land affected shall be completed no later than three (3) years following the active mining of such an area, unless showing satisfactory evidence to the Board of Zoning Appeals demonstrates that the future use of such area requires a longer period for completing reclamation.
 - 3) During mining, the operator shall store topsoil or fill in quantities sufficient to complete the backfilling grading, contouring, terracing, and resoiling that is specified in the plan. The operator shall also stabilize the slopes and plant each spoil bank to control soil erosion and sedimentation.
 - 4) On sites located along the Little Miami River, the excavation area shall be set back a minimum of two hundred fifty (250) feet from the ordinary high water mark of the river.

6. Additional Site Plan Materials:

- a. In addition to the requirements set forth elsewhere in these regulations, an applicant seeking approval for a mineral extraction or processing operation shall provide aerial photographs showing the site location and immediate environs. The aerial photograph shall not have been taken more than one (1) year prior to the submission of the site plan.
- b. In addition, a cover letter shall be provided with the site plan application and should address the following issues:
 - 1) The letter should clearly indicate that a request for a site plan approval is being made.
 - 2) The letter shall clearly identify the applicant and name of person conducting the operation.

- 3) All sites within the Village where the applicant or operating person or corporation has extraction rights, either directly and indirectly, and where the applicant holds or has options on processing sites shall be specified in the letter and illustrated on a map provided as an attachment to the letter.
7. The site plan required by the Ohio Revised Code and by these regulations shall be approved by the Zoning Administrator before the start of operation of any use permitted by these regulations.
8. Other Provisions: The following reports and permits shall be required.
 - a. A copy of the reports required by the Ohio Revised Code Sec. 1514.03 shall be provided to the Zoning Administrator of the Village of South Lebanon on an annual basis within thirty (30) days of its filing with the Chief of the Ohio Division of Reclamation, to the Zoning Administrator.
 - b. A copy of the bond or other acceptable financial guarantee as required by the Ohio Revised Code, Sec. 1514.04 shall be provided, within thirty (30) days of its filing with the Chief of the Ohio Division of Reclamation, to the Zoning Administrator.
 - c. No surface mining or operation shall be permitted without a surface mining permit covering the area to be mined issued by the Chief of the Ohio Division of Reclamation pursuant to the Ohio Revised Code Sec. 1514.02 and a copy of said permit shall be provided to the Zoning Administrator.
 - d. Ground Water testing to the requirements and specifications of the Warren County Combined Health District, the Ohio EPA, or appropriate authority shall be performed annually after the date of approval of the site plan, or as required by the Warren County Combined Health District, Ohio EPA, or appropriate authority, Permanent groundwater testing wells shall be established by the applicant to a depth determined by the Warren County Combined Health District, the Ohio EPA, or appropriate authority.
9. The Statutes contained in the Ohio Revised Code, Chapters 1514 and 4153.11 and the rules promulgated thereunder are hereby incorporated and made a part of this resolution and shall be enforced by the Zoning Administrator.
10. Reclamation: An area which has been surface mined shall be completely reclaimed in accordance with a reclamation plan which shall be a part of the site plan required by these regulations.
11. Where applicable, the requirements of the municipal Flood Damage Prevention Ordinance, as amended, shall apply, as well as the FEMA Elevation Certificate requirement and the FEMA floodproofing certificate for nonresidential structures; the requirements of the FPO zone, where applicable, shall apply as well.
12. Definitions.
 - a. "Surface mining" means all or any part of a process followed in the production of minerals from the earth or from the surface of the land by

surface excavation methods, such as open pit mining, dredging, placering, or quarrying, and includes the removal of overburden for the purpose of determining the location, quantity, or quality of mineral deposits, and the incidental removal of coal at a rate less than one-sixth the total weight of minerals and coal removed during the year, but does not include: test or exploration boring; mining operations carried out beneath the surface by means of shafts, tunnels, or similar mine openings; the extraction of minerals, other than coal, by a landowner for his own noncommercial use where such material is extracted and used in an unprocessed form on the same tract of land; the extraction of minerals, other than coal, from borrow pits for highway construction purposes, provided that such extraction is performed under a bond, contract, and specifications that substantially provide for and require reclamation practices consistent with the requirements of this chapter; the removal of minerals incidental to construction work, provided that the owner or person having control of the land upon which the construction occurs, the contractor or construction firm possesses a valid building permit; nor the removal of minerals to a depth of not more than five feet, measured from the highest original surface elevation of the area to be excavated, where not more than one acre of land is excavated during twelve successive calendar months.

- b. "Minerals" means sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous or nonmetalliferous ore, or other material or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but does not include coal or peat.
- c. "Overburden" means all of the earth and other materials which cover a natural deposit of minerals, and also means such earth and other materials after removal from their natural state in the process of surface mining.
- d. "Spoil bank" means a pile of removed overburden.
- e. "Area of land affected" means the area of land which has been excavated, or upon which a spoil bank exists, or both.
- f. "Operation" or "surface mining operation" means all of the premises, facilities, and equipment used in the process of removing minerals, or minerals and incidental coal, by surface mining from a mining area in the creation of which mining area overburden or minerals, or minerals and incidental coal, are disturbed or removed, such surface mining area being located upon a single tract of land or upon two or more contiguous tracts of land. Separation by a stream or roadway shall not preclude the tracts from being considered contiguous.
- g. "Operator" means any person engaged in surface mining who removes minerals, or minerals and incidental coal, from the earth by surface mining or who removes overburden for the purpose of determining the location, quality, or quantity of a mineral deposit.
- h. "Dewatering" means removal of water from beneath the surface of the earth.
- i. "Extraction, Mineral Extraction, Resource Extraction" means surface

mining as defined by the Ohio Revised Code Sec. 1514.01(A), not including activities defined herein as mineral processing.

- j. "Processing, Mineral Processing" means any operation or activity involving minerals following the surface mining function ("minerals" and "surface mining" as defined), other than the storage, loading for transportation, or transportation of the minerals away from the site. Processing (Mineral Processing) includes, but is not limited to sorting crushing and asphalt or concrete production.

- 13. Other Requirements: Where applicable, the requirements of the Flood Damage Prevention Ordinance, as amended, shall apply, as well as the FEMA Elevation Certificate requirement and the FEMA Floodproofing Certificate for Non-residential Structures; the requirements of the FPO Zone, where applicable, shall also apply.

Sec. 15.9.15 LMR Little Miami River Overlay District Regulations

- 1. The intent of the LMR Little Miami River Overlay District is to promote the preservation of the delicate, natural ecosystem located within the Little Miami River corridor by preventing any activity or use which is incompatible with the preservation of the scenic waterway, or which would be detrimental to the sensitive environmental character of the corridor; and to compliment Section 15.9.11 (FPO Flood Plain Overlay District Regulations) of the Village Zoning Resolution. The Little Miami River, being a State and National Scenic River, is an important riparian ecosystem, and as such provides important habitats for a wide variety of birds, fish, and both aquatic and terrestrial mammals and plants. The LMR Overlay District contains a diversity of plant and animal life and an unusually broad range of habitats, including wetlands, nesting ledges, open meadows, and flood plain forests. The LMR Overlay District encompasses the Little Miami River Scenic Park, Ohio's longest corridor State Park, and should therefore be preserved and protected for the benefit of this generation and generations to come; as well as other public and private lands in the immediate proximity of the Little Miami River.

Furthermore, the goals of the LMR Overlay District are as follows:

- a. Protect or enhance the scenic, recreational, geologic, cultural, or historical values of the river that led to its designation as a recreational and scenic river;
- b. Maintain the natural and free-flowing conditions of the Little Miami River, except where channel modifications are required to mitigate a sever hazard to life or property;
- c. Prevent the erosion of the river bank;
- d. Prevent adverse effects on existing wildlife habitat;

- e. Conserve significant healthy natural vegetation and tree cover; and
 - f. Promote development that does not substantially interfere with the recreational use and enjoyment of the Little Miami River by the public.
2. Use Regulations
- a. Principal permitted uses shall be as established in the underlying zoning district, subject also to Section 15.9.15.4 “Establishment of Buffer Area” regulations.
 - b. Conditional uses shall be as established in the underlying zoning district, subject also to Section 15.9.15.4 “Establishment of Buffer Area” regulations.
3. Zoning lot, area and building requirements
- a. Property development standards shall be as established in the underlying zoning district, subject also to Section 15.9.15.4 “Establishment of Buffer Area” regulations.
 - b. Article 12 (Off Street Parking and Loading Facilities) shall regulate minimum off-street parking and loading standards, subject also to Section 15.9.15.4 “Establishment of Buffer Area” regulations.
 - c. Article 17 (Landscaping and Screening Requirements) shall regulate landscaping and screening requirements, subject also to Section 15.9.15.4 “Establishment of Buffer Area” regulations.
4. Establishment of Buffer Area
- a. A buffer area, which preserves the existing vegetation and tree cover, shall be maintained along both sides of the Little Miami River where such is designated as both a State and National Scenic River. No development shall be permitted in the regulated floodway, aside from dedicated points of public access to the River (such as canoe and boat launches for Fire & Rescue equipment), or public water wells and related facilities (fencing and pervious-surfaced driveways and parking), subject to administrative approval of a sketch plan. Within the regulated 100 year flood hazard area, public utilities and roads, unimproved trails for passive recreation, a private garden plat, or property line fences may be located without administrative approval of a sketch plan; however, administrative approval of the sketch plan shall be required for public or private above ground structures or buildings (and related below grade construction), gazebos, shelters; and at grade pervious-surfaced parking lots and driveways. Private docks, and paved (impervious) parking lots and driveways shall be prohibited.

- b. LMR Overlay District: The boundary for such buffer area shall be two hundred (200) feet in a horizontal plane outward from and congruent with the banks of the Little Miami River, accounting also for the natural processes of erosion and accretion over time. Federal Emergency Management Agency (FEMA) and/or the Village Flood Damage Reduction Ordinance, where applicable and more restrictive, shall supersede these regulations.
- c. Potential exemptions (i.e., variance): In the event that the buffer area would preclude the reasonable use of a particular tract of private property, Article 5 (Board of Zoning Appeals: Procedures and Requirements for Appeals and Variances) of the Zoning Ordinance shall apply.

5. Vegetative Cutting Provisions

- a. Clear cutting of trees and underbrush, except for any authorized public services such as roads or utilities, shall not be permitted within the buffer area established in Section 15.9.15.4 “Establishment of Buffer Area”. For the purposes of these regulations, clear cutting shall be defined as the indiscriminate felling of trees and vegetation in an area larger than necessary to accommodate the limited development permitted above, to minimize the destruction of wildlife habitat, erosion and sedimentation.
- b. Selective cutting of trees, other vegetation native and non-native to this area, and noxious weeds, as defined in Sec. 901:5-37-01 Ohio Administrative Code shall be permitted, provided that a continuous tree cover is maintained; sound forest conservation practices are employed; and no healthy trees growing on riverbanks or stream banks are removed.
- c. Should the above provisions be violated, the Zoning Administrator shall require the property owner to submit a sketch plan for administrative review and approval for reforestation of affected area(s) with tree species suitable for a river bank or stream bank environment. The costs of required reforestation shall be at property owner expense. Violations of these provisions shall be subject to Article 3 (Enforcement) of the Zoning Ordinance.

ARTICLE 10

SUPPLEMENTARY YARD, AREA, HEIGHT AND OTHER REQUIREMENTS

Sec 15.10.1 Supplementary Yard Requirements and Other Requirements

1. In any R District in which the average existing front yard setback on two (2) or more lots located within one hundred (100) and in the same block as the lot in question is either less or greater than the minimum front yard requirement specified in the appropriate section of Article 9, of these Regulations, the front yard requirement shall be modified as follows:
 - a. The modified front yard shall not be less than the average of setback of the existing front yards of the two (2) lots immediately adjacent the lot in question, or if a corner lot, then the same as the setback on the immediately adjacent lot.
 - b. In no case shall any front yard be modified to require less than ten (10) feet.
2. Projections Into Yards. There may be projections into required yard areas as follows, but in no case shall a projection result in any side yard of less than six (6) feet:
 - a. Architectural features such as canopies, cornices, eaves and other similar features may project a distance not more than two (2) feet six (6) inches.
 - b. Outside stairs and landings projecting a distance not more than six (6) feet.
 - c. Fire escapes projecting not more than four and one-half (4 ½) feet.
 - d. Front porches projecting not more than six (6) feet, when open on three (3) sides except for railings or banisters.
 - e. Bay windows, balconies, or chimneys may project into a front, side or rear yard a distance not exceeding three (3) feet; provided, however, that the aggregated width of such projection shall not exceed one-third (1/3) of the length of the wall upon which they are located.
 - f. Open patios may project into rear yards, but in no case shall any patio be located less than three (3) feet from the adjacent property line.
3. Lot Modifications
 - a. On all corner lots, all yards which front on streets shall be considered front yards, and as such shall meet the minimum front yard requirements specified for the district in which they are located.
 - b. On all lots having frontage on two (2) streets which do not intersect, the minimum front yard setback specified for the district in which the lot is located shall apply to each yard with street frontage.

Sec 15.10.2 Conversions and Accessory Buildings

1. Conversion of Dwellings

- a. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within the zoning district in which the new use is permitted under these Regulations. Such conversion shall be permitted only after obtaining a Zoning Certificate and otherwise complying with the other provisions of these Regulations, and only when the resulting occupancy will comply with the requirements governing new residential construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the Article and Section applying to such district.

2. Accessory Buildings/Uses

- a. An accessory building may be erected as an integral part of a principal building, or it may be connected thereto by a breezeway or other similar structure.
- b. An accessory building may be erected detached from the principal building. No detached accessory building shall be erected in any required yard except a rear yard, and shall not occupy more than thirty-five (35) percent of the area of the required rear yard, and shall be located a minimum of six (6) feet from lot lines. For computing the percentage of occupancy of a rear yard, as required herein, if a detached accessory building is connected to the principal building by a breezeway, the ground area of such breezeway shall be considered as a part of the accessory building and be included in the computation.
- c. No detached accessory building shall exceed twenty (20) feet in height.
- d. Any accessory building, if not located in the rear yard, shall be an integral part of, or connected with, the principal building to which it is an accessory, and shall be so placed as to meet all yard requirements for a principal building of the same height and other dimensions as said accessory building.

Sec 15.10.3 Principal Building Per Lot.

No more than one principal building or structure may be constructed upon, nor exist on in the case of pre-existing uses, any one lot for the purposes of these Regulations. Rear dwellings shall be prohibited and shall be considered nonconforming uses subject to the requirements of Article 4 of these Regulations.

Sec 15.10.4 Reduction of Area or Space.

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by these Regulations. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under these Regulations.

Sec 15.10.5 Construction in Easements.

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

Sec 15.10.6 Required Refuse Collection Areas.

The refuse collection areas provided by all commercial, industrial, and multifamily residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall or fence of at least four (4) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Administrator. In addition, the following requirements shall be met:

1. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
2. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.
3. Storage areas in residential districts shall utilize such additional screening as required in these Regulations.

Sec 15.10.7 Junk.

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

Sec 15.10.8 Setback Requirements for Buildings on Corner Lots.

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

Sec 15.10.9 Fence and Wall Restrictions in Front Yards.

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and a half (2 ½) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and a half (2 ½) feet and ten (10) feet. Refer to Village Fence Ordinance Article 5, General Provisions, Section 56.

Sec 15.10.10 Yard Requirements for Multi-Family Dwellings.

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

Sec 15.10.11 Exceptions to Height Regulations.

The height limitations contained in the Article 9 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

Sec 15.10.12 Visibility at Intersections.

On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one half (2 ½) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining points along said street lines fifty (50) feet from the point of intersection. On a corner lot at the intersection of two alleys, or at the intersection of an alley and a street, within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one half (2 ½) feet and ten (10) feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area

bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines, or alley and street lines, twenty-five (25) feet from the point of intersection.

Sec 15.10.13 Objectionable, Noxious, or Dangerous Uses, Practices, or Conditions.

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by these Regulations may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of these Regulations if one or more of the following conditions is found to exist at any time:

1. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
3. Radioactivity or air pollution is present in violation of the regulations of all Federal or State regulations;
4. Hazardous wastes are present in violation of all Federal or State regulations;
5. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
6. Water pollution or contamination is present in violation of all Federal or State regulations.

Sec 15.10.14 Assurance Requirements and Plans.

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

Sec 15.10.15 Enforcement Provisions.

Any occupancy, use, conditions or circumstances existing in violation of Section 15.10.3 and 15.10.14 of these Regulations shall constitute a violation of these Regulations and be subject to the enforcement procedures contained in Article 3 of these Regulations.

Sec 15.10.16 Temporary Uses.

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use an application for a zoning permit shall be made to the Zoning Administrator, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

1. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one year, except that two (2) six-month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first.
2. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one year, except that six-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first.
3. Temporary sales and services may be permitted within parking areas within any commercial district. A zoning permit valid for a period not to exceed four (4) consecutive days shall only be issued three (3) times within any twelve-month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Administrator shall not issue a permit for such temporary use if he determines that it encroaches upon more than twenty-five (25) percent of the required parking area.
4. Temporary retail sales and services, such as sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A zoning permit valid for a period not to exceed two (2) consecutive days shall only be issued three (3) separate times for any particular lot within any twelve-month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license, and a written statement from the property owner giving his permission for such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site.

5. Garage sales, which for the purposes of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct one (1) such sale within any twelve-month period upon the property at which he or they reside for a period not to exceed two (2) consecutive days without obtaining a zoning permit, so long as the provisions of these Regulations pertaining to signs and parking are observed. Garage sale permits shall only be issued to groups of families, neighborhood organizations, and community organizations two (2) times within any twelve-month period and shall not exceed a period of three (3) consecutive days, so long as the provisions of these Regulations pertaining to signs and parking are observed.

Sec 15.10.17 Screening Requirements.

Screening or buffering in compliance with the provisions of these Regulations shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential district, in addition to setback and yard requirements provided elsewhere in these Regulations. Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Article 6 of these Regulations. The following provisions shall apply with respect to screening.

1. Screening shall be provided for one or more of the following purposes:
 - a. A visual barrier to partially or completely obstruct the view of structures or activities.
 - b. An acoustic screen to aid in absorbing or deflecting noise.
 - c. A physical barrier to contain debris and litter.
2. Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Administrator or Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:
 - a. A solid masonry wall;
 - b. A solidly constructed decorative fence;
 - c. A louvered fence;
 - d. A dense vegetative plantings;
 - e. A landscaped mounding.
3. Height of screening shall be in accordance with the following:
 - a. Visual screening walls, fences, plantings, or mounds shall be a minimum of 5 and ½ feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater

than 2 ½ feet. Plantings shall be a minimum of 4 feet in height at the time of planting.

- b. A dense vegetative planting with a minimum height of 4 feet at planting and a mature height of a least 5 feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent, land zoned for residential uses, except for the portion of such boundary located within a required front yard.
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- 4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least 15 feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Zoning Administrator in relation to the use.
 - 5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.
 - 6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

ARTICLE 11

SPECIAL REGULATIONS AND ADDITIONAL REQUIREMENTS FOR CONDITIONAL USES

Sec 15.11.1 Regulation of Satellite Dish Antennas.

Sections 15.11.2 to 15.11.6 inclusive shall apply to the location and construction of dish-type satellite signal receiving antennas as herein defined.

Sec 15.11.2 Purpose.

It is the purpose of Sections 15.11.2 to 15.11.6 inclusive to regulate the location and construction of dish-type satellite signal-receiving antennas within the Village in order to protect the public health, safety, and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with windloads, and the reasonable accommodation of the aesthetic concerns or neighboring property owners.

Sec 15.11.3 Zoning Permit Required.

No person, firm or corporation shall undertake the construction, erection or installation of any satellite dish without a zoning permit issued in accordance with the provisions of these Regulations. In addition to the requirements of Articles 6 & 9 of these Regulations, the application for such permit shall include the following:

1. A description of the type of earth station proposed;
2. A plot plan of the lot, premises, or parcel of land showing the location of the proposed earth station and all other buildings thereon;
3. Plans depicting the specifications and elevations of the proposed location, to include satisfactory screening and landscaping for ground-mounted structures;
4. Details of the method of assembly and construction of the proposed earth station;
5. A fee as required according to Section 15.2.11 for the review of plans and specifications and the inspection of construction.

Sec 15.11.4 Ground-Mounted Satellite Dish Antennas.

Ground-mounted satellite dish antennas are considered as accessory structures, and are permitted as accessory uses. In addition to the provisions of these Regulations pertaining to accessory structures, the following provisions shall apply to ground-mounted satellite dishes:

1. The maximum diameter of any ground-mounted satellite dish shall not exceed twelve (12) feet;
2. The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15) feet above the finished grade;
3. The "Dish" portion of the apparatus shall have a surface of open mesh construction, and shall not have a solid surface;
4. The satellite dish apparatus shall be painted a color which complements its environment, and shall bear no advertisement, lettering, picture, or visual image;
5. The apparatus shall not be located in a side yard or a front yard;
6. The site of the apparatus shall be screened with shrubbery and/or landscaped as proposed in the zoning permit application;
7. The apparatus shall be mounted upon a solid concrete slab, and shall be constructed in such manner that it will withstand wind forces of up to 75 miles per hour;
8. Only metal supports of galvanized construction shall be used.
9. Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved fence.
10. Any driving motor shall be limited to 110 volt maximum power and shall be encased in a protective guard;
11. All wiring between the apparatus and any other structure shall be placed underground in approved conduit;
12. The apparatus shall be bonded to an approved eight (8) foot grounding rod.

Sec 15.11.5 Roof-Mounted Satellite Dish Antennas.

Roof -mounted satellite dish antennas are considered as accessory structures, and are permitted as accessory uses in all districts in addition to the provisions of these Regulations pertaining to accessory structures, the following provisions shall apply to roof-mounted satellite dishes:

1. The maximum diameter of any roof-mounted satellite dish shall not exceed three (3) feet;
2. The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four (4) feet;
3. The "Dish" portion of the apparatus shall have a surface of open mesh construction, and shall not have a solid surface;
4. The apparatus shall be painted a color which complements its environment, and shall bear no advertisement, picture, lettering or visual image;
5. All wiring and grounding of the apparatus shall be in accordance with the Warren County Electrical Code;
6. The apparatus, its mounting and all supporting devices shall be constructed and erected in accordance with (the applicable local code) directly upon the roof of the principal building, and shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenances thereto attached;
7. The satellite dish apparatus shall be so designed and installed as to withstand wind forces up to 75 miles per hour.

Sec 15.11.6 Variances on Location Characteristics.

An applicant may request a variance from the accessory building requirements and the required height restrictions in compliance with the procedures of Article 5 of these Regulations. In addition to all requirements of these sections, the applicant shall submit clear and convincing evidence that the requested variance is necessary in order for the satellite dish antenna to have a direct line of sight or unobstructed view to the satellite. In any case where this provision applies, the variance granted by the Board of Zoning Appeals shall be the minimum variance required to achieve the necessary direct line of sight to assure that the antenna can properly function.

Sec 15.11.7 Private Swimming Pools.

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, or of a farm pond, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

1. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
2. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than twelve (12) feet to any property line or easement.
3. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than six (6) feet in height, and it shall be maintained in good condition with a gate and lock. In the event that a retractable pool cover is to be installed, the required fence may be reduced to no less than four (4) feet in height.

Sec 15.11.8 Specific Criteria For Conditional Uses.

The regulations specified in Article 6 "General Standards," shall apply to all conditional uses. In addition, the following criteria shall be applied to specific conditional uses. Nothing in this Section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with Article 6 and the General Standards for all conditional uses shall apply.

Sec 15.11.9 Zoning and Regulation of Amusement Arcades.

The purpose of Sections 15.11.9 to 15.11.13 inclusive of these Regulations is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained. It is further the intent of these sections to coordinate the provisions of these

Regulations with requirements governing the licensing and regulation of electronic or mechanical amusement devices in such a manner that, in the event of any conflict between the respective regulations, the more restrictive requirement or the more severe penalty shall prevail. In particular, it is the intent of these regulation to coordinate the provisions and enforcement of these regulations with Ordinance #91-, Codified as 113.01, "An ordinance fixing the licensing of billiard tables, pool tables and coin operated amusement devices and regulating the time of operation."

Sec 15.11.10 Zoning of Amusement Arcades.

Amusement arcades shall be regulated as indoor recreation entertainment or amusement establishments: and shall be conditionally permitted only in those districts where explicitly allowed under Article 9.

Sec 15.11.11 Conditional Use Permit Required.

No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 6 of these Regulations. The applicant shall demonstrate the following:

1. Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located.
2. Amusement arcades shall have necessary security personnel or supervisor as required by Section 113.01.
3. Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes.
4. If the place of business or premises for which an amusement arcade is proposed is a free standing building, the application for the conditional use permit shall include an approvable exterior lighting plan.
5. The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices.
6. Evidence shall be finished that all provisions of Section 113.01 will be complied with.

Sec 15.11.12 Maintenance of a Nuisance Prohibited.

It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.

Sec 15.11.13 Revocation of Conditional Use Permit.

The Zoning Administrator shall revoke the conditional use permit for any amusement arcade in the event that the license to operate such amusement arcade is revoked. In addition, the Zoning Administrator shall revoke the conditional use permit for any amusement arcade as specified in Article 3, if a violation has taken place.

Sec 15.11.14 Automotive Body Shops.

Automotive body shops are conditionally permitted in the B2 General Business District provided that they meet the conditions outlined below:

1. The required Development Plan shall be submitted with the application fulfilling the following specification, in addition to the standard requirements for a conditional use permit application.
 - a. Driveways shall be located not closer than twenty (20) feet from one another, ten (10) feet from an adjacent property line and twenty-five (25) feet from any adjacent R-Zoning District.
 - b. All automobile washing, and painting, and repair equipment shall be enclosed entirely within the building.
 - c. The entire lot area, exclusive of the area covered by the building, shall be paved or landscaped. A four (4) inch high curb shall separate all paved areas from all landscape areas.
 - d. The light from exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding development.
 - e. Screening/buffer requirements as per Article 10, Section 15.10.17 shall apply wherever the lot abuts a residential use or district.
2. No outdoor storage of dismantled automobiles shall be permitted.
3. Not more than one (1) pole sign shall be permitted.
4. Fire and Explosion Hazards. All activities, including storage, involving flammable, explosive, hazardous, or toxic materials shall include the provision of adequate safety devices against the hazard of fire explosion or accidental release. All State and Federal requirements shall be adhered to.
5. Glare, Heat and Exterior Light. Any operation producing intense light or heat such as high temperature processes like welding shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
6. Liquid or Solid Wastes. No discharge at any point into any public sewer, or stream or storm sewer, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accord with all Federal, State and County standards.

7. Vibrations. No uses shall be located and no equipment shall be installed in such a way to produce earth-shaking vibrations which are discernable without instruments beyond the property lines of the subject premises.

Sec 15.11.15 Cemetery.

1. The site shall have direct access to a major thorough-fare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
2. Any new cemetery shall be located on a site containing not less than fifteen (15) acres.
3. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within 100 feet of any property line.
4. All graves or burial lots shall be set back not less than fifty (50) feet from any property line.

Sec 15.11.16 Church.

1. The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
2. The church building shall be setback from any adjacent residential property line a minimum of fifty (50) feet.
3. Parking shall not be permitted within fifty (50) feet of any side or rear property line.
4. A cemetery shall not be a permitted use in conjunction with the church, unless the cemetery is also conditionally permitted in the same district and meets the separate requirements for cemeteries.

Sec 15.11.17 Regulation of Group Residential Facilities.

Sections 15.11.17 to 15.11.20 inclusive shall apply to the location, operation, and maintenance of group residential facilities.

Sec 15.11.18 Purpose.

It is the purpose of Sections 15.11.17 to 15.11.20 inclusive of these Regulations to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of these Sections to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their rehabilitation.

Sec 15.11.19 Definition.

"Group Residential Facility" shall mean any community residential facility which provides rehabilitative or habilitative services. Rehabilitative services include, but are not limited to distribution of medications, drug and alcohol counseling (group or individualized), mental health treatment or psychiatric services. There are two classes of Group Residential Facilities:

Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, the physically handicapped or disabled, or those with development disabilities or mental illnesses. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug users, provided detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

Sec 15.11.20 Conditional Use Permit Required.

A Class I Type B group residential facility is permitted by right in any residential district and regulated as a permitted residential use. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 6 or these Regulations. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

1. Evidence is presented that the proposed facility meets the certification licensing or approval requirements of the appropriate state agency.
2. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
3. Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking.
4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
5. No such facility may be located within 600 feet of another such facility.
6. No signs shall be erected by such facility for purposes of identification except a permitted street address sign.
7. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required

by code or necessitated by licensing requirements shall not be deemed incompatible.

8. Such facility shall be reasonably accessible by virtue of its location or transportation provided by the applicant to medical, recreational, and retail services required by its residents, and to employment opportunities if applicable, and shall be in a relatively safe and stable neighborhood.
9. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
10. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

Sec 15.11.21 Regulation of Home Occupations.

Sections 15.11.21 to 15.11.25 inclusive shall apply to the location, operation, and maintenance of home occupations.

Sec 15.11.22 Purpose.

It is the purpose of Sections 15.11.21 to 15.11.25 inclusive of these Regulations to promote the public health, safety, and welfare through the regulation of home occupations. It is further the intent of these Sections to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

Sec 15.11.23 Home Occupation as a Permitted Use.

A home occupation shall be a permitted use regulated as a permitted residential use if it complies with the following requirements:

1. The external appearance of the structure in which the use is conducted shall not be altered, and not more than one sign no larger than two (2) square feet shall be mounted flush to a wall of the structure.
2. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
3. There shall be not outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
4. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
6. No additional parking demand shall be created.

7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

Sec 15.11.24 Home Occupation as a Conditionally Permitted Use.

A person may apply for a conditional use permit for a home occupation in certain districts as specified in Article 9 which does not comply with the requirements of Section 15.11.23. The criteria for the issuance of such a permit for a home occupation are as follows:

1. There shall be no more than two (2) non-residential employees or volunteers to be engaged in the proposed use.
2. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation.
3. The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies.
4. Outside storage related to the home occupation may be permitted, if totally screened from adjacent residential lots, provided the application so specifies.
5. Not more than thirty (30) percent of the gross floor area of any residence shall be devoted to the proposed home occupation.
6. The external appearance of the structure in which the use is to be conducted shall not be altered, and not more than one sign no larger than two (2) square feet shall be mounted flush to the wall of the structure.
7. Minor or moderate alterations may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.
8. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
9. No more than two (2) additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard.

Sec 15.11.25 Invalidation of Home Occupation Conditional Use Permit.

For the purposes of these Regulations, a conditional use permit issued for a home occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit. Such conditional use permit shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Board of Zoning Appeals.

Sec 15.11.26 Nursery Schools or Day Care Centers.

1. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.

2. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.
3. One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted if the proposed site is to be in a residential area.

Sec 15.11.27 Funeral Homes.

1. The buildings shall be designed so as to conform with the architectural character of the residential neighborhood (if so located).
2. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic.

Sec 15.11.28 Regulation of Long-Term Parking Facilities as Accessory Uses and as Conditional Uses.

Sections 15.11.28 to 15.11.31 inclusive shall apply to the location and operation any long-term parking facility as a conditional use. A long-term parking facility is a use of land or structure for the primary (as opposed to incidental or accessory) purpose of vehicle storage for a fee.

Sec 15.11.29 Purpose.

It is the purpose of Sections 15.11.28 to 15.1.31 inclusive to regulate long-term parking facilities constructed, operated, or maintained as accessory uses in order to promote the public health, safety, and welfare.

Sec 15.11.30 Conditional Use Permit Required.

No person shall establish, operate or maintain on any premises as an accessory use a parking facility where any vehicles, to include tractors, trailers, boats, campers, recreational vehicles, buses, trucks, or automobiles, are to be parked for a continuous period exceeding six (6) days without obtaining a conditional use permit. If the time span is greater than 6 days, then the use shall be regulated as a conditional use under the provisions of these Regulations as they apply to conditional uses.

Sec 15.11.31 Permit Requirements.

In addition to complying with all other provisions of these Regulations, particularly the requirements of Articles 6 and 9, the applicant for the conditional use permit shall give evidence that the premises proposed for such use complies with the following conditions:

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

Sec 15.11.32 Outdoor, Seasonal Commercial Recreation Establishments.

Outdoor seasonal commercial recreation establishments are conditionally permitted in the RFP district subject to the following conditions. District provided that they meet the conditions outlined below:

1. The minimum yard requirements shall be as follows:
 - a. Front Yard - 50 feet except 100 feet when fronting on a state highway.
 - b. Side Yard - 40 feet
 - c. Rear Yard - 50 feet
2. The site shall have adequate access onto a hard surfaced state highway or Village thoroughfare that is regularly maintained and adequate to handle the additional traffic generated by the use.
3. A Development Plan shall be submitted which the application, as per Article 6 Section 15.6.8.

4. A Landscape Plan, including quantities, sizes and varieties of landscaping, shall be submitted with the application.
5. Parking areas shall be a minimum distance of fifty (50) feet from residential uses.
6. Outdoor artificial lighting shall be approved by the Board of Zoning Appeals to verify that no glare shall extend to adjacent residential uses during hours after darkness.
7. Water, sewer, and drainage provisions must be approved by the Department of Health, the EPA, and the Board of Appeals.
8. All flood plain/floodway requirements shall be complied with.

Sec 15.11.33 Vehicle Storage Pursuant to Outdoor Seasonal Commercial Recreational Uses

Notwithstanding other provisions of these Regulations as may apply, the outdoor storage of boats, canoes, recreational vehicles, and camping trailers may be permitted if approved by the approved Development Plan and Board of Appeals as part of an Conditional Use Permit for an Recreational Outdoor Seasonal Commercial Use.

ARTICLE 12

OFF-STREET PARKING AND LOADING FACILITIES

Sec 15.12.1 General Parking Requirements.

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

Whenever a building or use constructed or established after the effective date of these Regulations is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement of change. Whenever a building or use existing prior to the effective date of these Regulations is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then and thereafter comply with the total parking requirements set forth herein.

Sec 15.12.2 Off-Street Parking Design Standards.

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

1. **Parking Space Dimensions:** Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
2. **Access:** There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
 - a. For one single-, two- or three-family residential dwellings, the access drive shall be a minimum of nine (9) feet in width.
 - b. For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width.
 - c. All parking spaces, except those required for single, two-, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in forward motion.

3. Setbacks: For non-residential uses, parking may be allowed in required yard areas if proper screening is provided as detailed in Article 10, Section 15.10.17. In no case, however, shall the parking area be located closer than three (3) feet to any public right of way.
4. Screening: In addition to the setback requirements specified in these Regulations for off-street parking facilities, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Article 10 of these Regulations.
5. Paving: All required parking spaces together with driveways, and other circulation areas, shall be hard-surfaced with a pavement having an asphalt or concrete binder. However, variances may be granted for parking related to school auditoriums, assembly areas, sports fields, community meeting or recreation areas, and outdoor seasonal commercial recreation establishments. Where paving is not required, proper dust control measures shall be undertaken and maintained.
6. Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
7. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
8. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
9. Marking: All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Administrator and shall be maintained in a clearly visible condition.
10. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
11. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
12. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any R District.

Sec 15.12.3 Determination of Required Spaces.

In computing the number of parking spaces required by these Regulations, the following rules shall apply:

1. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar non-usable areas.

2. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each eighteen (18) lineal inches of benches, or pews, except where occupancy standards are set by the fire marshal.
3. Fractional numbers shall be increased to the next whole number.
4. The parking space requirements for a use not specifically specified in these Regulations shall be determined following the procedure for "substantially similar uses" as required by Article 6 of these Regulations.

Sec 15.12.4 Joint or Collective Parking Facilities.

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

1. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement or use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
2. Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to one hundred percent (100) of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.
3. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning permit.

Sec 15.12.5 Off-Street Storage Areas For Drive-In Services.

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

1. Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in 3 minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point.

2. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
3. Self-serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobiles washing facilities shall provide a minimum of six (6) storage spaces per entrance.
4. Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

Sec 15.12.6 Parking of Disabled Vehicles.

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

Sec 15.12.7 Parking Space Requirements.

For the purposes of these Regulations the following parking space requirements shall apply, and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals following the "substantially similar use" procedure as specified in Article 6 of these Regulations;

1. Residential Uses
 - a. Single family or two family dwelling--Two for each unit.
 - b. Apartments, Townhouses or multi-family dwellings--Two for each unit.
 - c. Mobile homes--Two for each unit.
2. Business Related Uses
 - a. Animal hospitals and kennels--One for each 400 square feet of floor area and one for each two employees.
 - b. Motor Vehicle repair station--One for each 400 square feet of floor area and one for each employee.
 - c. Motor Vehicle salesroom--One for each 400 square feet of floor area and one for each employee.
 - d. Motor Vehicle service stations--Two for each service bay and one for every two gasoline pumps.
 - e. Car washing facilities--One for each employee.
 - f. Financial institutions and similar uses--One for each 250 square feet of floor area and one for each employee.
 - g. Barber and Beauty shops-- Three for each barber or beauty operator.
 - h. Carry-out restaurants--One for each 200 square feet of floor area and one for each two employees.

- i. Drive-in restaurants--One for each 125 square feet of floor area and one per each two employees.
- j. Hotels, motels--One for each sleeping room plus one space for each two employees.
- k. Home furnishings, building and related trades-- Two plus one additional space for each 200 square feet of floor area over 1000 square feet.
- l. Consumer and trade service uses not otherwise specified--One for each employee.
- m. Funeral homes, mortuaries and similar type uses--One for each 50 square feet of floor area in slumber rooms, parlors, or service rooms.
- n. Laundromats--One for every two washing machines.
- o. Administrative, business and professional office uses--One for each 200 square feet of floor area.
- p. Sit-down, -restaurants, and similar uses--One for each - three persons of capacity.
- q. Retail stores--One for each 150 square feet of floor area.
- r. All other types of business or commercial uses permitted in any business district- One for each 150 square feet of floor area.

3. Recreational and Entertainment Uses

- a. Bowling alleys--Four for each alley or lane; one for each three persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one for each three employees.
- b. Dance halls, skating rinks--One for each 100 square feet of floor area used for the activity; one for each three persons of capacity in a restaurant, snack bar, or similar establishment and one for each three employees.
- c. Outdoor swimming pools: public, community or club--One for each ten persons of capacity, and one for each three persons of capacity for a restaurant.
- d. Auditoriums, sport arenas, theaters, and similar uses--One for each four seats.
- e. Miniature golf courses--Two for each hole and one for each employee.
- f. Private clubs and lodges--One for each ten members.
- g. Tennis facilities, racquetball facilities or similar uses--Two for each playing area; one for each employee; and one for each 100 square feet of other activity area.
- h. Indoor recreation entertainment or amusement establishments not listed above, and amusement arcades--One for each 150 square feet.
- i. Outdoor seasonal commercial recreation establishments: As listed above, or if not listed, one parking space for every two (2) anticipated customers plus one (1) space for each employee, as determined by the Board of Appeals.

4. Institutional Uses

- a. Churches and other places of religious assembly--One for each eight (8) seats in main assembly room, or one for each classroom, whichever is greater.
 - b. Hospitals--One for each three beds.
 - c. Sanitariums, homes for the aged, nursing homes, rest homes, similar uses--One for each 3 beds.
 - d. Medical and dental clinics--One for every 100 square feet floor area.
 - e. Libraries, museums, and art galleries--Ten, and one for each 300 square feet floor area in excess of 2,000 square feet.
5. Educational Institution (Public, Parochial, or Private) Uses
- a. Elementary schools, and kindergartens--Four for each classroom; one for every four seats in auditoriums or assembly halls; and one for each additional non-teaching employees.
 - b. High schools and middle schools--One for every ten students, or one for each teacher and employee, or one for every four seats in auditoriums, assembly areas or sports fields, whichever is greater.
 - c. Business, technical and trade schools-- One for each two students.
 - d. Child care centers, nursery schools, and similar uses--Four for each classroom.
6. Manufacturing Uses
- a. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district--One for every employee (on the largest shift for which the building is designed), and one for each motor vehicle used in the business.
 - b. Cartage, express, parcel delivery, and freight terminals--One and one half for everyone employee (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.

Sec 15.12.8 Handicapped Parking.

Parking facilities serving those buildings and facilities which are required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:

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

Sec 15.12.9 Elderly Housing Parking.

Each parking space provided for an elderly housing facility shall at a minimum measure nine (9) feet in width and twenty (20) feet in length, with aisles measuring twenty-one (21) feet in width. There shall be provided one (1) such parking space per dwelling unit and per regular shift employee, except that the Board of Zoning Appeals may approve a parking plan for an elderly housing facility which provides (3) such parking spaces for every four (4) dwelling units and one (1) per regular shift employee, if the site plan includes a set-aside of landscaped area, which set-aside is not part of any open-space requirement and which is accessible to egress/entrance for parking purposes, should additional parking spaces be deemed necessary by the Board of Zoning Appeals subsequently.

Sec 15.12.10 Off Street Loading Space Requirements.

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

Sec 15.12.11 Off Street Loading Design Standards.

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

1. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
2. Setbacks: Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any B1 or- B2 business districts, provided that not more than 90% of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than 5 feet from any street or alley.
3. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 15.10.17 or these Regulations.
4. Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.

ARTICLE 13

REGULATION OF MANUFACTURED HOME PARKS

Sec 15.13.1 Approval Procedures.

The provisions of Sections 15.13.1 to 15.13.24 inclusive provide for the location and regulation of manufactured home parks in order to protect the public health, safety, and welfare.

Manufactured home parks shall be located only in the Manufactured Home Park District (RMH) and shall be developed according to the standards and regulations stated and referenced in Article 13. The procedure to amend the Official Zoning Map to establish the RMH District shall be that procedure for amendments specified in Article 7.

Sec 15.13.2 Principal Permitted Uses.

The principal permitted uses within a RMH district shall be:

1. Manufactured homes and mobile homes.
2. Permanent buildings or structures for administrative offices, maintenance, or service and utility provision associated with the operation of the manufactured home park.

Sec 15.13.3 Zoning Lot, Area and Building Requirements.

As required by Chapter 3701-27 of the Ohio Administrative Code.

Sec 15.13.4 General Standards for Manufactured Home Parks.

The Planning Commission and the Village Council shall review the particular facts and circumstances of each proposed manufactured home park developed in terms of the following standards and shall find adequate evidence that such development meets these standards:

1. The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately;
2. The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on surrounding public streets or roads;

3. The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance;
4. The establishment of the proposed park shall not be detrimental to the value of surrounding properties or to the character of the adjacent neighborhoods.

Sec 15.13.5 Manufactured Home Park Requirements.

All manufactured home parks shall comply with the requirements of Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code.

Sec 15.13.6 Siting Requirements.

Any factory-built housing proposed to be located in a mobile home park shall comply with the following requirements:

1. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
2. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
3. The site shall be suitably landscaped, with adequate screening devices as elsewhere required.
4. The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.
5. The siting of the structure shall comply with all parking requirements as per these Regulation and the Ohio Administrative Code.
6. The site shall be serviced by utilities in such manner as required by these Regulations.
7. Paving: All required off-street loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust free surface. Where paving is not required, proper dust control measures shall be undertaken and maintained.
8. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water on to adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
9. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

Sec 15.13.7 Procedure for Establishing, Enlarging, or Increasing the Density of any Manufactured Home Park.

If a manufacturing home park is proposed to be established, or if an existing manufactured home park is proposed to be enlarged, then the procedure for completing a zoning map amendment to the RMH district shall be followed as specified in Article 7, "Amendment".

The map amendment process may precede the following site plan approval process, as outlined in Sections 15.13.8 through 15.13.24. Or the map amendment process may proceed concurrently with the site plan approval process. The site plan approval process, which shall be followed whenever a manufactured home park is established, enlarged, or subject to an increase in density, is outlined below in Sections 15.13.8 through 15.13.24.

Sec 15.13.8 Procedure for Approval of a Manufactured Home Park.

Manufactured Home Park districts shall be approved in accordance with the procedure in Sections 15.13.8 to 15.13.24.

Sec 15.13.9 Pre-Application Meeting.

The developer shall meet with the Zoning Administrator and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of these Regulations and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations.

Sec 15.13.10 Preliminary Development Plan Application Requirements.

An application for preliminary Manufactured Home Park approval shall be filed with the Zoning Administrator by at least one owner of property for which the development is proposed. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Present use(s);
4. Present and proposed zoning district;
5. A vicinity map at a scale approved by the Zoning Administrator showing the property lines, streets, existing and the proposed zoning, and such other items as the Zoning Administrator may require;
6. A preliminary development plan at a scale approved by the Zoning Administrator showing topography at ten (10) foot intervals; layout, dimensions, and names of existing and proposed streets; right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building setback

- lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas.
7. Proposed schedule for the development of the site;
 8. Evidence that the applicant has sufficient control over the land in questions to initiate the proposed development plan within two years.
 9. A fee as established;
 10. A list containing the names and mailing addresses of all owners of property within 500 feet of the property in question;
 11. Verification by at least one owner of property that all information in the application is true and correct to the best of his knowledge.
 12. Evidence of compliance with all requirements of Section 3701 of the Ohio Administrative Code.

Sec 15.13.11 Planning Commission Public Hearing.

The Planning Commission shall schedule a public hearing on the application for approval of the preliminary development plan not less than twenty (20) or more than forty (40) days from the date of filing such an application.

Sec 15.13.12 Notice of Public Hearing.

Before holding the public hearing, notice of such Commission hearing shall be given in one or more newspapers of general circulation at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the manufactured home park, and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the Village Council for further determination.

Also before holding the public hearing, written notice of such hearing shall be sent by the Planning Commission by first class mail, at least twenty (20) days before the hearing, to all owners of property within 500 feet of the property in question and to such others as the Commission determines should receive notice. Notices to individual property owners shall contain the same information as requirement of notices published in the newspaper.

Sec 15.13.13 Public Access to Proposed Documents.

For a period of at least twenty (20) days prior to the public hearing by the Commission, all papers relating to the manufactured home park shall be available for public inspection in the office of the Zoning Administrator.

Sec 15.13.14 Approval in Principle of Preliminary Development Plan.

Within sixty (60) days after the public hearing, the Commission shall review the preliminary development plan to determine if it is consistent with the intent of these Regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan.

Sec 15.13.15 Submission of Final Development Plan.

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Administrator. The final development plan shall be in general conformance with the preliminary development plan approved in principle. For the purposes of these Regulations, the submission of the final development plan may be viewed as a formal request for rezoning of the property in question. Five (5) copies of the final development plan shall be submitted and shall be endorsed by qualified professionals.

Sec 15.13.16 Final Development Plan Application Contents.

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

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
2. All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; non-residential accessory buildings if any.
3. A schedule for the development of units to be established in progression, and a description of the design principles for lot layout and streetscapes; a tabulation of the number of acres in the proposed project, the number of housing units proposed by type; estimated residential population, and standards for open space, density, parking areas and public improvements.
4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements mail service; and the nature and extent of earth work required for site preparation and development.
5. Site plan.
6. Landscaping plans.

7. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.
8. A fee as established.
9. Any and all other items required by Article 7, Section 15.7.4, "Contents of Application for a Zoning Map Amendment."
10. Evidence of compliance with all requirements of Section 3701 of the Ohio Administrative Code.

Sec 15.13.17 Public Hearing by Commission.

Within thirty (30) days after submission of the final development plan, the Commission shall hold a public hearing. Notice and public inspection of the application shall be as specified in Sections 15.13.12 and 15.13.13 of these Regulations.

Sec 15.13.18 Recommendation by Commission.

Within sixty (60) days after receipt of the final development plan, the Commission shall recommend that the final development plan be approved as presented, approved with supplementary conditions, or disapproved, and shall transmit all papers constituting the record and the recommendations to Village.

Sec 15.13.19 Criteria for Commission Recommendation.

Before making its recommendation, the Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

1. The proposed development can be initiated within two years of the date of approval.
2. The streets proposed are suitable and adequate to carry anticipated traffic.
3. The area surrounding the manufactured home park can be planned and zoned in coordination and substantial compatibility with the proposed development.
4. The existing and proposed utility services are adequate.
5. The proposed manufactured home park, and the application, are in compliance with Section 3701 of the Ohio Administrative Code.

Sec 15.13.20 Public Hearing by Village Council.

After receiving the recommendation from the Planning Commission, the Council shall hold a public hearing within 40 days.

Sec 15.13.21 Notice of Public Hearing by Council.

Before holding its public hearing, notice of such hearing shall be given by at least one publication in one or more newspapers of general circulation at least thirty (30) days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and a general description and summary of the manufactured home park, and a statement that all papers relating to the planning unit development are on file with the Clerk and open for public inspection

Also, written notice of the hearing on the manufactured home park shall be mailed by the Clerk by first class mail, at least twenty (20) days before the date of the public hearing, to all owners of property within 500 feet of the proposed manufactured home park and to such others as may be determined should receive such notice. Notices to individual property owners should contain the same information as required of notices published in the newspaper.

Sec 15.13.22 Action by Council.

After the public hearing, the Council shall either approve, approve with supplementary conditions, or disapprove the application as submitted. If the application is approved as submitted or approved with conditions, the Council shall direct the Zoning Administrator to issue zoning permits in accordance with the approved plan and any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment, and no change from or substantive alteration in or increase in density in such manufactured home park shall be permitted without repetition of the procedures in these Sections.

In the event that the Council denies or substantively modifies the final development plan as recommended by the Commission, any resulting final development plan for said manufactured home park shall not be effective unless passed or approved by three-fourths (3/4) of Council.

Sec 15.13.23 Supplementary Conditions and Safeguards.

In approving any manufactured home park application, both the Planning Commission and the Council may prescribe appropriate conditions and safeguards in conformity with these Regulations or with Section 3701 of the Ohio Administrative Code. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of these Regulations and be punishable as such.

Sec 15.13.24 Expiration and Extension of Approval Period.

The approval of a final development plan for a manufactured home park district shall be for a period not to exceed two (2) years to allow for preparation and recording of the (if

required) subdivision plat and development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void, and a re-zoning action to a different classification shall be initiated by the Planning Commission on other eligible applicant. An extension of the time limit or modification of the approved final development plan may be approved if the Board of Zoning Appeals finds that such extension is not in conflict with the public interest.

ARTICLE 14

PLANNED UNIT DEVELOPMENT DISTRICT

Sec 15.14.1 Purpose.

The purpose of the PUD district is to provide an alternate subdivision and platting procedure and:

1. To permit the creation of areas within the village that can be developed or redeveloped with maximum flexibility in design;
2. To promote the efficient use of land and facilitate an economic arrangement of buildings, circulation systems, and utilities; and to promote conformance to the village's land use and thoroughfare plan, zoning ordinance, and any other applicable regulations;
3. To provide for and locate suitable supporting recreation facilities, educational facilities and other public and semi-public common facilities, while preserving the existing landscape to the greatest extent possible;
4. To encourage the most skillful planning in the arrangement of buildings, the preservation of open space, the utilization of topography and other site features;
5. To provide creative and coordinated architectural and site designs harmonious and compatible with surrounding uses;
6. To encourage a mix of land use types and densities within a development in order to establish a balanced overall development pattern; and
7. To obtain pedestrian and bicycle amenities between neighborhoods and adjacent commercial and civic properties.

Sec 15.14.2 Permitted Buildings And Uses.

Any use permitted in this zoning ordinance may be permitted in the planned unit development district provided that it is consistent with the overall purpose of the PUD district and is compatible with the adjacent uses. Planning commission reserves the right to prohibit certain uses which it may find objectionable for the reason that such uses are not consistent with the purpose set forth in sec. 15.14.1 or the use is not consistent with the land planning criteria of sec. 15.14.3 or other requirements set forth in this article.

Sec 15.14.3 Land Planning Criteria.

The following planning criteria are established to guide and control the planning, development and use of land in a PUD district and are in addition to all other applicable regulations in the zoning ordinance:

1. Relationship of Buildings to Each Other.

- a. Evaluation of appearance of a project shall be based on quality of its overall design and relationship to surroundings. Architectural style is not restricted; however, Planning Commission may require architecture that is sensitive and compatible with its surroundings.
- b. Buildings shall be in scale and harmonious with permanent neighboring developments.
- c. Materials shall be in harmony with adjoining structures.
- d. Materials shall be selected for suitability to the type of building and design in which they are used.
- e. Materials shall be of durable quality. Construction materials such as tilt-up concrete, smooth faced block, prefabricated steel panels, and other similar materials shall be avoided unless the exterior surface is covered with an acceptable architectural treatment.
- f. There should be definite transitions between changes of material and plane to break the building mass.
- g. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious to their surroundings.
- h. Exterior building components such as windows, doors, eaves, and parapets are required and shall have balanced proportions.
- i. All sides of a structure should receive design consideration. A facade unrelated to the rest of the building is not in keeping with acceptable design.
- j. Colors shall be harmonious and accents, if used, shall be compatible.
- k. All projections and mechanical details such as louvers, exposed flashing, flues, vents, gutters and downspouts are to be recognized as architectural features and are to be treated to match the color of the adjacent surface or an approved complementary color.
- l. Mechanical equipment or other utility hardware on the roof, ground, or elevations shall, wherever possible, be located so as not to be visible from any public ways or adjacent residential areas. Where such limitation on location is not possible, the facilities shall be screened from public view with landscaping and/or materials harmonious with the building.
- m. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways with landscaping and/or materials harmonious with the building.
- n. Monotony of design in single or multiple building projects shall be avoided. Variation of exterior wall material, detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to help prevent a monotonous appearance.

2. Relationship Of Buildings To Site.

- a. Projects shall reflect the character of the site upon which they are located. Compatibility to grade conditions, degree of exposure from

- passers-by, the context of adjacent structures, exceptional views, tree masses, and size of the lot are some of the factors to be considered.
- b. The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, safe pedestrian movement, and parking areas.
 - c. Consideration of the appropriateness of providing setbacks and yards in excess of zoning restrictions is encouraged to enhance compatible relationships between buildings, and between buildings and adjacent streets.
 - d. Plans should demonstrate a concern for the conservation of energy by their sensitivity to factors such as the orientation of a building, the use and location of glass, and the use of landscape materials on the site.
 - e. Parking areas shall be treated with decorative elements, building wall extensions, plantings, beams or other means so as to minimize the impact of parked vehicles on the view from public ways and adjacent residential areas.
 - f. Fencing plans must be a part of the submittal at the earliest stages and should be consistent with the general plan for the site.
 - g. The design of fences and screening walls shall give specific consideration to the relief of monotony, such as breaking up major lengths by complementary landscaping.
 - h. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
 - i. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
 - j. Residential units shall have access to or directly abut public or common open space areas.

3. Relationship Of Project To Adjoining Area.

- a. Designs shall demonstrate a harmony in texture, lines, and masses between all adjacent buildings. Monotony shall be avoided.
- b. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- c. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks and materials.
- d. Attractive landscape transition or compatible use characteristics to adjoining properties shall be provided.
- e. Project features that may have negative impacts upon adjacent properties, such as parking lots, service entrances, loading zones, mechanical equipment, etc., shall be buffered from the adjacent properties.

4. Landscape and Site Treatment.

- a. Where natural or existing topographic patterns contribute to the appearance of a development, they shall be preserved and enhanced.

Modification to topography will be permitted where it contributes to good appearance.

- b. Each landscape plan shall address the functional aspects of landscaping such as drainage, erosion prevention, wind barriers, provisions for shade, energy conservation, sound absorption, dust abatement and reduction of glare.
- c. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and to provide shade.
- d. Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.
- e. Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of attractive appearance shall be used.
- f. Parking areas and related traffic ways shall be enhanced with landscaped areas, including trees or tree groupings.
- g. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
- h. Where building sites limit planting, the placement of approved trees in parkways is encouraged.
- i. Where landscaping is used as screening, it shall be equally effective in winter and summer.
- j. In areas where general planting will not prosper, other materials shall be used, such as: fences, walls, and pavings of wood, brick, stone, gravel, and cobbles. Suitable plants shall be combined with such materials where possible.
- k. Landscape screening shall be of a height and density so that it provides the full desired effect within three (3) years growing time.

5. Non-Motorized Transportation.

- a. The planned unit development shall be designed with a sidewalk network to accommodate safe pedestrian circulation throughout and along the perimeter of the site, without interference from vehicular traffic.
- b. Pedestrian passage in a form of an access easement is strongly recommended between dead-end streets, including cul-de-sacs, and adjacent thoroughfares and developments.
- c. Pedestrian amenities are strongly encouraged and include any element that further enhances the visual appeal of the development and community and benefits residents, guests, employees or patrons of the development. Examples include, but are not limited to public assembly areas including: plazas, formal gardens, patios, playgrounds and courtyards; decorative and natural looking water features and fountains; and pedestrian walkways and sidewalks made of decorative materials and colors. Each area shall provide benches and other amenities designed to attract pedestrians as a place to rest, congregate and socialize. Each

planned development shall have a minimum of two of the above mentioned or other amenity landscaping.

6. Signs.

- a. Every sign shall have appropriate scale in its design and in its visual relationship to buildings and surroundings.
- b. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- c. The height of a sign shall not exceed the predominant height of the principal building to which it relates, or the maximum height permitted by the village's sign regulations, whichever is lower.
- d. The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- e. The number of colors and graphic elements on a sign shall be held to the minimum needed to convey the sign's major message, and shall be composed in proportion to the area of the sign face. The listing of individual services rendered or items offered for sale, and the use of telephone numbers, arrows, and multiple logos on a sign are generally unacceptable.
- f. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.
- g. Each sign shall be compatible with signs on adjoining premises, and shall not compete for attention.

7. Lighting.

- a. All exterior lighting should balance the need for energy conservation with needs for safety, security and decoration.
- b. Where decorative exterior floodlighting is used, it shall consist of an appropriate composition of brightness relationships, textures, and restrained colors to dramatize a setting and extend the hours of the setting's usefulness. Floodlighting fixtures shall be located or shielded so that their presence is minimized.
- c. All exterior lighting shall be part of the architectural and landscape design concept. Fixtures, standards and all exposed accessories shall be concealed or harmonious with other project design materials.
- d. In general, the height of exterior lighting fixtures shall not exceed the predominant height of the principal building to which it relates.
- e. Exterior lighting shall not be designed to permit an adverse effect upon neighboring properties. Designs shall specify appropriate light cut-off angles for all sources of strong illumination.
- f. If high pressure sodium vapor luminaries are used for free-standing parking lot and internal access route lighting, they should be color corrected for compatibility.

8. Miscellaneous Structures and Street Hardware.

- a. Miscellaneous structures and street hardware (i.e., seating, lighting, mailboxes, etc.) Shall be designed to be a part of the architectural and landscape design concept. The materials shall be compatible, the scale shall be appropriate, and the colors shall be in harmony with buildings and surroundings.
9. Maintenance Design Factors.
 - a. Continued quality of appearance depends upon the extent of quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
 - b. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
 - c. Provisions for washing and cleaning of buildings and structures and control of dirt and refuse shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt and rubbish shall be avoided.

Sec 15.14.4 Area and Density Regulations.

The various area, yard and height regulations of a planned unit development area in a PUD district are defined and set forth as follows:

1. Development Area. The minimum area to qualify as a planned unit development area shall be not less than five (5) contiguous acres. A parcel or parcels of land with less acreage may be considered for planned development when it is demonstrated that such smaller area has a unique feature of geography, topography or other development aspect which is determined to be appropriate for such district designation. However, contiguous property of less than five (5) acres may be added to a previously established PUD district without any demonstrated basis.
2. Lot width, setback and yard requirements may be varied to accommodate a variety of structural patterns, clustering design and housing types.
3. Residential uses including single family homes, two-family homes, and multiple-family housing including row houses, condominiums, landominiums and zero-lot line developments may be combined in PUD districts, provided that the proposed location of the uses will not adversely impact upon adjacent property or the public health, safety and general welfare, and that the location of such uses are specified in the final development plan. Lot area, other yard requirements, and use requirements of these underlying residential districts shall apply except as modified herein by this article. Project density shall be determined by the total lot area allowable in the underlying zoning district based on the following schedule:

| District | Total Lot Area Allowable |
|-----------------|---------------------------------|
| R1/RFP | 21,780 square feet |
| R2 | 12,000 square feet |
| R3 | 6,000 square feet |

Planning commission shall have the authority to deviate from the above standards subject to subsection 4 hereof. The calculation of residential density shall be determined by dividing the total number of units by the net residential area. Net residential area excludes that portion dedicated to right-of-way.

4. Standards for increase in residential density.
 - a. The Planning Commission may recommend authorization of an increase in the residential density of the planned unit development for exemplary projects that substantially meet requirements of sec. 15.14.3. If the Planning Commission finds that any of the following conditions would be created by an increase in density, it may then use either of the provisions listed in subsection 4.b. Hereof.
 - 1) Inconvenient or unsafe access to the planned unit development;
 - 2) Traffic congestion in the streets which adjoin the planned unit development; or
 - 3) An excessive burden on parks, recreational areas, schools and other public facilities which serve or are proposed to serve the planned unit development.
 - b. The Planning Commission may use either of the following provisions in order to control the conditions specified in subsection 4.a. Hereof.
 - 1) Prohibit any increase in density; or
 - 2) Limit the increase in density by an amount which is sufficient to avoid the creation of any of these conditions.

Sec 15.14.5 Peripheral Setbacks.

The minimum setbacks required for buildings, parking and streets along the boundary of any PUD district shall meet the minimum standards shown in the following table:

| PUD use | If adjacent to a residential district | If adjacent to a non-residential district | If adjacent to a right-of-way |
|---------------------|--|--|--------------------------------------|
| Non-residential use | 75 feet | 20 feet | 50 feet |
| Residential use | 40 feet | 40 feet | 50 feet |

The Planning Commission may allow for a reduction of the setbacks if the applicant demonstrates that any negative impacts of reducing the setback is sufficiently mitigated.

Sec 15.14.6 Required Open Spaces.

The planned unit development will only be approved if the development plan contains areas to be allocated for common open space which satisfy the standards governing the usability and quality of common open space that are contained below:

1. No open area may be accepted as common open space under the provisions of this zoning ordinance unless it meets the following standards:
 - a. Common open space shall comprise at least twenty percent (20%) of the project area.
 - b. The location, shape, size and character of the common open space shall be suitable for the planned unit development. Public utility and similar easements and rights-of-way for water courses and other similar channels may be acceptable for common open space provided it does not comprise more than fifty percent (50%) of the minimum open space total, unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the commission. Common open space shall not include private yards, required setbacks between the project boundary lines and buildings, and minimum spacing between buildings.
 - c. Common open space shall be used for amenity or recreational purposes or remain undeveloped. The uses authorized for the common open space shall be appropriate to the scale and character of the planned unit development, considering its size, density, expected population, including ages and number, topography and the number and type of dwellings or uses to be provided.
 - d. 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 having regard to its topography and unimproved condition.
- e. The development schedule which is part of the development plan shall coordinate the improvement of the common open space, the construction of buildings, structures and improvements in the common open space and the construction of other buildings in the planned development.
 - f. If the final development plan provides for buildings, structures or improvements in the common open space, the developer shall provide a bond of one hundred percent (100%) of the village engineer's estimate of the cost of those improvements so that the buildings, structures and improvements will be completed before the final plat is recorded. Upon request of the developer, the Planning Commission may delay the requirements of posting bond, such delay to be based upon the development schedule. If the developer does not complete the buildings, structures and improvements at the time set forth in the schedule, then the commission shall require that a bond be provided for the remainder of the improvements. The commission shall release the bond or other assurance when the buildings, structures or improvements have been completed according to the development plan.
 - g. The use and improvement of the common open space shall be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within 1,500 feet of the perimeter of the planned development.
2. All land shown on the final development plan as common open space shall be conveyed under one (1) of the following options:
- a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures or improvements which have been placed on it.
 - b. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned unit development. The common open space shall be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses or extent of development specified on the final development plan and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
3. No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use so authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas and all rights to enforce these covenants are expressly reserved.
4. If the common open space is not conveyed to a public agency, either one of the following methods of enforcement may be provided:

- a. The legal right to develop the common open space for those uses not specified in the final development plan may be conveyed to a public agency.
 - b. The restrictions governing the use, improvement and maintenance of the common open space may be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency, at its discretion, in the event of a substantial default in the stated conditions.
 - c. The covenants governing the use, improvement and maintenance of the common open space may authorize a public agency to enforce their provisions.
5. The building official shall not issue a building permit for any building or structure shown on the final development plan for any stage of the planned unit development unless the common open space allocated to that stage by the development schedule has been conveyed under one of the options provided in subsection hereof.

Sec 15.14.7 Intent of Procedural Requirements; Required Charges.

1. It is the purpose of sections 15.14.7 through 15.14.22 to establish procedures, supplementary to those applicable in the standard zoning districts created by this zoning ordinance, under which a developer may prepare development plans particularly designed to meet the objectives for a planned unit development. Procedures are also established for professional review of such development plans, action thereon by the village and the implementation thereof.
2. The applicant shall be responsible for the reasonable expenses incurred by the village in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional and review services, including expenses and legal fees in connection with reviewing the plan and prepared reports, the publication and mailing of public notice in connection therewith and any other reasonable expenses directly attributable thereon.
3. At the time of submitting the preliminary plan to the Planning Commission for consideration, the applicant shall make a deposit in the office of the clerk in an amount equal to the estimated cost of the village's expense. This deposit shall not exceed two thousand five hundred dollars (\$2,500) at any time. When this deposit has been depleted to thirty-three percent (33%), another deposit will be requested.

Sec 15.14.8 Preliminary Plan of Development Area.

1. The developer is encouraged to meet with the village planner and village engineer prior to submission of a preliminary plan. The intent of this meeting is to discuss early and informally, the purpose and effect of the ordinance and the criteria and standards contained herein. It will also give the developer the

opportunity to become familiar with zoning and other applicable regulations, as well as the benefit of any comments on his specific proposal by the village staff. The preliminary plan shall include the following information:

- a. Name, address, and phone number of the applicant.
- b. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of preliminary development plans.
- c. The boundary of the proposed planned unit development with bearings and distances indicated for all proposed boundary lines. The total area of the proposed planned unit development should be indicated.
- d. The zoning of all adjoining properties and existing zoning of sites.
- e. Existing features of the site within 100 feet including topography at 10 foot intervals or less, vegetation, trees with 8-inch caliper, roadways, structures, permanent facilities, drainage courses and utilities.
- f. The specific location of proposed land uses within the planned unit development. The amount of area dedicated to each type of land use shall be indicated. The types of uses and their extent, size and composition in terms of use, intensity and coverage of structures shall be specified. For residential developments, dwelling unit density in terms of dwelling units per gross acre and minimum lot sizes, frontages and setbacks shall be specified.
- g. The interior open space system includes open space area calculations.
- h. The conceptual circulation system, noting the primary roadway and pedestrian systems within the project and their connection to the existing network including existing and proposed right-of-way widths.
- i. All FEMA designated 100-year flood plain areas.
- j. Conceptual utility layout indicating approximate location of lines, easements, and connections.
- k. A complete application provided by the village along with the required review fee.
- l. A list containing the names and addresses of all property owners adjacent to and within 300 feet of the subject property printed on 2 sets of address labels.
- m. Legal description of property.
- n. A vicinity map at a scale approved by the zoning administrator showing the property lines, streets, existing and proposed zoning, and such other items as the zoning administrator may require.
- o. Proposed regarding that would substantially alter the topography.
- p. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development.

Sec 15.14.9 Referral For Review and Reports.

Upon receipt of a preliminary plan of a development area, the zoning administrator shall transmit a copy of the preliminary plan to the village planner, village engineer, fire chief and police chief for their review, report and recommendation. The zoning administrator

shall also transmit a copy of all covenants, restrictions and easements to be recorded and covenants for maintenance to the solicitor for his review, report and recommendation. The solicitor, engineer and planner shall each, within fifteen (15) days from receiving a preliminary plan of the development area, unless otherwise extended, provide and furnish to the Planning Commission a report upon their respective jurisdiction.

Sec 15.14.10 Planning Commission Public Hearing.

The Planning Commission shall schedule a public hearing on the application for approval of the preliminary plan not less than twenty (20) days or more than forty (40) days from the date of filing such an application.

Sec 15.14.11 Notice of Public Hearing.

Before holding the public hearing, notice of such commission hearing shall be given in one or more newspapers of general circulation at least fifteen (15) days before the date of said hearing. The notice shall set for the time and place of the public hearing, a general description of the planned unit development, and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the village council for further determination.

Written notice of the hearing on the planned unit development shall be mailed by the clerk by first class mail, at least twenty (20) days before the date of the public hearing, to all owners of property located within 300 feet of a pud boundary. Notices to individual property owners should contain the same information as required of notices published in the newspaper.

Sec 15.14.12 Public Access to Proposed PUD Documents.

For a period of at least twenty (20) days prior to the public hearing by the commission, all papers relating to the planned unit development shall be available for public inspection in the office of the zoning administrator.

Sec 15.14.13 Planning Commission Review.

Within sixty (60) days after the public hearing, the Planning Commission shall review the preliminary plan to determine if it is consistent with the intent of these regulations; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Planning Commission's approval, approval with conditions, modification or disapproval in principle of the preliminary development plan shall be necessary before the preliminary development plan is transmitted to council.

Sec 15.14.14 Report to Council.

1. Within sixty (60) days, unless otherwise extended by consent of the developer, after a preliminary plan has been filed with the zoning administrator, the Planning Commission shall evaluate the plan and reports required under sec. 15.14.9, and it shall furnish to council its detailed report and recommendations with respect thereto. Planning Commission may extend the sixty (60) days set forth above for good cause. The Planning Commission shall notify the developer of any such extension prior to the elapse of the original sixty days. Failure to submit the report within sixty days shall not be deemed either an approval or disapproval of the preliminary plan.
2. The report of the Planning Commission shall include a finding either that the preliminary plan complies with the regulations, standards, criteria and purpose prescribed by this zoning ordinance for planned unit development areas applicable to the proposal, or a finding of any failure of such compliance, and a recommendation that the preliminary plan be approved, approved with conditions, disapproved or modified. If in any evaluation, the Planning Commission finds that any regulations, standards or criteria prescribed by this zoning ordinance are inapplicable because of unusual conditions of the development area, or the nature and quality of the proposed design, it may recommend to council that an adjustment in such regulations, standards or criteria be made, and that special conditions be required for the development, provided such adjustment or conditions will not be in conflict with the promotion of the public health, safety and general welfare of the village. Such adjustments and conditions shall constitute a part of the proposed preliminary plan.
3. The preliminary plan, together with eight (8) copies of the report of the Planning Commission, shall be filed with the clerk for submission to village council and the mayor.

Sec 15.14.15 Action By Council.

1. Council, at its next regular meeting following receipt of the Planning Commission report, or as otherwise extended by consent of the developer, shall set a date for a public hearing on the preliminary plan of the development area, including the report of the commission thereon, and shall give at least thirty (30) days notice of the time, place and purpose of such hearing by publication in one or more newspapers of general circulation in the village.
2. Written notice of the hearing on the planned unit development shall be mailed by the clerk by first class mail, at least twenty (20) days before the date of the public hearing, to all owners of property located within 300 feet of a PUD boundary. Notices to individual property owners should contain the same information as required of notices published in the newspaper.
3. Following the public hearing, council shall either approve, approve with conditions, disapprove or modify the preliminary plan in conformity with

regulations, standards, criteria and purpose prescribed by this zoning ordinance. Council may affirm any report of the Planning Commission or disapprove a favorable report of the Planning Commission by a majority vote of its members. If council reverses a report of the commission recommending disapproval of a preliminary plan, it may only do so by the affirmative vote of two thirds of the members elected or appointed to council.

Sec 15.14.16 Council's Action Shall Constitute Rezoning.

Provided that council has acted as directed by sec. 15.14.15 and provided that the Planning Commission has approved a preliminary development plan and preliminary plat (if a subdivision), then council's action under sec. 15.14.15 shall constitute a zoning action and shall be subjected to all provisions contained within these regulations regarding referendum. Any subsequent rezoning of the property shall follow the amendment process as specified in these regulations.

Sec 15.14.17 Lapse of Approval.

If within 120 days of council's approval of the preliminary plan, the developer does not submit a final plan of the development area, or if the developer fails to commence construction within one (1) year of council's approval of the preliminary plan, then the developer shall forfeit the required inspection fee, and the approval of the preliminary plan shall lapse. The Planning Commission report and preliminary plan approved by council may specify an enlargement of the foregoing 120-day and one (1) year periods for all or part of the development area when the nature and character of the particular type of use or development so required or when progressive stage development is specified in the preliminary plan.

Sec 15.14.18 Final Plan of a Development Area.

The developer of any parcel or parcels of land for which a preliminary plan has been approved by council may submit a final plan of the development area. Twenty (20) copies of such plan shall be filed with the zoning administrator along with a complete application including required review fee. The final development plan may be presented either in sections or in its entirety. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. Each application shall clearly state that the approval shall expire and a rezoning action may be initiated by the Planning Commission or council if construction on the project has not begun within two (2) years from the date of issuance of the approval. Within sixty (60) days after submission of the final development plan, the commission shall recommend that the final development plan be approved as presented, approved with conditions, or disapproved.

1. The final plan of the development area shall contain and be accompanied by the following unless waived by Planning Commission as inapplicable:

- a. Topography, at a two (2) foot contour interval, of the proposed development area, including property lines, easements, street right-of-way, existing structures, trees and landscape features existing thereon, floodplains, wetlands, ravines, stream areas, ponds and lakes, and including a certificate, by a registered engineer or surveyor, of the gross area of the development area in acres and square feet.
- b. The vehicular and pedestrian traffic patterns, with a traffic impact study, including the proposed location and design of public and private streets; the directional flow and location of existing and proposed storm and sanitary sewers and sewers connecting with existing or proposed municipal interceptor, outlet or trunk sewers outside the development area; the location and design of parking and service areas; and an estimate of traffic volumes to be generated, including the assignment of traffic to proposed entrances and exits.
- c. A site plan, including the proposed public and private street system with right-of-way, all easements, the use and subdivision of all land including common and private land, and the location of each existing structure to be retained.
- d. A plat of the development area showing street right-of-way, subdivided and common land and easements in accordance with the requirements of the village subdivision regulations which shall be in form for recording.
- e. Detailed plans and specifications for all streets, sidewalks, storm and sanitary sewers, water mains, street illumination, open space calculations, open space amenities, and all other site features of the development area or that portion of the development area to be developed, designed in accordance with the village subdivision regulations. Upon approval and recommendation from the village engineer, Planning Commission may vary the village's subdivision regulations to allow more flexibility in design.
- f. A detailed landscape plan showing all site features and finished grading for public and private lands within the development area.
- g. The final form of covenants running with the land and deed restrictions (including the use of common land); covenants, restrictions or easements to be recorded; declaration of covenants, restrictions and bylaws of a home association and its incorporation; declaration of condominium ownership and other covenants, if any, for maintenance.
- h. Estimated project cost, including estimates for all public and private improvements.
- i. Construction schedule and land disposition program.
- j. Site plans, floor plans, elevations and cross sections for all buildings and structures.
- k. Descriptive data as to the type of buildings, square footage for each use and number of dwelling units in each building type.
- l. In the event the final plan of a development area includes the subdivision of land, any map, plat or other data required for compliance with the provisions of the village subdivision regulations.

2. The Planning Commission may require additional data and/or drawings to supplement the above when more information is needed or when special conditions occur.

Sec 15.14.19 Conditions for Approval By Commission.

If the Planning Commission finds that a proposed final plan of development area is in substantial accordance with and represents a detailed extension of the preliminary plan heretofore approved by council; that it complies with all of the conditions and adjustments which may have been imposed in the approval of the preliminary plan; that it is in accordance with the design criteria and provisions of this zoning ordinance which apply particularly to any plan of the planned unit development; that all agreements, contracts, deed restrictions, dedications, declarations of ownership and other required documents are in acceptable form and have been executed; that development pursuant to a previously approved final plan is in accordance with that plan and the approved preliminary plan; that all fee payments have been made and that the provisions of the subdivision regulations have been met; that the location, design, size and uses will result in an attractive, healthful, efficient and stable environment for commerce and/or residential development; that the design size and use are consistent with land use plans adopted by the Planning Commission or council; then the commission shall approve such final plan.

Sec 15.14.20 Zoning Certificates.

No zoning certificates or other permits shall be issued until approval of the final development plan, payment of the required fees and review of building plans are complete.

Sec 15.14.21 Progressive Development.

When the final plan of the development area provides for partial development of the total area for which a preliminary plan has been approved, the Planning Commission may require inspections of the improvements then made, or detail plans for all improvements in the development area to permit evaluation of the progress and conformance of development of the entire parcel to the preliminary plan or a previously approved final plan before further or partial development may be approved.

Sec 15.14.22 Amendments to Plan.

At any time after the approval of a preliminary plan or a final plan of a development area, the owner or owners may request an amendment of their plans; the request of such amendment shall be filed with the zoning administrator and one (1) copy filed with the clerk of council. If such amendment, as determined by Planning Commission, represents a departure from the intent of, or a major departure from the substance of, the

preliminary plan, such amendment shall then be subject to the same procedure and conditions of approval as the original application. For the purposes of this section, a "major departure from the substance of a preliminary plan" shall include, but not be limited to, an increase in or relocation of areas planned for a particular use or the addition of a use not included in the approved preliminary plan.

ARTICLE 15 DEFINITIONS

Interpretation of Terms or Words: For the purpose of these Regulations, certain terms or words used herein shall be interpreted as follows:

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

Accessory Use (or Structure): Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in these Regulations, an accessory use shall be a permitted use.

Agriculture: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feedyard, nor does it include the fighting of animals for amusement or profit.

Airport: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings, and open spaces.

Alley: See Thoroughfare

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Amusement Arcade: means a place of business within a building or any part of a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which

are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.

Animal Hospital: See Veterinary Animal Hospital or Clinic.

Automotive Body Shop: The repair, rebuilding or reconditioning of motor vehicles including fiberglass, plastic or sheet metal work, painting and collision service.

Automotive, Mobile Home, Travel Trailer, and Farm Implement Sales: The sale of rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

Automotive Service Establishment: The repair, "trouble-shooting", rebuilding or reconditioning of motor vehicles or any parts thereof, including the on-site installation of new parts.

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

Basement: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground (see Story)

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Accessory: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building and Related Trades: A place for the sale or storage of any fabricated materials to be used in construction, or in the installation of any mechanical, plumbing or electrical system therein.

Building, Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: See Setback Line.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances and furniture; department stores; and discount stores.

Business or Professional Office: Office business generally accommodating such occupations as administrative executive, professional, accounting, writing, clerical, stenographic, and drafting.

Institutional or non-profit offices of a charitable, philanthropic, or religious or educational nature are also included in this classification. No on-site sale or exchange of goods takes place except as a wholly incidental function.

Business Services: Any activity which renders services primarily to other commercial or industrial enterprises.

Business, Wholesale: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a produce, or for use by a business service.

Car Wash: A place for cleaning accumulated road dirt from vehicles, not including painting, repair or reconditioning of vehicles.

Cemetery: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Channel: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Child Day-Care: 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 part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities:

Child Day-Care Center: Any place in which child day-care is provided, with or without compensation, for seven (7) or more children at anyone time.

Child Type A Family Day-Care Home: A permanent residence of the administrator in which child day-care is provided for 4 to 12 children at anyone time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same intermediate family and the residence is their home.

Child Type B Family Day-Care Home: A permanent residence of the provider in which child day-care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at anyone time. In counting children for the purposes of this definition, any children under 6 years of age who are related, to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Church: A place for religious worship and incidental activities.

Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

Club: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of the Village of South Lebanon showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

Conditional Use Permit: A permit issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Condominium: A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

Corner Lot: See Lot Types

Cul-de-Sac: See Thoroughfare

Dead-end Street: See Thoroughfare

Density: A unit of measurement expressing the number of dwelling units per acre of land.

1. Gross Density-the number of dwelling units per acre of the total land to be developed.
2. Net Density-the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Density Bonus: An increase in the number of allowable dwelling units per acre granted for some specific reason, as provided for in the zoning regulations.

Dish: Shall mean that part of a satellite signal-receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolic, or similar in shape.

Dish-type: Satellite signal-receiving antennas, to include earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more, of the following:

1. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.

2. A low-noise amplifier (LNA) whose purpose is to boost, magnify, transfer or transmit signals.
3. A coaxial cable, whose purpose is to convey or transmit signals to a receiver.

Drive-In Motion Picture Theatre: An outdoor location for the viewing of movies or motion pictures, where an admission fee is charged.

Dwelling: Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling Unit: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees:

Dwelling, Single Family: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space. A single family dwelling meets building codes which apply to on-site construction with a permanent foundation.

Dwelling, Two-Family: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances. A two-family dwelling meets building codes which apply to on-site construction with a permanent foundation.

Dwelling, Multi-Family: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and housing for the elderly. Industrialized units may also be included.

Dwelling, Industrialized Unit: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home. These units will meet the same building codes required of dwellings constructed entirely on the site.

Dwelling, Rooming Home (Boarding House, Lodging House, Dormitory): A dwelling or part thereof, other than a hotel, motel or restaurant where meals or lodging are provided for compensation, for three or more unrelated persons, where no kitchen facilities are provided in the individual rooms.

Easements: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Elderly Household: Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

Elderly Multi-Family Housing: A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for

independent or semi-independent living. For the purposes of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

Elderly Person: Any person who is 62 years of age or older, or any person under 62 years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Exhibitor: Means any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in his own place of business, irrespective of the ownership of such device.

Factory-Built Housing: Factory-built Housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of these Regulations, "factory-built housing" shall include the following:

1. **Manufactured Home.** Any non self-propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and, which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.
2. **Modular Home.** Factory-built housing certified as meeting the (local or) State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.
3. **Mobile Home.** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. (Optional Definition: See Mobile Home)

Family: A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

Farm Vacation Enterprises (Profit or Non-Profit): Farms adapted for use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

Feedlot: A relatively small, confined land area for fattening or temporarily holding cattle for shipment.

Financial Institution: A business office for banking, or banking services, or the sale or exchange of securities, insurance policies, currencies or similar assets. Financial institutions do not include the use of games, gaming devices or betting.

Flood plain: That land, including the floodway fringe and the floodway, subject to inundation by the regional flood.

Flood, Regional: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

Floodway: That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor Area of a Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building (To be Used in Calculating Parking Requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Food Processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Garages, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to person not resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tons capacity.

Garage, Public: A principal or accessory building other than private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Group Residential Facility: A group residential facility is a community residential facility, licensed

and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities.

Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

Home Furnishing Establishment: A business primarily for the purpose of sale, rental, repair, or servicing of household consumer furniture, appliances, or electronics.

Home Occupation: Home Occupation means an incidental use which is an activity, profession, occupation, service, craft or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall involve not more than three receivers of such services at anyone time.

Hotel or Motel: A building in which temporary lodging or boarding and lodging are provided and offered to the public for compensation.

Indoor Recreation, Entertainment or Amusement Establishment: A business, housed primarily within a building primarily for sports, games, entertainment, amusement and/or profit. This category includes, but is not limited to, amusement arcades.

Junk Buildings, Junk Shops, Junk Yards: Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

Kennel: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

Living Area: The finished area of a dwelling unit which is usable for human occupancy, and can be heated, the entire year.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking

space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Long-Term Parking: Any use of land where vehicles, tractors, trailers, boats, campers, recreational vehicles, buses, trucks, vans, or automobiles are parked or stored for more than six (6) days of a continuous period.

Lot: (see also **Zoning Lot**) For the purposes of these Regulation, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of records, of complete lots of record and portions of lots of record, or of portions of lots of record.
4. There shall be no more than one (1) principal building per lot.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage: The frontage of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this section.

Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

1. Depth: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in these Regulations with reference to corner lots, interior lots and through lots is as follows:

1. Corner Lot: A lot located as the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.
2. Interior Lot: A lot with only one frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one street.

- Through lots abutting two streets may be referred to as double frontage lots.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Major Thoroughfare Plan: The portion of comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Maintenance and Storage Facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Manufactured Home: Any non self-propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

Manufactured Home Park: Any lot upon which three (3) or more manufactured or mobile homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing, and similar industrial uses, which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Manufacturing, Extractive: Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.

Mechanical or Electronically Operated Amusement Device: Means any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

Medical Clinic: See Clinic.

Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

Mobile Home Park: Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Modular Home: Factory-built housing certified as meeting the (local or) State Building code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

Motel or Hotel: See Hotel or Motel.

Motion Picture Theatre: A location, either indoor or outdoor, for the viewing of movies in exchange for an admission fee or other compensation.

Neighborhood Parkland/Open Space: An outdoor area, owned and/or controlled by a unit of Government, which is set aside for the purpose of recreation or play primarily for the use of people from the immediate surrounding neighborhood.

Nonconformities: Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of these Regulations or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

Nursery, Nursing Home: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

Nursery, Plant Materials (Plant Nursery/Garden Center): Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live non-edible plant, shrubs, or trees offered for retail sale on the premises including products used for gardening or landscaping.

Nursery School/Day Care: See Child Day Care and Child Day Care Center.

Open Spaces: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the planning (zoning) commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

Outdoor Seasonal Commercial Recreation Establishments: Outdoor (non-enclosed) establishments which may include (but not limited to) "Farm Vacation Enterprises" as defined. Also included are places for outdoor sports, golf, miniature golf, fishing, canoeing, flying model airplanes, and other activities which involve the enjoyment of the outdoors.

Overlay District: A district described by the zoning test within which, through superimposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying districts to which such designation is added. An overlay district creates a cross-reference to another map or site-plan which attaches additional requirements to the underlying zoning.

Parking Space, Off-Street: For the purpose of these Regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Performance Bond or Surety Bond: An agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

Planned Unit Development: An area of land in which a variety of housing types and commercial or industrial facilities may be accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Plant Nursery/Garden Center: See Nursery, Plant Materials.

Printing, Copying, and Publishing Establishments: Places of business for the reproduction of the printed media.

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental, agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

Public Uses: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which area dedicated, whether improved or not.

Quasipublic Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Receiver: The apparatus whose purpose is to obtain a signal from a cable or like source and transform it to a television signal.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

Restaurant: An establishment which serves food, and beverages under one or more of the following classifications:

1. Restaurant, Sit-Down: An establishment whose primary function is the offering of food and beverages which are sold and normally consumed within the restaurant building.
2. Restaurant, Carry-Out: An establishment whose primary function is the offering of food and beverages which are sold only inside the building, and are usually packaged to be carried and consumed off the premises, but may be consumed within the restaurant building or on the premises.
3. Restaurant, Drive-In: An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.

Retail Establishment: Any business normally found in a business district, where goods or services are offered for sale in small quantities directly to consumer.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural and related products.

Satellite Signal Receiver: "Dish-type Satellite Signal-Receiving Antennas", "earth stations" or "ground stations," whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

1. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
2. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
3. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

Schools: Educational institutions which are chartered or licensed by the State of Ohio, or accredited by a recognized body or authority, and which offer courses in instruction leading toward competency in some trade or profession, or a degree, diploma, or certificate.

Seat: For purpose of determining the number of off-street parking spaces for certain uses the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Service Businesses: Commercial establishments which render services (as opposed to goods) in exchange for compensation.

Setback Line: A line established by the zoning ordinance (resolution), generally parallel with, and measured from, the front lot line, defining the limits of a yard in which no building other than accessory building, or structure may be located above ground, except as may be provided in said code (See Yard)

Sewers, Central or Group: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes as aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign: Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

1. Sign, On-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is offered.
3. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device: Any light; string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Sign, Projecting: Any sign which projects from the exterior of a building.

Similar Use or Substantially Similar Use: A use not specifically listed but similar to any of the permitted building or use classifications of any district, but which may be found analogous and added to a classification as determined by the Board of Zoning Appeals.

Story: That part of a building between the surface of a floor and the ceiling immediately above. (See Basement)

Structure: Anything constructed or erected, the use of which requires location on the ground, or

attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

Studios, Salons and Health Clubs: An enclosed building used for one or both of the following purposes: (1) place of work, or viewing place, for the creative or performing arts, or (2) place for the practice of exercise or the martial arts. The establishment may be operated on a for-profit or non-profit basis.

Subdivision: The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease.

Supply Yards: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Swimming Pool: A pool, pond, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. Community: Operated with a charge for admission; a primary use.

Thoroughfare, Street, or Road: The full width between the property lines (right-of-way lines) bounding every public way of whatever nature with a part thereof to be used for traffic.

Through lot: See lot Types.

Transportation, Transportation Director of: The Director of the Ohio Department of Transportation.

Use: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, injured, or injured animals, and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in

question.

Walkway: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending between side lot lines across the front of the principal building.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zero Lot Line Development: An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.

Zoning Administrator: The Zoning Administrator is the person designated to administer and enforce zoning regulations and related Ordinances. This person may also be known as the Zoning Inspector.

Zoning Lot: A single tract of land which (at the time of the filing for a Zoning Certificate) is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership of control. Therefore, a "Zoning Lot" may or may not coincide with a lot of record.

Zoning Permit: A document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land structures, and the characteristics of the uses.

ARTICLE 16

SIGNS

Sec 15.16.1 Statement Of Purpose.

These sign regulations are needed to protect the public health, safety, and welfare, to protect real estate within the Village from impairment or destruction of value, to insure a well maintained and attractive appearance in the community, and to provide for adequate business identification and advertising.

Sec 15.16.2 Definitions

For the purposes of this chapter, certain terms are defined as follows:

1. "Abandoned Sign," means a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, or activity conducted or product available on the premises where such sign is displayed.
2. "Advertising Message" means the copy on a sign describing products or services being offered to the public.
3. "Ancillary Sign" or "incidental sign" means that portion of a sign or an additional sign attached to another sign or its supporting structure which announces a current price, credit terms or payment modes. These signs are regulated in the same manner as the sign to which it is attached.
4. "Animated Sign," means any sign which includes action or motion. For purposes of this chapter, this term does not refer to flashing changing, or indexing, all of which are separately defined.
5. "Architectural Projection" means any projection not intended for occupancy which extends beyond the property line, not including any signs, canopies or marquees.
6. "Architectural Blade" means a roof sign or projecting sign with no legs or braces, designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.
7. "Area Of Copy" means the entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message, announcement or decoration on a fascia or wall sign.
8. "Area Of Sign" means the area of the largest single face of the sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas shall be totaled.
9. "Awning" means a temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

10. "Background Area" means the entire area of a sign on which copy could be placed, as opposed to the copy area, when referred to in connection with fascia or wall signs.
11. "Banner Sign" means a temporary sign composed of lightweight material enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.
12. "Biannual" means every two years.
13. "Bench Sign" means
14. "Board" means the zoning board of appeals.
15. "Building Face Or Wall" means all window and wall area of a building in one place or elevation.
16. "Building Frontage" means the linear length of a building facing the right of way or the linear length of the right of way, facing the building, which ever is smaller.
17. "Building Sign" means a sign lettered to give the name of a building itself, as opposed to the name of occupants or services.
18. "Bulletin Board" means a sign where notices and information helpful to the public is placed and which generally are located on the grounds of institutions such as medical, public, charitable and religious.
19. "Canopy Or Marquee" means a permanent roof-like shelter extending from part or all of a building face over a public right of way and constructed of some durable material such as metal, glass or plastic.
20. "Canopy Or Marquee Sign" means any sign attached to or constructed in or on a canopy or marquee.
21. "Changeable Copy Sign, Manual" means a sign on which copy is changed manually in the field, i.e., reader board with changeable letters or changeable pictorial panels.
22. "Comprehensive Design Plan" means building design and signs integrated into one architectural plan, the comprehensive plan being completed in all other building, and structural and electrical requirements.
23. "Copy, Permanent Or Temporary" means the wording on a sign surface either in permanent or removable letter form.
24. "Directional Sign" means any sign, which serves solely to designate the location or direction of any place or area.
25. "Directly Illuminated Sign" means any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.
26. "Electrical Sign" means any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.
27. "Embellishment" means letters, figures, characters or representations in cut outs or irregular forms or similar ornaments attached to or superimposed upon the sign.
28. "Embellishment, decorative only" means a purely decorative embellishment on a free standing sign.
29. "Erected" means attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.
30. "Exempted Signs" mean signs exempt from normal permit requirements.

31. "Facelift" means the remodeling of a building's frontage, which is visible from a public right of way, so that the building material, doorframes, window frames and signs are designed in harmony with each other.
32. "Fascia Sign Or Wall Sign" means a sign attached to or erected against a wall of a building, with the face horizontally parallel to the building wall.
33. "Field Fabricated Sign" means an electrical sign of such magnitude that it cannot be completely constructed in the factory.
34. "Flashing Sign" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classed as "changing signs" not "flashing signs".
35. "Freestanding Signs" see ground signs or pole signs
36. "Freeway Or Controlled Access Highway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting land, or in respect of which such owners have only limited or restricted right or easement of access and which is declared to be a freeway as provided by the highway authority.
37. "Frontage" means the line of property that faces the street.
38. "Ground Level" means street grade.
39. "Ground Sign" means a sign supported by direct contact with the ground, a permanent base or rests upon one or more posts or supports that are no more than four feet high.
40. "Height Of Sign" means the vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway, which permits the greatest height to the highest point of such sign.
41. "Identification Sign" means a sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.
42. "Illuminated Sign" means any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.
43. "Indirectly Illuminated Sign" means any sign which reflects light from a source intentionally directed upon it, for example, by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.
44. "Individual Letter Sign" means any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge or a building or on top of or below a marquee.
45. "Interior Property Line" means property lines other than those fronting on street, road or highway.
46. "Lintel" means, in this context, the line above the display windows and below transom windows, if any, on a store, usually approximately nine feet from grade.
47. "Lot" means a parcel of land having its frontage upon a public street or road.
48. "Maintain" means to permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.
49. "Marquee Sign Or Canopy Sign" means any sign to or constructed in or in a canopy or marquee.

- 50. "Message" means the wording or copy on a sign.
- 51. "Multi-Prism Sign" means signs made with a series of triangular vertical sections that turn and stop, or index, to show three pictures or messages in the same area.
- 52. "Nameplate" means a nonelectrical sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises includes more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.
- 53. "Non-Electrical Sign" means any sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical energy source.
- 54. "Nonconforming Sign" means any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the preview of this chapter and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter, or a nonconforming sign for which a special permit has been issued.
- 55. "Owner" means a person recorded as such as on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary; any person having a vested or contingent interest in the property in question.
- 56. "Parapet Or Parapet Wall" means that portion of a building wall that rises above the roof level.
- 57. "Pole Sign" means a sign which is supported by a pole or poles and designed to permit pedestrian or vehicular traffic to pass under.
- 58. "Portable Sign" means any sign not permanently attached to the ground or a building.
- 59. "Premises" means an area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.
- 60. "Project Sign" means a sign which directs attention to the promotion, development and construction of the property on which it is located and which identifies the architects, engineers, contractors and other individuals or firms involved with the construction.
- 61. "Projecting Sign" means a sign, other than a wall sign, which is attached to and projects from a structure or building face. The area of double-faced projecting signs is calculated on one face of the sign only.
- 62. "Public Right-Of-Way Width" means the particular distance across a public street measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the city engineer.
- 63. "Public Service Information Sign" means any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.
- 64. "Real Estate Or Property For Sale" means any sign pertaining to the sale, lease or rental of land or buildings.
- 65. "Roof Line" means the top edge of the roof, or the top of, or above, the parapet of a building.
- 66. "Rotating Sign" means any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

67. "Seasonal Or Holiday Signs" means signs such as Fourth of July decorations, those used for an historic holiday and installed for a limited period of time.
68. "Sign" means any identification, description, illustration or device illuminated or non illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of governmental signs.
69. "Sign Graphics" any lettering, numerals, figures, designs, symbols or other drawing or images used to create a sign.
70. "Sign Structure Or Support" any structure that supports or is capable of supporting a sign, including decorative cover.
71. "Snipe Sign" means any sign for which a permit has not been obtained which is attached to a public utility pole, light pole, service pole or supports for another sign.
72. "T - Frame Sign" is a sign whose structure or frame is in the form of a "T" upon which one or more sign faces may be hung or otherwise attached.
73. "Variable Message Sign" is a sign containing a computer-generated message such as a public service, time, temperature or date, where different copy changes of a public service or commercial nature are shown on the same lampbank or message facility.
74. "Vending Machine Sign" is any sign fastened to or painted on a vending machine which directly relates to the product contained in the machine.
75. "Vehicular Sign". Signs on parked vehicles or boats visible from the public right-of-way or shoreline where the primary purpose of the vehicle or boat is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purpose of this ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.
76. "Visible Capable" of being seen, whether or not legible, without visual aid by a person of normal acuity.
77. "Warning Sign". A sign limited in content to messages conveying warning, caution or danger.

Sec 15.16.3 Zoning Certificate and Permits.

Unless expressly exempted in Section 15.16.3 no sign shall be erected, enlarged, expanded, altered (including face changes), relocated or reconstructed on private or public property unless a sign zoning certificate evidencing the compliance of such sign with the provisions of this Chapter 16 shall have first been issued by the Zoning Inspector.

1. Application For Permit shall be made to the Administrator upon a form provided by the Administrator and shall be accompanied by such information as

may be required to assure compliance with all appropriate laws and regulations of the Village including:

- a. Name and address of the owner of the sign.
 - b. Name and address of the owner or the person in possession of the premises where the sign is located or to be located.
 - c. Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises.
 - d. Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, materials of the sign and method of attachment and character of the structural members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the Ohio basic building code (OBBC) as amended. If required by the Administrator, engineering data shall be supplied on plans submitted by a duly licensed engineer.
2. Exemptions. The following signs and sign-related activities shall be exempt from the provisions of this Chapter 16 and shall not require a zoning certificate:
 - a. Routine maintenance. Routine sign maintenance including cleaning, repainting sign face without copy changes, replacing lamps and ballast and electrical components and changing of lettering or parts of signs designed to be regularly changed.
 - b. Signs permitted in all districts. Signs permitted in all districts as listed in Section 15.16.7.
 - c. Poster changes. Outdoor advertising signs shall be allowed changes in the poster advertisement or reader board. Further modifications may be subject to the provisions of sec. 15.16.3.
 - d. Copy changes. The change of a message relating to on site or off site changeable copy signs such as those displaying gasoline prices, sale items, special events or lottery information.
3. Nonconforming or Noncomplying Signs. Signs existing on or before the effective date of this resolution shall be allowed face changes provided that a zoning certificate shall be obtained except as specified in sec. 15.16.2(2). If the size of an existing sign face or the size of the overall structure is increased; the structure is relocated; the structure is replaced; or the structure is damaged to an extent greater than 70% of its estimated replacement value (unless damage was caused by vandalism, an act of god, or automobile or similar accident) then said sign shall be ordered removed by the Zoning Inspector.
4. Legal Nonconforming Sign Maintenance and Repair. Nothing in this Section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this chapter regarding safety, maintenance, and repair of signs contained in this chapter; provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign

structure or copy in any way which makes it more nonconforming or the sign may lose its legal nonconforming status.

5. General Standards. Unless expressly exempted by Section 15.16.2 above, all signs within the Village shall conform to the following general standards.

a. Illumination.

- 1) Location and design of light source. Whenever an external artificial light source is used to illuminate a sign, such source shall be so designed, located, shielded and directed so as not to be directly visible from any public street or residence. If ground lighting is used to illuminate a sign, the receptacle or device should not protrude more than twelve (12) inches and must be fully screened from view by landscaping material.
- 2) Level of illumination. In no event shall the illumination of any off-site advertising sign exceed 70-foot candles at the sign face.
- 3) Flashing lights prohibited. Except when expressly permitted by this chapter, no flashing, moving, laser generated, strobe, blinking or intermittent lights shall be permitted on or as part of any sign. This does not pertain to electronic message signs unless they negatively affect traffic safety.

b. Height

- 1) Height of building signs.
Building signs shall be located within the limits of the outside wall of the building.
- 2) Height of freestanding signs.
Freestanding signs in the residential districts are permitted at a maximum height of 8 feet.
- 3) Freestanding signs in the business and industrial districts are permitted at a maximum height of 28 feet.
- 4) Freestanding signs are permitted within the clear sight distance triangle at a maximum height of 3 feet or as provided in Section 15.16.5.5.

c. Minimum Setback. All signs, or any part thereof, shall be setback a minimum of 10 feet (5 feet for directional signs) from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback, and 5 feet from all other property lines.

d. Obstruction Of Accessways. No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window or other required accessway.

e. Traffic Safety.

- 1) Confusion with traffic signals. No sign shall be maintained at any location where by reason of its position, size, shape, content, color, or illumination it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, sign or device, or where it may interfere with, mislead or confuse traffic regardless whether or not it meets other size, location and setback requirements of this Section 15.16.5.
- 2) Obstruction of clear sight distance triangles prohibited. No

freestanding sign, nor any part of a freestanding sign other than supporting poles or braces shall be located with clearance lower than nine (9) feet from grade unless the entire sign is three (3) feet or less from grade within the area of any sight distance triangle as defined in Section 15.16.3.

- f. Signs in Rights-of-Way. Except as otherwise authorized by the Engineer or the State of Ohio, no sign except government signs authorized by this chapter shall be placed in or extend into or over any public property or right-of-way.
- g. Sign Identification. All signs shall be plainly marked with the name of the person, firm or corporation hanging or erecting the sign.
- h. Sign Maintenance. The owner of an on-site or off-site sign shall be liable to maintain such sign, including its illumination sources, in compliance with this chapter and all applicable laws, in a safe and secure condition, and in a neat and orderly condition and good-working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.
- i. Sign Allotment, Maximum Size And Location. Signs shall be located along the street frontage or building frontage from which the allotment is computed.

Sec 15.16.4 Sign Measurement.

(See diagrams in figure 15-16-appendix) (Appendix not available at time of printing)

- 1. Area of a Freestanding Sign. The area of a freestanding sign shall be determined by computing the visible surface display area, that is, all solid surface areas excluding air space and architectural features. If the angle separating two faces of a v-shaped sign is more than 45 degrees or 24 feet, the sign faces visible from one point are added cumulatively as one sign face.
- 2. Area of Building Signs. The area of a building sign shall be determined by computing the visible surface display area; that is the words, numbers, and/or graphics which are totally enclosed by a frame or graphic design. In the case of words containing lower case letters mounted individually to the wall of the building, the area of the sign is the square footage area that is measured by taking the height of the lower case letters multiplied by the total word length.
- 3. Exceptions In a residential development where the sign identifying the name of the development is attached to a wall or fence, the area of the sign shall be calculated as a building sign per Section 15.16.4.2.

Sec 15.16.5 Signs Specifically Prohibited In All Zoning Districts.

The following signs, in addition to all other signs not expressly permitted by this Chapter, are prohibited in all zoning districts and shall not be erected, or maintained:

- 1. Roof signs.

2. Signs that move or give the appearance of moving, including pennants, streamers, flags in excess of sixty (60) square feet, other than government flags and other signs, unless otherwise approved as part of localized alternative sign regulations pursuant to Section 15.16.11 (this section does not prohibit variable message signs or signs designed with periodic rotation).
3. Flashing signs. Signs containing any flashing or running lights or lights creating an illusion of movement, excluding holiday decorations and time and temperature devices which display time and temperature messages only.
4. Signs which imitate or are easily confused with official traffic signs and use words such as "stop", "look", "danger", "go slow", "caution", or "warning," except where such words are part of the name of a business or are accessory to parking lots.
5. Signs which are structurally unsafe or hazardous.
6. Portable signs, except as permitted temporarily in Section 15.16.12.2
7. Snipe signs.
8. Bench signs.
9. Vehicular signs.

Sec 15.16.6 Permitted Signs.

No sign zoning certificate shall be issued unless the type of proposed sign is permitted in the zoning district in which the sign is to be located as indicated in this chapter, the sign meets the general standards in Section 15.16.5, the standards for off-site advertising signs set forth in Section 15.16.12 and the sign does not, by itself or cumulatively with other existing or planned signs, exceed these regulations:

Sec 15.16.7 Signs Permitted in All Zoning Districts and Exempt from Zoning Certificates.

The following signs are permitted in all zoning districts without a fee and without issuance of a zoning certificate subject to the requirements stated herein. All signs in this section, unless otherwise stated below, shall be setback a minimum of 10 feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback, and 5 feet from all other property lines.

1. Identification signs including house numbers legible from the street, and nameplates (fraternal, social, apartment and professional) identifying the occupant or address of a parcel of land, and not exceeding two (2) square feet in display surface area.
2. Memorial plaques and historic markers, including those containing the names of buildings and dates of construction and not exceeding two (2) square feet in display surface area.
3. For sale signs attached to vehicles.
4. Flags bearing the official design of a nation, state, county, municipality, institution or organization and not exceeding 60 square feet.
5. Traffic, or other government signs, also private traffic control signs which

conform to the requirements of the Ohio manual of uniform traffic control devices.

6. Institutional bulletin boards located on the premises of the institution to which the sign pertains and not exceeding 20 square feet in surface display area per side, maximum of 2 sides with a maximum height of 6 feet.
7. Park and playground signs.
8. Non-illuminated signs proclaiming religious or other noncommercial messages not exceeding twelve (12) square feet in surface display area in any residential district nor thirty-two (32) square feet in any other zoning district.
9. Non-illuminated real estate signs advertising the sale or lease of property or building where the sign is located, not exceeding one per street frontage and twelve (12) square feet of surface display area in any residential district nor thirty-two (32) square feet in any other zoning district.
10. One temporary (not portable or moveable) sign per public street frontage subject to the following:
 - a. Sign related to festivals or other seasonal events occurring on the institutional property.
 - b. Total surface display area shall not exceed twelve (12) square feet in residence districts and thirty-two (32) square feet in all other districts.
 - c. Sign height shall not exceed eight (8) feet unless attached to the wall of the building.
 - d. Placement shall be wholly within the property boundaries to which the sign pertains.
 - e. The sign shall be located on the property for a period not to exceed twenty-one (21) days.
 - f. Signs in residential districts shall not be illuminated.
11. One temporary (not portable or moveable) construction sign as defined in Section 15.16.3, per public street frontage subject to the following:
 - a. Total surface display area shall not exceed sixteen (16) square feet in a residential district and thirty-two (32) square feet in all other districts.
 - b. Sign height shall not exceed eight (8) feet.
 - c. Placement shall be wholly within the property boundaries to which the sign pertains.
 - d. The sign shall not be erected -prior to issuance of a -building permit for the proposed construction, and shall be removed upon issuance of a certificate of occupancy.
12. One temporary (not portable or moveable) construction sign related to improvement occurring on the site such as windows, siding, painting, etc. Subject to the following:
 - a. Total surface display area shall not exceed six (6) square feet.
 - b. Sign height shall not exceed three (3) feet.
 - c. The sign shall not be erected prior to beginning the start of the project and shall be removed within seven (7) days following completion.

13. Trespassing, safety or caution signs, not exceeding two (2) square feet in area.
14. On-premises directional and informational signs not exceeding six (6) square feet and four feet in height (3 feet located in the clear sight distance triangle) for pedestrians and vehicles using such words as "entrance," "exit," "parking," "one-way" but not including any advertising message (such signs shall be setback a minimum of five (5) feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback).
15. On premise menu boards that display standard menu items and carry no commercial message are not regulated and shall not be measured as part of the lots sign allocation.
16. Gasoline pump signs appearing on legally installed pumps as purchased.
17. On-premises yard sale or garage sale signs not exceeding six (6) square feet provided they are erected no more than seven (7) days prior to the sale nor displayed for more than seven (7) consecutive days.
18. Search lights may be used on a commercial property to advertise a grand opening event only, but shall not be utilized for more than 18 hours.

Sec 15.16.8 Signs Permitted in Residential Districts.

The following regulations apply to those properties located in the A, RFP, R1, R2, R3, RMH, and RPUD residential districts. Any sign not expressly permitted by Section 15.16.7 or by these district regulations is prohibited. Unless otherwise stated each of the following sign type shall be constructed for on premise advertising purposes only.

1. Sec 15.16.10.1 Building and Freestanding Signs.
 - a. Home occupation. One (1) non-illuminated name plate not exceeding two (2) square feet in surface display area and attached flat against a building wall shall be permitted.
 - b. Multi-family residential uses and other permissible uses:
 - i. Building signs. One wall sign not exceeding eight (8) square feet of sign surface area for each fifty (50) feet of building frontage shall be permitted provided the total surface area of building signs and freestanding signs as measured collectively, shall not exceed 32 square feet.
 - ii. Freestanding signs. Uses having less than 100 feet of lot frontage shall not have a freestanding sign. Uses having at least 100 feet of lot frontage may have one freestanding sign not to exceed 32 square feet of sign surface area provided the total surface area of building and freestanding signs as measured collectively, shall not exceed 32 square feet. (See general standards Section 15.16.5 for height and setback requirements).
2. Outdoor Advertising Signs.

- a. Outdoor advertising signs or billboards are prohibited in residential districts.

Sec 15.16.9 Signs permitted in neighborhood business district general business district, mineral extraction, mineral extraction and processing, and light industrial.

The following regulations shall apply to those properties located in the B1, B2, ME, MEP, and I-1. Any sign not expressly permitted by Section 15.16.7 or by these district regulations is prohibited.

Unless otherwise stated each of the following signs shall be constructed for on-premise advertising purposes only.

1. Temporary Signs. One temporary (not portable or moveable) sign for any of the following events shall be permitted for each business, except that two such signs shall be permitted on corner lots. Such signs may have two faces with each sign face area as follows:

| Event | Maximum Size | Maximum Time |
|----------------------|--------------|-----------------------------------|
| Non-commercial event | 12 sq. ft. | 30 consecutive days |
| Commercial event | 60 sq. ft. | 20 consecutive days/calendar year |

2. Portable Or Movable Signs. Any free-standing sign, including but not limited to "A" frame, or inverted "T" shaped structures, including those signs mounted on wheeled trailers, shall be permitted for retail uses only in accordance with the following provisions:
 - a. Portable signs are permitted for grand openings, advertising, charitable or community-related events and the like. Being temporary in nature, such portable signs may be permitted for a period not to exceed twenty (20) days in a calendar year per establishment.
 - b. All illuminated portable signs shall comply with the requirements of Section 16.16.5.1 and the national electric code.
 - c. No portable sign shall be located closer than one-half the setback distance from the building setback, to the street right-of-way line.
 - d. No portable sign shall exceed 32 square feet in surface display area.
 - e. Only one portable sign shall be permitted per property.
3. Freestanding Signs.
 - a. Businesses and other permitted uses having less than 50 feet of lot frontage shall not have a freestanding sign unless approved by conditional use permit per Section 15.16.14.
 - b. Businesses and other permitted uses having street frontage between 50 and 75 linear feet shall not exceed 0.75 sq. ft. of sign surface area for each

foot of street frontage. (See Section 15.16.5 for height and setback standards).

- c. Businesses and other permitted uses having street frontage between 75 and 100 linear feet shall not exceed 1 sq. ft. of sign surface area for each foot of street frontage. (see Section 15.16.3.5 for height and setback standards).
- d. Businesses and other permitted uses having street frontage of 100 linear feet or more shall not exceed 150 sq. ft. of sign surface area. (see Section 15.16.3.5 for height and setback standards).
- e. A shopping center shall be permitted one joint identification sign for the principal entrance which shall not exceed one square foot of sign area per linear foot of lot frontage or 300 square feet of sign area, whichever is less. In addition, such shopping centers that front on a second street shall be permitted a second sign (not to exceed 150 square feet) at a secondary entrance if the lot frontage on such secondary street is 500 feet or more. (see Section 15.16.5 for height and setback standards).
- f. Businesses and other permitted uses having street frontage above 200 linear feet require a conditional use permit for an additional freestanding sign.
- g. Businesses and other permissible uses may include variable message centers on the freestanding sign, provided that running copy is not displayed and the maximum flash rate shall not exceed one (1) line in four (4) seconds, or two (2) lines in seven (7) seconds, or three (3) or more lines in ten (10) seconds.

4. Building Signs.

- h. Any business or other permissible use shall be permitted 1.5 square foot of building sign surface area for each foot of building frontage as measured along the length of the building facade that fronts the principal dedicated street, or the facade that contains the main entrance to the building. For other building frontage, signs may not exceed 75 square foot of sign surface area.
- i. Where a building such as a shopping center contains multiple tenants, building signs maybe calculated by individual unit as measured from interior wall to interior wall of the tenant space. Each tenant shall be permitted 1.5 square foot of building sign surface area for each foot of building frontage that fronts the principal dedicated street, or the facade that contains the main entrance to the building. For tenant space facing another street frontage, such as a secondary public street, private street or private access drive, signs may not exceed .75 square foot of sign surface area per foot of building frontage occupied by the tenant space.
- j. Building sign square footage on corner lots with a secondary frontage may be transferred to a free-standing sign if approved through a conditional use permit as per Section 15.16.14.
Where wall signage cannot be calculated in the manner indicated above, refer to 15.16.14 "localized alternative sign regulations."

4. Outdoor Advertising Signs. Outdoor advertising signs or billboards are permitted pursuant to the provisions of Section 15.16.12.

Sec 15.16.10 Signs Permitted With Conditional Use Zoning Certificate.

A conditional use zoning certificate must be obtained as part of the application for a sign zoning certificate, pursuant to the procedures of Article 11, for signs identified in this section.

1. Freestanding On Premise Advertising Signs In Business And Industrial Districts With Lot Frontages Of 50 Feet Or Less.
 - a. Not more than one freestanding sign per lot shall be permitted.
 - b. Minimum setback of 10 feet from the right-of-way, 5 feet from all other property lines.
 - c. A side yard setback from a residential district shall be the same as that specified for the adjoining residential district.
 - d. Height shall not exceed 28 feet.
 - e. Minimum distance from grade shall be not less than 9 feet or maximum height of 3 feet when located in a sight distance triangle (see figure 14D).
 - f. Maximum surface display area shall not exceed 35 square feet.
 - g. No sign shall be located within 20 feet of any existing freestanding on-premise sign located on any property on the same side of the street.
2. A Second Freestanding On Premise Advertising Sign In Business And Industrial Districts With Lot Frontages Of Over 200 Feet.
 - a. Surface display area shall not exceed 75 square feet per linear foot of street frontage over 200 feet, and shall not exceed a maximum of 150 square feet.
 - b. No sign shall be located within 100 feet from the primary sign and 50 feet from any other freestanding sign located on any property on the same side of the street.
 - c. Minimum setback from the right-of-way shall be 10 feet, 5 feet from all other property lines.
 - d. A side yard setback from a residential district shall be the same as that specified for the adjoining residential district.
 - e. Height shall not exceed 28 feet.
 - f. Minimum distance from grade shall be not less than 9 feet and a maximum height shall not exceed 3 feet when located in a sight distance triangle. (see figure 14D)

Sec 15.16.11 Localized Alternative Sign Regulations.

1. Submission of Regulations. A residential district may establish localized

alternative sign regulations pertaining only to a district as an alternative to the sign regulations that would otherwise be required under this Article 16, if approved as a PUD pursuant to the provisions of Article 14. If, and to the extent that localized alternative sign regulations are approved as a PUD, such local sign regulations shall govern.

2. Conditions for Approval. No localized alternative sign regulations shall be approved as a PUD unless the regulations are binding upon all real property and premises in the area to which the regulations are intended to apply.
3. Application Procedure. Persons desiring to obtain approval of localized alternative sign regulations pursuant to this section shall submit proposed regulations to the administrative official, together with any additional material requested by the administrative official. The administrative official shall review the regulations and pursuant to the provisions of Article 14, shall recommend to the Planning Commission approval, approval with modifications, or disapproval of such regulations.
4. Private Signage Agreements. Nothing in this Article 16 shall prevent any persons from establishing, by deed restrictions or private agreement, sign regulations which are more stringent than those set forth in this chapter.
5. Changes to Approved Localized Alternative Sign Regulations. Alternative localized sign regulations which have been approved as a PUD pursuant to Article 14 may be amended or varied only pursuant to the procedures and standards in Article 14 for the original approval.

Sec 15.16.12 Billboards (Outdoor Advertising Signs).

1. Zoning Certificate Required. Unless expressly exempted, no outdoor advertising sign shall be erected, constructed, permanently enlarged, expanded, materially altered, relocated or reconstructed unless a sign zoning certificate evidencing the compliance of such sign with the provisions of this chapter shall have first been issued by the Zoning Inspector. For purposes of this text, billboards or outdoor advertising signs as referred to within this Section 15.16.12, shall be limited to the following:
 - a. Bulletin billboard measuring 14' x 48' and not larger than 672 square feet.
 - b. Poster panel billboard measuring 12' x 25' and not larger than 300 square feet.
 - c. Junior poster panel billboard measuring 6' x 12' and not larger than 72 square feet.
2. Exemptions. The following sign-related activities shall be exempt from the provisions of this chapter and shall not require a zoning certificate:
 - a. Nonconforming. Outdoor advertising signs existing on or before the effective date of this resolution shall be allowed changes in the poster advertisement or reader board. Further modifications may be subject to the provisions of sec. 15.16.3.

- b. Routine maintenance. Routine sign maintenance including cleaning, re-painting, replacing lamps and ballast and electrical components and changing of lettering or parts of signs designed to be regularly changed.
- 3. State Permit. In addition to the zoning certificate and permits required pursuant to this section, a state permit issued by the state director of transportation may also be required prior to issuance of any final zoning inspection certificate for outdoor advertising signs located within 660 feet of streets that are part of the interstate or primary highway systems.
- 4. Standards For Billboards.
 - a. Temporary enlargements. The use of cut-outs, extensions and embellishments is expressly permitted provided such are a temporary addition to a sign face displayed no more than 120 days appurtenant to a particular advertising message and that same are to be limited to 25% of the size of the applicable sign face.
 - b. Location. No outdoor advertising sign shall be constructed:
 - 1) As a roof sign;
 - 2) As a junior poster panel that is constructed as a double-faced, side-by-side, stacked, or decked sign with a combined sign face area of more than 150 square feet;
 - 3) As a bulletin board sign with a face area exceeding 14 feet in height x 48 feet in length (672 square feet), excluding temporary cut-outs, extensions, and embellishments permitted as set forth herein;
 - 4) Within 20 feet of the right-of-way line of any street or highway;
 - 5) As a ground sign more than 40 feet above the grade of the lot or location being occupied by such sign, or the average natural grade at the sign location, if higher. In the case of a street or highway which is higher than the grade of the lot or location to be occupied by the sign, the height shall be measured from the center line of pavement at such location, but in no event shall the height exceed forty feet above the center line of the pavement at that location.
- 5. General Spacing. An affidavit certifying compliance with the spacing requirements stated below must be provided by the applicant. Measurement shall be computed along the edge of pavement of the thoroughfare from which the sign is intended to be viewed beginning at a point perpendicular to the outdoor advertising sign and measured along the edge of pavement of all intersecting thoroughfares.
 - a. Expressways And Freeways. No outdoor advertising sign whether constructed as a bulletin (672 sq. ft.), poster panel (300 sq. ft.) Or junior poster panel (72 sq. ft.) sign shall be constructed within 1,500 feet of any other outdoor advertising sign located on either side of the highway

(specifically 1-71 and other highways designated as expressways or freeways on the thoroughfare plan of warren-county) and facing the same traffic flow:

- b. Major Arterial Roadways. No outdoor advertising sign whether constructed as a poster panel (300 sq. ft.) Or junior poster panel (72 sq. ft.) Sign shall be constructed within 500 feet of any other outdoor advertising sign located on either side of the roadway (major arterials designated on the thoroughfare plan of warren county) and facing the same traffic flow, provided however that bulletin (672 sq. ft.) Spacing shall be not less than 1,000 feet from bulletin sign to bulletin sign located on either side of the roadway and facing the same traffic flow.
- c. Minor Arterial Roadways And Collector Streets. Poster signs (300 sq. ft.) And junior panels (72 sq. ft.) Shall be spaced not less than 500 feet from another poster or junior poster panel advertising sign located on either side of the roadway (minor arterials and collectors designated on the thoroughfare plan of warren county) and facing the same traffic flow. Bulletin (672 sq. ft.) signs shall be prohibited on these roadways.

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

- a. Distance From Residences. No outdoor advertising sign shall be located within 300 feet of any parcel located in any residential district or recorded residential subdivision including residential districts and subdivisions in adjacent jurisdictions.
- b. Distance From Special Facilities. No outdoor advertising sign shall be located within 500 feet of any park, natural preserve, scenic roadway, school, cemetery, historic site or area, hospital, retirement home or government building.
- c. Distance From Scenic And Historic Areas. No outdoor advertising sign shall be located within 200 feet of a tunnel, bridge, underpass or overpass if such structure is immediately adjacent to a scenic roadway or historic site or area.
- d. Location Of Advertising For Tobacco And Alcohol Products. No outdoor advertising sign advertising any tobacco product or alcoholic beverage, whether constructed prior to or since the adoption of this resolution, shall be located within 500 feet in any direction of any school, hospital, retirement home, cemetery, religious institution or park.

Sec 15.16.13 Enforcement.

1. Violations.
 - a. Failure to obtain required zoning certificate or permits. Any person who erects, alters or moves any sign for which a zoning certificate or permits required after the effective date of this chapter shall be deemed a violation of this zoning resolution subject to the procedures and penalties described in Chapter 24 of this resolution.
 - b. Continuing violations. Each day that a violation continues following the issuance of a citation shall be deemed a separate offense.
2. Penalties For Violations.

Penalties shall be imposed pursuant to Article 3 of this zoning resolution.
3. Revocation Of Zoning Certificate/Sign. All rights and privileges acquired under the provisions of this Article 16 are mere licenses, revocable by the board of zoning appeals in accordance with the following procedure:
 - a. Time limit and options. A person or entity assessed of a penalty pursuant to Chapter 24 must select one of the following options after receipt of the written notice of violation:
 - 1) Abatement of the violation within thirty (30) days; or
 - 2) Within twenty (20) days of receipt of the written notice, submit in writing to the administrative official a request for an appeal to be heard before the board of zoning appeals specifying the factual or legal issues to be contested. The procedures for filing an appeal are outlined in Article 5. All administrative fees associated with the appeal shall be applicable, however, timely submission of such appeal prior to the issuance of a citation shall abate the imposition of a citation and any additional penalty associated therewith.
4. Effect Of Board Of Zoning Appeals Hearing. A final decision is made by the board of zoning appeals which may reverse the order of the Zoning Administrator or uphold such order resulting in the assessment of a penalty pursuant to, Section 15.3.17. An appeal before the board of zoning appeals shall be conducted pursuant to the rules of procedure for the board.
5. Citation. Following the expiration of the written notice of violation, if the violation has not been abated or an appeal filed through the aforementioned procedure, a citation will be issued. Once such citation has been issued the, collection or appeal of such assessment shall be through the Court of Common Pleas of Warren County.
6. Appeal. Any person or entity who is aggrieved by a final decision of the board of zoning appeals may appeal to the Court of Common Pleas of Warren County.
7. Fee. A fee equal to double shall be charged for zoning certificates issued pursuant to Section 15.16.4 following the location, construction, re-construction, enlargement, structural alteration or changing the sign without obtaining a zoning certificate.

Sec 15.16.14 Variances.

1. Variances. Any party refused a zoning certificate for a sign application due to size, height, or setback regulations, may appeal the decision of the administrative officer to the board of zoning appeals.
2. Procedures. Appeals and variances to the board of zoning appeals shall follow the procedures in Article 5; procedures and requirements for appeals and variances.

ARTICLE 17

LANDSCAPING AND SCREENING REQUIREMENTS

Sec 15.17.1 Purpose.

The purpose of this article is to establish minimum standards for the design, installation and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of a site, within parking lots and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values and the overall character of the village. The standards of this article are also intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of stormwater runoff and salt spray.

The landscape standards of this section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

Sec 15.17.2 Requirements And Timing Of Landscaping.

Landscaping shall be illustrated on any site plan reviewed by the village. The landscape plan shall clearly describe the location, type, size and spacing of all plant materials. Wherever the zoning ordinance requires landscaping or plant materials, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings.

Sec 15.17.3 Special Provisions For Existing Sites.

In any case where the area of the building and/or parking is increased by twenty-five (25%) percent over the originally approved site plan or the use is being changed to a more intensive use, as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards herein.

Sec 15.17.4 General Landscape Requirements.

1. General site requirements. All developed portions of the site shall conform to the following landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:
 - a. All unpaved portions of the site shall be planted with grass, ground

cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all non-residential uses shall be planted with sod or hydro-seeded.

- b. A mixture of evergreen and deciduous trees shall be planted on non-residential parcels at the rate of one (1) tree per 3,000 square feet or portion thereof of any unpaved open area for which specific landscaping requirements do not appear later in this article. Required trees may be planted at uniform intervals, at random or in groupings.

Sec 15.17.5 Required Parking Lot Screening.

1. All parking lots with five (5) or more parking spaces, including vehicular sales lots, that face any property in any zone or any public or private street right-of-way or access road or service road shall provide a landscape screen as follows:
 - a. The buffer width shall be a minimum of ten (10) feet wide.
 - b. A thirty (30) inch high continuous screen consisting of an earth mound, planting, hedge or decorative wall or any combination thereof, shall be provided.
 - c. One deciduous tree shall be required for every 30 lineal feet of the required buffer zone.
 - d. The Planning Commission may modify or waive the parking lot perimeter landscaping requirements if the provided buffer strip landscaping adjacent to rights-of-way and between land uses adequately screens the parking lot from view from adjacent properties and roads.

Sec 15.17.6 Buffer.

The intent of the buffer strip is to reserve an appropriate area to screen parking lots and incompatible uses of land from view with landscape materials such as trees and bushes in combination with berms, desirable fences and masonry walls. A buffer strip is required per sec. 15.17.7 and 15.17.8. A buffer strip shall meet the following requirements:

1. The required buffer strip shall include a continuous screen consisting of an earth mound, evergreen planting, hedge, decorative masonry wall, or any combination thereof, at the height specified in sec. 15.17.7 and sec. 15.17.8.
2. Required plant materials shall meet standards of sec. 15.17.14.
3. The buffer strip shall contain grass, ground cover, four (4) inch deep shredded bark mulch, except where paved walkways or drives are used, and trees as required in sec. 15.17.7 and sec. 15.17.8.

Sec 15.17.7 Landscape Screening Adjacent To Property Lines Between Land Uses

| PROPOSED USE | Adjacent To | | | | |
|-------------------------------|--|-----------------------------|--------------------------------------|------------------------|--------------------------|
| | Single Or Two- Family Res. Use/ District | Multi- Family Use/ District | Prof. Business/ Office Use/ District | Business Use/ District | Industrial Use/ District |
| Single Family Residential | NONE | B | C | C | D |
| Two-Family Residential | NONE | B | C | C | D |
| Multiple Family | B | A | B | B | C |
| Commercial | C | B | B | A | C |
| Professional Business/ Office | C | B | A | B | C |
| Industrial | D | D | C | C | A |

| Buffer Zone | Minimum Width | Screen Height | Minimum Plant Materials |
|-------------|---------------|---------------|--|
| A | 10 Feet | None* | 1 Deciduous Or Evergreen Tree Per Every 30 Lineal Feet |
| B | 20 Feet | 3 Feet | 1 Tree Per 25 Lineal Feet With A Minimum Of 40% Evergreen Trees. |
| C | 30 Feet | 6 Feet | 1 Tree Per 20 Lineal Feet With A Minimum Of 50% Evergreen Trees. |
| D | 50 Feet | 6 Feet | 1 Tree Per 15 Lineal Feet With A Minimum Of 70% Evergreen Trees. |

* No minimum screen height is required unless the Planning Commission finds that screening is needed between similar uses that have varying degrees of density or land use intensity.

Sec 15.17.8 Landscaping Adjacent To Rights-Of-Way

| Proposed Use | Interstates | Arterials | Collectors |
|------------------------------|-------------|-----------|------------|
| Single Family Residential | C | C | B |
| Multi-Family Residential | C | C | B |
| Commercial | B | A | A |
| Professional Business/Office | A | B | B |
| Industrial | B | C | C |

| Buffer Zone | Minimum Width | Screen Height | Minimum Plant Materials |
|-------------|---------------|---------------|---|
| A | 20 FEET | 30 INCHES | 1 Tree And 6 Shrubs For Every 30 Lineal Feet. |
| B | 30 FEET | 3 FEET | 1 Tree And 6 Shrubs For Every 30 Lineal Feet. |
| C | 40 FEET | 6 FEET | 1 Tree For Every 20 Lineal Feet. |

Sec 15.17.9 On-Site Landscaping.

1. 2.0 trees shall be provided per dwelling unit for new residential developments. Required trees shall be located in the front yard of single family and two family developments. Required trees shall be located around building foundations and common areas in multiple family developments. Trees in any required buffer yard may count towards up to fifty percent (50%) of the number of trees required on-site for multiple family developments.
2. For every new non-residential development, there shall be interior landscaping areas exclusive of any other required landscaping consisting of at least five percent (5%) of the total lot area. This landscaped area should be grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas. All interior landscaping shall conform to the following:
 - a. One (1) deciduous tree or ornamental tree or evergreen tree shall be provided for every four hundred (400) square feet of required interior landscaping area.
 - b. One (1) shrub shall be provided for every two hundred and fifty (250) square feet of required interior landscaping area.
 - c. The interior landscaping area shall contain grass, ground cover, four (4) inch deep shredded bark mulch, and shall be curved or edged as necessary.

Sec 15.17.10 Interior Parking Lot Landscaping.

Within every parking area containing at least five (5) parking spaces, at least five percent (5%) of the total parking lot area shall be landscaped, in addition to any other landscaping requirements. This landscaping shall meet the following standards:

1. One (1) deciduous shade tree shall be planted for every three hundred (300) square feet of required interior parking lot landscaping area.
2. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct smooth traffic flow within the lot. A minimum of one (1) tree shall be planted and included in each landscaping island or required landscaping area pursuant to the calculations of this section.
3. Landscaping shall be installed such that when mature, it does not obscure traffic signs or light, obstruct access to fire hydrants nor interfere with adequate motorist sight distance.
4. All landscape islands shall be curbed. Dimensions of islands shall be shown on the site plan. Minimum island width shall be ten (10) feet; minimum radii shall be ten (10) feet at ends facing main aisles and a minimum one (1) foot for radii not adjacent to main circulation aisles. The length of the islands shall be two (2) feet shorter than adjacent parking space to improve maneuvering.

Sec 15.17.11 Landscaping for Service Structures.

Service structures shall be screened from view from all adjacent property and zoning districts and from road rights-of-way in all zoning districts. For the purposes of this section, service structures shall include, but are not limited to, fuel tanks, dumpsters, transformers, utility vaults, which extend above the surface and other equipment or elements providing service to a building or site, but shall not include water meter pits, and fire hydrants. Structures may be grouped together; however, screening height shall be based upon the tallest of structures.

1. Location of screening. A continuous (having one hundred percent (100%) opacity) planting, hedge, fence, earth mound, which would enclose any service structure on all sides unless such structure must be frequently moved, in which case the above screening materials are required on all but one (1) side. The fourth side shall also screen the service structure through the use of an opaque gate. The height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed ten (10) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material or parking lot screening landscaping material, such walls or screening material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. The building material of the screening wall shall be compatible with the main building, and chain link fence is not a permitted screening material. No interior landscaping shall be required within an area screened for service structures.
2. Trash receptacle screening. Trash receptacles shall be located in the side or rear yards screened on three (3) sides by a durable material that is consistent with the building material used on the façade of the principal structure. The screen walls shall be at least six (6) feet in height or at least one (1) foot above the height of the enclosed trash receptacle. The fourth side of the trash enclosure shall be screened with a lockable gate that is the same height of the other three (3) screen walls. Bollards shall be installed at the enclosure opening to prevent damage to the screen walls or gate. Chain link fences or gates are not permitted screening materials for trash receptacle screening. Evergreen plant materials shall be planted around the trash receptacle screen wall to further screen the trash receptacle and screen wall from view.

Sec 15.17.12 Landscape Plan Submission and Approval.

1. Subdivision preliminary plats. Any developer or property owner submitting a preliminary plat for approval of a subdivision of property which is required to comply with all or part of this article shall indicate on the preliminary plat the landscape buffer zone with conceptual plant materials. The developer or property owner is not required to submit the final landscape plan required by this article until it applies for final plat approval.
2. Landscape plan required. For all property which is subject to the requirements of this article, the property owner or developer shall prepare a landscape plan for

submittal to the Planning Commission, or as otherwise permitted, to the zoning administrator. Final residential, commercial, office, and industrial landscape plans shall be submitted with, and at the same time as, an application for final plat approval, site plan approval, planned unit development approval, conditional use approval applications or other matters which must be approved by Planning Commission or village council.

3. Plan content. The content of the plan shall include the following:
 - a. Plot plan, drawn to an easily readable scale no smaller than one (1) inch equals forty (40) feet; showing and labeling by name and dimensions, existing and proposed property lines, right-of-way, easements, bicycle paths, sidewalks, size and location of all buildings and structures, vehicular use areas including parking stalls, driveways, service areas, utility boxes, and dumpster pads; existing and finished grades; locations of structures on adjoining parcels and adjacent zoning; water outlets or other method of irrigation; earth mounds, walls, and fences; proposed landscape material including common, installation size, on center planting dimensions where applicable, and quantities for all plants used; all existing trees with a caliper of eight (8) inches or greater be labeled as either “to be removed” or “to be saved”; large clusters of trees designated by a tree line on the plan and labeled as either “to be removed” or “to be saved;” and the tree clearing limits and method of tree protection around trees to be saved.
 - b. Typical elevations and/or cross sections as may be required at a larger scale to adequately convey the aspects of the plan. Elevations and cross sections typically include earth mounds, decorative walls, trash enclosures, landscape islands, and building mass.
 - c. Title block with the pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow, generally orient plan so that north is to top of plan and zoning district.
 - d. Notes shall appear on the plan stating the approved landscape materials will be maintained to meet Ohio nurserymen and village standards, in good repair, and free from refuse, and that the property owner will replace all dead and diseased plant material that were installed as part of an approved landscape plan.
4. Building permit and certificate of occupancy. Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved and no certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the zoning administrator or his designee, unless a performance bond in accordance with sec. 15.3.19 of this ordinance, or irrevocable letter of credit from a banking institution, has been posted. If the required landscaping has not been completed and a temporary certificate of occupancy is issued, a performance bond or irrevocable letter of credit from a banking institution shall be posted at that time.
5. Posting of bond or irrevocable letter of credit. After a bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six (6) months after the date of posting the bond or irrevocable letter of credit. The bond amount is to be determined by

the village administrator, or his designee. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.

6. Procedure. The procedure for landscape plan approval shall be as follows:

- a. Informal procedure. Persons desiring to make alterations or additions less than twenty-five percent (25%) of the square footage, up to a maximum of 3,000 square feet, in or on existing buildings, structures or uses which are subject to this article, shall apply to the village administrator by submitting a landscaping plan of the property or reasonably accurate drawings of the proposed work, and such other accurate information pertaining to the proposed work as may reasonably be requested by the village administrator. Under these circumstances, the landscaping to be provided is only required to the extent of the alteration or expansion and not for the entire property. However, final building plan approval or certificate of occupancy for the addition will not be granted until the entire site conforms to the minimum landscape requirements found herein. Upon receipt of such plan, drawings and information, the village administrator shall, within thirty (30) days of receipt:
 - 1) Make a determination as to whether the applicant meets the requirements for the informal procedure.
 - 2) Determine that the proposed plan presents a unique or particularly complex question, in which case he shall so advise the applicant and require the applicant to submit his application to the Planning Commission.
 - 3) Determine that the proposed plan, as submitted, or as amended by the applicant after consultation with the village administrator, is in conformance with this article, and issue a written approval of the plan.
 - 4) Determine that the proposed plan, as submitted, or as amended by the applicant after consultation with the village administrator, is not in conformance with this landscape ordinance and deny approval of the plan and send written notice of denial to the applicant along with the reasons for denial. The applicant shall then have such right to appeal the village engineer determination to the Planning Commission.
- b. Formal procedures. For all property which is subject to the requirements of this landscape ordinance, and which exceeds the restrictions for the informal procedure above, landscaping shall be required for the entire lot or lots, and the procedure for landscape plan approval shall be as follows:
 - 1) Final plat approval. For property which is otherwise subject to the requirements for final plat approval required by village subdivision regulations the landscaping plan shall be submitted along with the final plat and shall be reviewed as part of the final plat review.
 - 2) Site plan approval. For property which is otherwise subject to the requirements for site plan approval required by article 18, the landscaping plan shall be submitted along with the application for site

- plan approval and shall be reviewed as part of the site plan review.
- 3) Conditional use approval. For property that is otherwise subject to the requirements for a conditional use permit, the landscaping plan shall be submitted along with the application for the conditional use permit and shall be reviewed as part of the conditional use permit application.
 - 4) Other approvals. For property which requires the approval of Planning Commission, the village administrator, zoning administrator or some other village board, department, division or representative under the zoning ordinance, excluding property included within the coverage of subparagraphs (i), (ii) and (iii) above, the landscaping plan shall be submitted along with the application and reviewed as part of the applicable approval process.

Sec 15.17.13 Modifications.

1. Upon the request of any person, the Planning Commission may approve applications of submitted landscape plans from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article would detract from the stated purpose of this article. A request for a modification shall be submitted to the Planning Commission and shall be heard at a regularly scheduled Planning Commission meeting. Planning commission shall decide the issue within a reasonable time after the hearing. In evaluating a request for a modification, the Planning Commission shall include, but not be limited to, the following criteria:
 - a. The specific condition(s) which are unique to the applicants land, and do not exist on other land within the same zone;
 - b. The manner in which strict application of this article would deprive the applicant a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same zone;
 - c. The unique conditions and circumstances are not self-created after the adoption of this article; and
 - d. Reasons that the modifications shall preserve, not harm the public safety and welfare, and shall not alter the essential character of the neighborhood.
 - e. The fact that the agreed upon landscape plan substantially complies with the terms and stated purpose of this article.

Sec 15.17.14 Landscape Materials.

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

1. Earth mounds. Earth mounds shall be physical barriers which block or screen the

view similar to a hedge, fence or wall. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement.

- a. Dimensions. The height of the required earth mound shall be measured from: (1) existing grade located next to but not on the earth mound when provided next to a common property line; (2) the grade of the parking lot when used to screen vehicular use areas; and (3) from the centerline of the road or center of the railroad tracks when used to screen property from adjacent rights-of-way. Earth mounds shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33 percent slope), with a preferable two (2) foot wide crest on top of the mound. Earth mounds may undulate in height and from side-to-side, provided that the minimum opacity requirements are met.
 - b. Protection from erosion. All required earth mounds shall be planted with sod, ground cover, or other suitable live plant material to protect the earth mound from erosion so that it retains its height and shape.
2. Plants. Artificial plants are prohibited. All plant materials shall be living plants and shall meet the following requirements.
- a. Quality. Plant materials used in conformance with provision of this article shall conform to the standards of the american association of nurserymen and shall have passed any inspections required under state regulations.
 - b. Required landscape plantings shall be guaranteed by the property owner for one (1) year from the date of planting. In that time, all plant materials that are unsightly, dead, dying, or that become unhealthy because of damage, neglect, drainage problems, disease, insect infestation, or other causes shall be replaced. Replacement materials shall meet all standards of the original installation.
 - c. Deciduous trees. Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet in southwest ohio and having trunks which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. Deciduous trees shall have a minimum caliper of two and one-half ($2\frac{1}{2}$) inches measured six (6) inches above grade. Ornamental deciduous trees shall have a minimum caliper of two (2) inches measured six (6) inches above grade. Trees planted within driveway and street sight triangles shall have a minimum of five (5) feet of clearance between grade and the first branch.
 - d. Evergreen trees. Evergreen trees shall be a minimum of five (5) feet high.
 - e. Shrubs and hedges. Shall be at least two (2) feet for parking lot and right-of way and three (3) feet for screening between land uses, in average height when planted.

- f. Vines. Shall be at least fifteen (15) inches in length at planting, and are generally used in conjunction with walls or fences.
- g. Grass or ground cover. Grass of the fescue (gramineae) or bluegrass (poaceae) family shall be planted in species normally grown as permanent lawns in southwest Ohio, and may be sodded or seeded; except in sales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clear and free of weeds and noxious pests or disease. Ground cover shall be planted in such a manner as to present a finished appearance and seventy five percent (75%) of complete coverage after complete growing seasons.

3. Maintenance and installation.

- a. Water. Irrigation is encouraged but not required. All landscape areas shall be provided with a readily available and acceptable supply of water, with at least one (1) spigot located within 100 feet of all landscape material to be established and maintained.
- b. Off-season planting requirements. If an approved development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee, such as a bond or a letter of credit, to ensure installation of required landscaping in the next planting season in accordance with sec. 15.3.19 of this ordinance.
- c. Design. Continual maintenance and upkeep of buildings and grounds are necessary to realize the full benefits of good site design. The selection of materials in site and building design is perhaps one of the most important phases in the design process. Materials shall be selected for their longevity, durability and ease of maintenance as well as their appearance. Detailed site and building design shall be consider avoiding design configurations and features that may accumulate debris, leaves, trash, dirt and rubbish.
- d. Maintenance and replacement. All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. The owner of the property shall also maintain the landscape design and materials in quantity and quality according to the landscape plan approved by the Planning Commission. All unhealthy, dead, or defective plant material shall be replaced within thirty (30) days, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. Violation of these installation and maintenance provisions shall be grounds for the village manager to refuse a building occupancy permit or institute legal proceedings.

4. Pruning and growth inhibitors. Landscaping materials used to fulfill ordinance requirements, or conditions or approval, as authorized by village council, Planning Commission, board of zoning appeals, or other appropriate body may not be pruned or otherwise treated so as to reduce overall height or level of opacity required. Landscape materials are intended to grow, spread and mature over time; and pruning and other inhibiting measures including removal may only be practiced to insure the public safety, to maintain a neat and attractive appearance and to preserve the relative health of the material involved. The use of growth inhibitors is not permitted to be used on any plant material used to fulfill ordinance requirements or conditions of approval.
5. Potential damage to utilities. In no case shall landscaping material be planted in a way that will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees shall be setback from overhead utility lines as indicated in the following table:

| Tree Height | Min Distance From Center Of Trunk To Nearest Utility Line |
|---------------|--|
| Up to 15 feet | 10 feet |
| 15 to 25 feet | 20 feet |
| Over 25 feet | 30 feet |

6. Trees not permitted: (except where they are considered appropriate for the ecosystem, such as in a wetland environment not in close proximity to any existing or proposed buildings or structures):

| TREES NOT PERMITTED |
|------------------------------------|
| Box Elder |
| Soft Maples (Amur, Norway, Silver) |
| Elms (Siberian) |
| Poplars (White, Silver) |
| Willows |
| Horse Chestnut (Nut Bearing) |
| Tree Of Heaven |
| Catalpa |
| Wayfaring Tree |
| Paper Mulberry |
| Black Locust |
| Cottonwood |
| Black Alder |
| Paper Birch |
| European White Birch |
| Northern Catalpa |
| Ginko (Female) |
| Osage-Orange |
| Apple |
| Mulberry |
| Bradford Pear |
| Upright English Oak |
| European Mountain Ash |
| Moline American Elm |

7. Tree stakes, guy wires and tree wrap are to be removed after one (1) year.
8. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants.
9. Plantings Within Fifteen (15) Feet Of A Fire Hydrant Shall Be No Taller Than Six (6) Inches At Maturity.

Sec 15.17.16 Waiver Or Modification Of Standards For Special Situations.

The Planning Commission may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. The Planning Commission may approve credit for existing trees on a site to accommodate landscaping requirements. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Commission. In no case shall the minimum number of required trees be reduced by less than 50% through the use of existing trees. The credit for preserved trees shall be:

| D.B.H. Of Preserved Tree * (In Inches) | Number Of Trees Credited |
|---|---------------------------------|
| Over 12 inches | 3 |
| 8" - 11.9" | 2 |
| 2.5" - 7.9" | 1 |

* **D.B.H.** is the diameter measured at a height of four and one-half (4.5) feet above the natural grade. (diameter at breast height, d.b.h.)

In making such a determination to waive or reduce the landscape and screening requirements of this article, the following may be considered:

1. Extent that existing natural vegetation provides desired screening.
2. A steep change in topography which would limit the benefits of required landscaping.
3. The presence of existing wetlands.
4. Existing and proposed building placement in relationship to adjacent land uses and roads.
5. The abutting or adjacent land is developed or planned by the village for a use other than residential.
6. Building heights and views.
7. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

Sec 15.17.17 Replacement Standards.

The standards below are intended to encourage the preservation of existing quality and mature trees on private property, which contribute to the character, welfare and quality of life in south Lebanon. These standards are intended to prevent the unnecessary removal of trees prior to, during, and following construction on a site.

1. All trees over eight (8) inches caliper shall be identified on the landscape plan distinguishing those to be preserved from those to be removed.
2. Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line.
3. To protect and encourage the continued health of the preserved trees, the ground area within the dripline of the trees shall be maintained in vegetative landscape material or pervious surface cover. The village may not allow sidewalks, bike paths, vehicular lanes and parking within the dripline upon determining the setback from the trunk is suitable to reasonably ensure protection of the tree and the public. Storage of soils or other materials during or after construction within the dripline is prohibited.
4. All existing trees identified on the site plan with an eight (8) inch or larger caliper to be removed must be replaced according to the following table. Replacement trees shall be in addition to all other landscaping requirements. However, all trees required upon this article will count as replacement trees.

| D.B.H.* of removed tree | Trees required to be planted |
|--------------------------------|-------------------------------------|
| 24" or larger | 4 trees of at least 2.5" caliper |
| 12" - 23.9" | 3 Trees Of At Least 2.5" Caliper |
| 8" - 11.9" | 2 Trees Of At Least 2.5" Caliper |

* **D.B.H.** is the diameter measured at a height of four and one-half (4.5) feet above the natural grade. (diameter at breast height, D.B.H.)

5. Any property owner or his representative proposing to clear more than twenty-five percent (25%) of the trees of eight (8) inch diameter at breast height (D.B.H.) or greater on a site, as determined by the Planning Commission, shall first notify the village of the intent of such clearing and/or earth change and submit a proposed plan describing the sites features for review and approval by the Planning Commission. This sub-section shall not prevent tree clearing for approved building envelopes, swimming pools, decks, essential services, utility lines or construction drives; nor shall this ordinance prohibit site alterations for farming purposes. The Planning Commission may waive the (d.p.h.) standard for select clearing of lower quality and non-native species including box elders, elms, poplars, willows and cottonwoods.

Sec 15.17.18 Tree Protection During Construction.

1. Placement of materials near trees. No person shall conduct any activity within the drip line of any tree designated to remain, including but not limited to, placing solvents, building materials, construction equipment or soil deposits within the drip line. Nor shall vehicles or construction equipment be operated in such close proximity of an existing tree so as to cause compaction of the soil within the drip line of the tree which is to remain.
2. Attachments to trees. During construction, no person or entity shall attach any device or wire to any tree which is to remain after construction.
3. Protective barriers. Before development, land clearing, filling or any land alteration for which a permit is required, the developer and/or property owner shall erect and maintain suitable barriers to protect existing trees which are to remain after construction. Protective barriers shall remain in place until the village authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Wood, metal, or other substantial material shall be utilized in the construction of barriers. Barriers are required for all trees designated to remain, except in the following cases:
 - a. Rights-of-way and easements. Street rights-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, or similar material from stake to stake along the outside perimeters of areas to be cleared.
 - b. Large, separate areas. Large areas of property separate from the construction or land clearing area on to which no equipment will venture may also be cordoned off.

ARTICLE 18

SITE PLAN REVIEW

Sec 15.18.1 Purpose.

The purpose of this article is to set forth requirements, procedures and standards concerning the review and approval of site plans.

Sec 15.18.2 Intent.

The site plan review procedures and standards in this section are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the standards contained in this ordinance and other applicable local ordinances and state and federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the village and the applicant to facilitate development in accordance with the village's land use objectives.

Sec 15.18.3 Applicability.

Site plan required. Except as provided in this ordinance, the development of any new use, the construction of any new structures, any change of an existing use of land or structure that impacts any requirement of these regulations, and all other building or development activities shall require site plan approval prior to construction and/or occupancy pursuant to this article. For example, site plan review is required for any of the following activities:

1. Erection, moving, relocation, or conversion of a building or structure to create additional floor space, other than a single family dwelling. Any proposal to construct, move, relocate, convert, or structurally alter a building; change or add a use; expand or decrease off-street parking; or fill, excavate, or grade land.
2. Any development that would, if approved, provide for the establishment of more than one (1) principal use on a parcel.
3. Development of non-single family residential uses in single family districts.
4. Any change in land use or change in the use of a structure that potentially affects compliance with the standards set forth within these regulations.
5. Any conditional use, in accordance with the requirements of this ordinance.
6. Any proposed use for an existing building that has set vacant for six (6) months or more.
7. Any use or development for which submission of a site plan is required by provisions of this ordinance.

Sec 15.18.4 Site Plan Not Required.

Notwithstanding the preceding section, site plan approval is not required for the following activities:

1. Construction, moving, relocation, conversion, or structural alteration of a single-family detached house in any R-1 district, or a two-family dwelling in any R-2 or R-3 district. However, submission of a plot plan in accordance with the requirements of this ordinance, shall be required for these uses.
2. Construction, moving, relocation or structural alteration of a single or two-family home, including any customarily incidental accessory structures.
3. Excavation, filling, or other removal of soil, provided that such activity is normally and customarily incidental to single family uses described in this subsection for which site plan approval is not required.
4. A change in the ownership of land or a structure.
5. A change in the use of a structure to a similar use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of the regulations and that the site maintains full and continuing compliance with these regulations.

Sec 15.18.5 Procedures and Requirements.

Site plans shall be submitted in accordance with the following procedures and requirements:

1. Applicant. The application shall be submitted by the owner of an interest in land for which site plan approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.
2. Application forms and documentation. The application for site plan review shall be made on the forms provided by the village.
3. Site plan preparation. The site plan shall be prepared in the manner specified in this article and on the site plan application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for formal review. At any time during the course of preparation of a site plan, the village staff shall, upon request, provide information concerning this ordinance's procedures and standards.
4. Submission of completed site plan. Twelve (12) site plans, three (3) applications and the required fees, shall be submitted to the village. The site plan proposal will be placed on the Planning Commission agenda within thirty (30) days to be formally accepted for processing and for initial review, except where commission review is not required.
5. Distribution of plans. The site plans and application shall also be distributed to appropriate village officials for review. If deemed necessary by the zoning administrator, the plans may also be submitted to the village engineer and planner for review.

6. Review by the village planner and engineer. The village planner and engineer shall review the site plan and application materials, and prepare written reviews, if requested by the village, which shall specify any deficiencies in the site plan and make recommendations as appropriate.
7. Commission consideration. At the first regular meeting at which a site plan proposal is considered, the commission shall first determine whether to accept the plan for processing. If accepted for processing, the commission shall review the site plan in relation to applicable standards and regulations, and in relation to the intent and purpose of this ordinance. The commission shall consider the comments and recommendations from the village planner, the village building official, village engineer, zoning administrator, public safety officials, and other reviewing agencies.
8. If the commission determines that revisions are necessary to bring the site plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised site plan.
9. Site plan revision and submission of revised plan. The applicant shall revise the site plan, based on the requirements and recommendations set forth in the written review. The applicant shall then submit twelve (12) copies of the revised plan, three (3) applications and review fee. The revised site plan and application materials shall be reviewed by the commission within thirty (30) days after the village receives a complete revised site plan application.

Sec 15.18.6 Commission Determination.

The commission shall make a determination on a site plan based on the requirements and standards in this zoning ordinance. The commission is authorized to grant approval, grant approval subject to conditions, or reject a site plan, as follows:

1. Approval. Upon determination that a site plan is in compliance with the standards and requirements of this ordinance and other applicable ordinances and laws, the commission shall approve the plan.
2. Approval subject to conditions. Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain variances or obtain approvals from other agencies. The applicant may re-submit the site plan to the commission for final review after conditions have been met. The commission may waive its right to review the revised plan, and instead authorized the zoning administrator, or his designee, to review and recommend approval of the re-submitted plan if all required conditions have been addressed.
3. Denial. Upon determination that a site plan does not comply with the standards and regulations set forth in this ordinance, or requires extensive revision in order to comply with said standards and regulations, the commission shall deny site plan approval.

Sec 15.17.7 Recording of Site Plan Review Action.

Each action taken with reference to a site plan review shall be duly recorded in the minutes of the commission. The grounds for action taken upon each site plan shall also be recorded in the minutes. After the commission has taken final action on a site plan, the commission secretary, or zoning administrator shall clearly mark three (3) copies of the application and final site plans approved or denied, as appropriate, with the date that action was taken. The conditions of approval, if any, shall be recorded on the approved site plan. One (1) marked copy will be returned to the applicant and the other two (2) copies will be kept on file by the village.

Sec 15.18.8 Application for Building Permit.

Prior to issuance of a building permit, the applicant shall submit proof of the following:

1. Final approval of the site plan.
2. Final approval of the engineering plans.
3. Acquisition of all other applicable village, county, or state permits.

Sec 15.18.9 Application for Certificate of Occupancy.

Following building construction and completion of site work, the applicant may apply to the village, for a certificate of occupancy from the building official or zoning administrator. It shall be the applicant's responsibility to obtain the required certificates prior to any occupancy of the property.

Sec 15.18.10 Expiration of Site Plan.

If construction has not commenced within eighteen (18) months of final approval of the site plan, the site plan approval becomes null and void and a new application for site plan review shall be required. The commission may grant a twelve (12) month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the site plan expiration date or a new application for site plan review shall be required.

Sec 15.18.11 Revocation of Site Plan Approval.

Approval of a site plan may be revoked by the commission if construction is not in conformance with the approved plans. In such a case, the zoning administrator shall place the site plan on the agenda of the commission for consideration, and give written notice to the applicant at least ten (10) days prior to the meeting. The applicant shall be given the opportunity to present information to the commission and answer questions.

The commission may revoke the approval of the site plan if it finds that a violation exists and has not been remedied prior to the hearing.

Sec 15.18.12 Performance Guarantee.

The council, commission or zoning administrator may require that a performance guarantee be deposited with the village to insure faithful completion of improvements, in accordance with section 15.3.19 of this ordinance.

Sec 15.18.13 Site Maintenance After Approval.

It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until:

1. The property is razed;
2. New zoning regulations supersede the regulations upon which site plan approval was based; or
3. A new site design is approved following commission review.

Any property owner who fails to maintain an approved site plan in full compliance with approvals granted by the commission according to the provisions of these regulations, shall be deemed in violation of the use provisions of these regulations and shall be subject to the penalties stated in section 15.3.17 of this ordinance.

Sec 15.18.14 Administrative Review.

Minor modifications to an approved site plan may be reviewed and approved by the zoning administrator consistent with the minimum information requirements of this ordinance, provided that the modifications do not involve any one (1) of the following items:

1. A request for a variance;
2. A conditional use;
3. A planned development plan; or
4. The continuation of a nonconforming use or structure.

Sec 15.18.15 Minor Modification Defined.

Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. Examples of minor modifications include:

1. An addition to an existing building that does not increase or decrease the floor space by more than twenty-five percent (25%) or three thousand (3,000) square feet, whichever is less.
2. Re-occupancy of a building by a similar use permitted by these regulations.
3. Changes to building height that do not add an additional floor.
4. Additions or alterations to the landscape plan or landscape materials.
5. Relocation or re-sizing utility supply lines or service connections.
6. Relocation or screening of the trash receptacle.
7. Alterations to the internal parking layout of an off-street lot in which the total available spaces is unchanged.

Sec 15.18.16 Determination of Minor Modification.

The zoning administrator shall determine if the proposed modifications are minor in accordance with the guidelines in this section. In order to make a determination, the zoning administrator may solicit comments and recommendations from the solicitor, and public safety officials, as deemed necessary.

Sec 15.18.17 Modifications Not Deemed “Minor”.

If the modifications are not deemed minor by the zoning administrator, then review and approval of the changes by the commission shall be required. Council review and approval shall be required for a modifications to a site plan that originally required council approval.

Sec 15.18.18 Recording of Action.

Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the zoning administrator. The zoning administrator shall have the authority to require a new site plan for the purposes of clarity. The commission shall be advised of all minor site plan modifications approved by the zoning administrator and such modifications shall be noted on the site plan and in the minutes of the commission meeting.

Sec 15.18.19 Required Information for Sketch Plans.

The following information shall accompany or be included on all sketch plans:

1. An application form provided by the village shall be prepared and submitted with the sketch plan.
2. Sketch plans shall consist of an overall plan for the building and site or part of a site related to the building. The plan shall be drawn to a scale of not less than one inch equals twenty feet (1" = 20') for property less than one (1) acre, one inch equals thirty feet (1" = 30') for property larger than one (1) acre, and one

inch equals fifty feet (1" = 50') for property larger than three (3) acres. Sheet size shall be at least twenty-four (24) inches by thirty-six (36) inches. The following description and identification information shall be included on all sketch plans:

- a. Scale and northpoint.
- b. Name, address, and telephone number of the applicant and the person preparing the drawing.
- c. Zoning classification of the subject site.
- d. Property boundary lines and dimensions; if more than one (1) lot is included in the site, the lot lines of each lot shall be indicated.
- e. Front, side, and rear setbacks dimensioned from the minimum location(s).
- f. Existing and proposed driveways and edges of all existing and proposed paved surfaces, as required.
- g. Existing and proposed parking spaces required.
- h. The outline and dimensions of all existing and proposed exterior building walls on the site.
- i. All exterior site improvements or modifications proposed in conjunction with the use described on the sketch plan including, but not limited to, building construction, new pavement, landscaping, trash receptacle, and site clearing.
- j. A written description of the proposed use.
- k. A floor plan describing the use of all interior floor space.

Sec 15.18.20 Site Plan Application Data Requirements.

The following information shall be included with all site plan submittals:

1. Application form. The application form shall contain the following information:
 - a. Applicant's name and address.
 - b. Name and address of property owner, if different from applicant.
 - c. Common description of property and complete legal description.
 - d. Dimensions of land and total acreage.
 - e. Existing zoning.
 - f. Proposed use of land and name of proposed development, if applicable.
 - g. Proposed buildings to be constructed, including square feet of gross floor area.
 - h. Project value.
 - i. Employment opportunities created, if applicable.
2. Site plan descriptive and identification data: site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than one inch equals fifty feet (1"=50') for property less than 3 acres, and one inch equals one hundred feet (1"=100') for property 3 acres or more in size. Sheet size shall be

at least 24 inches by 36 inches. The following descriptive and identification information shall be included on all site plans:

- a. Applicant's name, address, and telephone number.
- b. Title block indicating the name of the development.
- c. Scale.
- d. Northpoint.
- e. Dates of submission and revisions (month, day, year).
- f. Location map drawn to scale with northpoint.
- g. Legal and common description of property.
- h. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.
- i. Identification and seal of architect or engineer who prepared the plan. The seal of a land surveyor may be accepted if the site plan involves no building or engineering. The seal of a landscape architect may be accepted on landscaping plans.
- j. Written description of proposed land use.
- k. Zoning classification of petitioner's parcel and all abutting parcels.
- l. Proximity to section corner and major thoroughfares.
- m. Notation of any variances, which have been or must be secured.
- n. Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.

3. Site data.

- a. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within one hundred (100) feet of the site.
- b. Front, side, and rear setback dimensions.
- c. Topography on the site and within one hundred (100) feet of the site at two (2) foot contour intervals, referenced to a u.s.g.s. benchmark.
- d. Proposed site plan features, including buildings, roadway widths and names, and parking areas.
- e. Dimensions and centerlines of existing and proposed roads and road rights-of-way.
- f. Acceleration, deceleration, and passing lanes, where required.
- g. Proposed location of driveway entrances and on-site driveways.
- h. Cross-section of any proposed roads.
- i. Location of existing drainage courses, floodplains, lakes and streams, with elevations.
- j. Location of existing and proposed interior sidewalks and sidewalks in the right-of-way.
- k. Exterior lighting locations and method of shielding lights from shining off the site.
- l. Trash receptacle locations and method of screening, if applicable.
- m. Transformer pad location and method of screening, if applicable.
- n. Layout of off-street parking areas and indication of total number of spaces and typical dimensions of spaces.

- o. Method of surfacing driveways, parking areas, and other vehicle maneuvering areas.
- p. Information needed to calculate required parking in accordance with zoning ordinance standards.
- q. The location of lawns and landscaped areas, including required landscaped greenbelts.
- r. Landscape plan, including location, spacing and types of shrubs, trees, and other live plant material.
- s. Location, sizes, and types of existing trees eight (8) inches or greater in diameter, measured at one (1) foot off the ground, before and after proposed development.
- t. Cross-section of proposed berms.
- u. Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.
- v. Designation of fire lanes.
- w. Loading/unloading area.
- x. The location of any outdoor storage of materials and the manner by which it will be screened.

4. Building and structure details.

- a. Location, height, and outside dimensions of all proposed buildings or structures.
- b. Indication of the number of stores and number of commercial or office units contained in the building.
- c. Building floor plans.
- d. Total floor area.
- e. Location, size, height, and lighting of all proposed signs.
- f. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
- g. Building facade elevations, drawn to a scale of one (1) inch equals four (4) feet, or another scale approved by the zoning inspector and adequate to determine compliance with the requirements of this ordinance. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers.

5. Information concerning utilities, drainage, and related issues.

- a. Schematic layout of existing and proposed sanitary sewers and septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to serve the site; storm sewers and drainage facilities, including the location of retention/detention facilities; and the location of gas, electric, and telephone lines.
- b. Indication of site grading and drainage patterns.
- c. Types of soils and location of floodplains and wetlands, if applicable.

- d. Soil erosion and sedimentation control measures.
 - e. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
 - f. Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable.
6. Information applicable to multiple-family residential development.
- a. The number and location of each type of residential unit (one bedroom units, two bedroom units, etc.).
 - b. Density calculations by type of residential unit (dwelling units per acre).
 - c. Lot coverage calculations.
 - d. Floor plans of typical buildings with square footage of floor area.
 - e. Garage and carport locations and details, if proposed.
 - f. Pedestrian circulation system.
 - g. Location and names of roads and internal drives.
 - h. Community building location, dimensions, floor plans, and facade elevations, if applicable.
 - i. Swimming pool fencing detail, including height and type of fence, if applicable.
 - j. Location and size of recreation open areas.
 - k. Indications of type of recreation facilities proposed for recreation area.
 - l. Colored rendering of typical building.
7. Information applicable to commercial and industrial development.
- a. Type of commercial or industrial use being proposed.
 - b. Estimated number of employees.
8. Non-applicable items. If any of the items listed are not applicable to a particular site, the site plan shall provide a list of each item considered not applicable, and the reason(s) why each listed item is not considered applicable.
9. Other required data. Other data may be required if deemed necessary by administrative officials or the commission to determine compliance with the provisions in this ordinance. Such information may include traffic studies, market analysis, environmental assessments, and evaluation of the demand on public facilities and services.

Sec 15.18.21 Standards for Site Plan Approval.

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

- 1. Adequacy of information. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

2. Site design characteristics. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this ordinance.
3. Appearance. Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
4. Functional considerations. In business and industrial districts the nature, location, height, size and site layout shall be such that it will be a harmonious part of the district in which the use is located, taking into account prevailing shopping habits, convenience and access by patrons, the physical and economic relationship of one type of use to another, characteristic groupings of uses in a commercial or industrial district, and other similar economic and functional considerations.
5. Compliance with district requirements. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in article 9 district regulations.
6. Preservation of natural areas. The landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling, and grading.
7. Privacy. The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.
8. Emergency vehicle access. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
9. Ingress and egress. Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
10. Pedestrian circulation. The site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.
11. Vehicular and pedestrian circulation layout. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.
12. Drainage. Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to

- conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the village engineer.
13. Soil erosion and sedimentation. The proposed development shall include measures to prevent soil erosion and sedimentation.
 14. Exterior lighting. Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.
 15. Public services. Adequate services and utilities, including water, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
 16. Screening. Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height.
 17. Vulnerability to hazards. The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the village to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the village shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the village. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.
 18. Health and safety concerns. Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.
 19. Sequence of development. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
 20. Coordination with adjacent sites. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.
 21. Barrier-free access. All development shall comply with applicable federal, state, and local laws and regulations regarding barrier-free access.

ARTICLE 19

THOROUGHFARE PLAN

Thoroughfare planning, land use planning, and sound subdivision design regulations are, in effect different parts of the same regulatory process. As such, each must be very carefully coordinated the others. All are important in terms of managing future development and the resulting increase in traffic volumes.

Sec 15.19.1 Purpose.

The Thoroughfare Plan is intended to serve the following functions:

1. To coordinate land uses (traffic generators) present and future with thoroughfare characteristics and capacities.
2. To designate a system of thoroughfares and streets adequate to carry the traffic that will be generated by anticipated development as delineated on the Land Use Plan and by growth in areas adjoining South Lebanon.
3. To provide for the overall general development of the community.
4. To ensure that new thoroughfares and streets are constructed within adequately sized rights-of-way, and that existing streets are likewise improved (where called for) within adequate right-of-way.
5. To guide the location of new thoroughfares and streets; to interconnect old streets and new streets; to allow for the orderly extension of existing streets; and to discourage building on right-of-way needed for future streets.
6. To separate to the greatest extent possible, local trips, intermediate-length trips, and long distance trips; to the extent possible to protect local residential areas from excessive through traffic.
7. To provide a framework for implementing that portion of the subdivision regulations which relates to streets.

Sec 15.19.2 Functional Classification.

The Thoroughfare Plan Map designates the following Thoroughfare/Street functional classification:

1. Principal Arterials: Such thoroughfares should act primarily as intra-regional connectors; where possible, right-of-way and pavement widths should be relatively wide and unencumbered by numerous intersection points. Within the Plan area, SR 48 is the only Principal Arterial.
2. Minor Arterials: These roadways should serve multiple functions.
 - a. To carry a high level of intermediate-length trips within the study area;
 - b. To feed longer-distance traffic into principal arterials;
 - c. To distribute local traffic to and from various collector and local streets and;

- d. To provide access to abutting properties.

Within the Plan Area, Mason-Morrow-Millgrove Road is designated as a Minor Arterial.

3. Collector Streets: These streets "collect" traffic from local access streets and feed the intermediate and longer-distance trips onto the arterials described above. An additional function is the provision of access to abutting properties.
4. Local Streets: The purpose of local streets should be to provide access to abutting properties.

Sec 15.19.3 Policy Statements

The following policies support the goal of achieving sound subdivision design. These policies are excerpted from "Recommended Practices for Subdivision Streets" published by the Institute of Transportation Engineers, January 1967.

1. Adequate vehicular and pedestrian access should be provided to all parcels.
2. Local streets systems should be designed to minimize thru traffic movements while maintaining an interconnected street system to link neighborhoods, provide for multiple access points for emergency response vehicles, and to distribute traffic load.
3. Street patterns should minimize "out-of-the-way" travel.
4. Local street systems should be logical and comprehensible, and systems of street names and house numbers should be simple, consistent, and understandable.
5. Local circulation systems and land development patterns should not detract from the efficiency of bordering arterial routes.
6. Elements in the local circulation system should not have to rely on extensive traffic regulations in order to function efficiently and safely.
7. Planning and construction of residential streets should clearly indicate their local function.
8. The local street system should be designed for a relatively uniform low volume of traffic.
9. Local streets should be designed to discourage excessive speeds.
10. Pedestrian-vehicular conflict points should be minimized.
11. The arrangement of local streets should permit economical and practical patterns, shapes, and sizes of development parcels.
12. Local streets should be related to topography from the standpoint of both economics and amenities.
13. Good engineering practice (adherence to desirable geometric design standards) is essential.

Sec 15.19.4 Thoroughfare Plan; Summary of Specific Recommendations

1. Principal Arterial: One Principal Arterial roadway is shown on the Official Thoroughfare Plan Map, that being the existing SR 48. The primary purpose of

this type of roadway is the provision of through travel routes, as opposed to the provision of access to abutting properties.

The Ohio Department of Transportation has purchased limited access rights along extensive portions of SR 48 near the Village. An access point may be permitted at or near the existing median break to serve properties on either side of SR 48. These areas are critical to future business development, preferably of the type that can serve the needs of transient motorists, as well as residents of the Village.

The Village has plans to construct a new fire and emergency medical services (ems) facility on the west side of SR48 near this location. This facility will require the installation of a signalized intersection at this location. This intersection would also serve a new collector road extending from Turtle Creek Road to the west to Lebanon Road on the east that will serve to relieve future traffic congestion at the SR 48/Mason-Morrow-Millgrove Road intersection and provide access to property on both sides of SR 48, which is planned for future business development.

2. Minor Arterial Roadways: One Minor Arterial roadway is shown on the Official Thoroughfare Plan Map. This roadway, known as Mason-Morrow Road, provides the major east-west route, providing both through traffic and access to abutting properties. The Minor Arterial roadway route carries various local street names within the Village limits, including Pike Street, High Street, Forrest Avenue, Mary Ellen Street, and Morrow Street.

Where future subdivision activity occurs, it is recommended that future right-of-way dedication be required to achieve a roadway width of 50 to 90 feet, depending upon the portion of the roadway, or specific street involved. This Minor Arterial roadway is also used as the local truck route; consideration should be given to this with respect to paving requirements. In order to achieve some degree of consistency with existing development patterns, the right-of-way dedication should require the full 90' roadway (451' dedication one side of centerline) in undeveloped areas with the smaller dedication required in areas of existing development.

3. Collector Streets:
 - a. Establish a new collector road that connects east to west from Lebanon Road to Turtle Creek Road, intersecting SR 48 at a point slightly south of the existing median break on SR 48. This connection will serve to provide access to the area of the Village designated for business development and will allow access to occur without routing traffic through the intersection of the SR 48 and Mason-Morrow Road, which is currently the point in the Village most vulnerable to future traffic congestion. This thoroughfare should be established within a 60 ft. right-of-way.
 - b. Extend Morgan Drive to link with Section Street by means of the existing Mary Lane "stub" street [or suitable alternative connection(s)]. This will allow the large, undeveloped landholdings in the northern portion of the Village to develop with an alternative means of access, avoiding over-use of the existing streets with "tight" curve radius and/or frequent turning movements. Local access streets shown on the Future

Thoroughfare Plan map as "critical access points" are also called for to provide access to undeveloped areas. These points may be directly aligned, or offset depending on anticipated needs.

The provision of an alternative means of access into the Village serves three important objectives. These are: 1) mitigate congestion as discussed above, 2) provide access into the Village through an additional passage which is not subject to the 100 year flood Plain, and 3) overcome perceptual problems associated with access through the deteriorated residential and non-conforming commercial areas. Point #2 above could be important with respect to safety if another 100-year flood event occurs. Point #3 above could be an important factor in encouraging future development.

- c. Use Section Street, Main Street, and Lebanon Road to emphasize the north-south connection through the Village, keeping in mind the limitations imposed by the slope to the immediate south of the Little Miami River. Upgrade the State Route 48-Lebanon Road-Drive Road intersection (see discussion "D" below) to collector status. Such improvements are necessary to provide safe north-south access to the Village and to reduce reliance on existing arterials and collectors. This would provide a safe alternative (to the signalized intersection at SR 48/Mason Road) route to SR 48.
- d. Upgrade Snook Road, Shawhan Road, Turtle Creek Road, and Zoar Road to collector street standards, to reflect the fact that, as development densities gradually increase, these roadways will function as collector streets due to their critical locations with respect to through traffic around the fringes of the Village.
- e. Upgrade Lebanon Road ("Old 48") to collector street standards, including a total 60' or 70' width right-of-way, as shown on the Thoroughfare Plan map.

At the extreme southerly edge of the planning study area, consideration should be given to upgrading the Dwire Road-Lebanon Road- SR 48 intersection to achieve a more desirable alignment with a reduction in the number and close proximity of potential conflict points.

- 4. Local Streets: The exact alignment of future local streets is not detailed on the Official Thoroughfare Plan Map. Instead, the major public-interest issue with respect to local streets is establishment of the design standards and the optimization of intersection points with respect to one-another. At all times new subdivisions should be designed to maximize the interconnected nature of the street network with connections to adjoining subdivisions and undeveloped property and with connections to multiple collectors or arterials wherever possible. In particular subdivisions located on the east side of SR. 48 in the southern part of the village should provide connection between SR 48 and Zoar Road to the east. When streets are "stubbed" to provide for future connections it is mandatory that right-of-way be carried to the property line of the subdivision.
- 5. Critical Access Points: "Other critical access points" are indicated on the Thoroughfare Plan Map in order to specify potential future high-volume

intersection locations. Such intersection points need to be planned with careful attention to maintaining desirable spacing and offset with respect to other intersections. The design and width of the potential "critical access point" will depend of the specific details of the proposed development. In some cases, these may be local or collector streets; in other cases, they may be high volume commercial driveways. The applicable development standards shall be enforced. Recommended "critical access points, as mapped herein, are as follows:

- a. Turtle Creek-Mason Road area near the western end of the Planning Area, north of the well field: future access is called for into the area, which is presently mined.
- b. Southwest quadrant of the interchange: future access to SR 48 is called for at or near the point specifically recognized by the Ohio Department of Transportation. This access point is critical to planned future business development in this area. This access point should become a signalized intersection with a new collector road designed to serve planned commercial development on both sides of SR 48 as well as a new Fire/EMS facility planned by the Village on the west side of SR48 in this vicinity.
- c. Southeast quadrant of the interchange: future access into the large, mostly-vacant area is called for from Lebanon Road, in conjunction with the eventual realignment of the intersection of Snook Road and "Old" Lebanon Road.

A second access point into this critical sparsely developed southeast quadrant is called for intersecting the north frontage of Mason Road. This is to provide for future access to potential commercial development to front along the north side of Mason Road. Depending upon the specific type of development projected for this area, a single, consolidated access point, which results in the maximum separation from the SR 48 intersection is generally preferable to a succession of individual commercial driveways.

- d. Local access streets shown on the Future Thoroughfare Plan map as "critical access points" are also called for to provide access into the large, undeveloped areas in the northern part of the Village. A northward extension of North Section Street is called for as envisioned on the Dry Run Estates plat, to be approved by the Warren County Planning Commission. Any termination of this roadway should be temporary. Ultimately, the "loop" in North Section extension should become part of a through street network of local streets designed to serve two important objectives: (1) provide an alternative means of access to the Dogwood Trail area without encouraging excess through traffic, and (2) facilitate development of additional plateau areas in the northern part of the Village. Additional "critical access points," to become local streets, are shown intersecting Water Tower Road. Likewise, these are proposed in support of the two objectives above.

| Table 1 Village of South Lebanon, Ohio Recommended Right-of-Way Widths | |
|---|---------------------------------|
| Thoroughfare/Street Type | Recommended Right-of-Way Range* |
| Principal Arterial | (as presently exists) |
| Minor Arterial | 90' |
| Collector | 60' |
| Local Street | 50' |
| Other critical access point (see text) | |

* Unless otherwise noted on the plan

| Table 2 STREET DESIGN STANDARDS FOR ALL LOCAL STREETS* (figures indicate feet unless otherwise stated) | |
|--|-----|
| Right-of-Way Width | 50 |
| Pavement Width | 26 |
| Sidewalk Width (if required) | 5 |
| Minimum Stopping Sight Distance | 110 |
| Maximum Grade | 15% |
| Minimum Center line Radius | 175 |

* **NOTE:** figures are minimums except for “maximum grade”

| Table 3 COLLECTOR STREET DESIGN STANDARDS (figures indicate feet unless otherwise stated) | |
|---|-------|
| Right-of-Way Width | 60 |
| Pavement Width | 32 |
| Sidewalk Width (if required) | 4 |
| Minimum Stopping Sight Distance | 150 |
| Maximum Grade | 12% |
| Minimum Spacing when intersecting with an Arterial | 1,320 |
| Minimum Centerline Radius | 350 |

| Table 4 INTERSECTION DESIGN STANDARDS (figure indicate feet unless otherwise stated) | |
|--|------------|
| *Maximum Approach Speed (MPH) | 25 |
| Clear Sight Distance (Length along each approach leg) | 26 |
| Vertical Alignment with intersection | 4% maximum |
| Minimum Angle of Intersection | 75 degrees |

| | |
|---|------------------------|
| Streets shall remain in the angle of intersection for at least 100 feet beyond the point of intersection. | (90 degrees preferred) |
| Minimum Curb Radius | |
| (a) Local-local | 20 |
| (b) Local-collector | 25 |
| (c) Collector-collector | 30 |
| (d) Collector, marginal access-arterial | 35 |

* NOTE: These standards apply to intersections with a maximum approach (design) speed of 25 mph on all approach legs of the intersection. For higher design speeds, refer to the Subdivision Regulations, Section 15.20.6.4

ARTICLE 20

SUBDIVISION REGULATIONS

Sec 15.20.1 Title, Scope and Jurisdiction

1. Title. These regulations shall be known and may be cited and referred to as the "Subdivision Regulations of the Village of South Lebanon, Ohio," and shall hereinafter be referred to as "these regulations."
2. Administration. These regulations shall be administered by the Village Planning Commission.
3. Jurisdiction. These regulations shall be applicable to all subdivisions of land within the Village of South Lebanon, Ohio, in accord with Chapter 7 of the Ohio Revised Code.
4. Relation to Other Laws. The provisions of these regulations shall supplement any and all laws of the State of Ohio, ordinances of the Village, or any and all rules and regulations promulgated by authority of such law or ordinance relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall govern.
5. Amendments. These regulations may be amended, after public hearing(s) and other requirements as specified in the appropriate sections of the Ohio Revised Code.
6. Severability. If, for any reason, any clause, sentence, paragraph, section or other part of these regulations should be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so held to be invalid.

Sec 15.20.2 Definitions

1. Interpretation of Terms of Words: For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:
 - a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individual.
 - b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 - c. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
 - d. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
 - e. The word "lot" includes the words "plot" or "parcel."

2. Alley: See Thoroughfare Building Line: See Setback Line
3. Comprehensive Development Plan: A Land Use Plan and/or Thoroughfare Plan, or any portion thereof, adopted by the Planning Commission and/or the legislative authority of the Village of South Lebanon, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.
4. Corner Lot: See Lot Types
5. Covenant: A written promise or pledge.
6. Cul-de-Sac: See Thoroughfare
7. Culvert: A transverse drain that channels under a bridge, street, or driveway. Dead-end Street: See Thoroughfare
8. Density: A unit of measurement; the number of dwelling units per acre of land.
 - a. Gross Density - the number of dwelling units per acre of the total land to be developed.
9. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
10. Developer: Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.
11. Dwelling Unit: Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.
12. Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
13. Engineer: Any person registered to practice professional engineering by the state board of registration as specified in Section 4733.14 Ohio Revised Code.
14. Highway Director: The director of the Ohio Department of Transportation.
15. Improvements: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.
16. Letter of Credit: A document signed by an officer of the lending institution financing a proposed development which states that the developer has on deposit with that institution the funds to complete the proposed development as specified in plans reviewed by the Planning Commission.
17. Location Map: See Vicinity Map
18. Lot: For purposes of these regulations, a lot is a parcel of land or sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private driveway in a Planned Unit Development, and may consist of:
 - a. A single lot of record;
 - b. A portion of a lot of record;
 - c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

19. Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.
20. Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.
21. Lot Measurements: A lot shall be measured as follows:
 - a. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
 - b. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width.
22. Lot of Record: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by meets and bounds, the description of which has been so recorded.
23. Lot Types: Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows:
 - a. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
 - b. An interior lot is a lot other than a corner lot with only one frontage on a street.
 - c. A through lot is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
 - d. A reversed frontage lot is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
24. Maintenance Bond: A bond posted in accord with Article 7 of these regulations to assure that improvements are adequately constructed and maintained during the Bond period.
25. Minor Subdivision: A division of a parcel of land that does not require a plat to be approved by a planning authority according to Section 711.131, Ohio Revised Code, and which meets the definition of Article 3 Section 15.20.3.1. Also known as Lot Split.
26. Monuments: Permanent concrete or iron markers used to establish definitely all lines or the plat of a subdivision, including all lot corners, boundary lines corners, and points of change in street alignment.

27. Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.
28. Original Tract: The parcel of land existing as of the effective date of these regulations as shown on the tax duplicate in the County Auditor's office.
29. Out Lot: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.
30. Pad: A building site prepared by artificial means, including, but not limited to, grading, excavation, or filling, or any combination thereof.
31. Parking space, Off-Street: For the purpose of these regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.
32. Performance Bond or Surety Bond: An agreement by a subdivider or developer with the Village, for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed.
33. Planned Unit Development: An area of land, in which a variety of housing types and/or related commercial and industrial facilities may be accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.
34. Plat: The map, drawing, or chart on which the developer's plan of subdivision (preliminary) is presented to the Village Planning Commission for approval and, after such approval, to the County Recorder (final) for recording.
35. Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.
36. Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
37. Setback Line: A line established by the subdivision regulations and/or zoning ordinance (resolution), generally parallel with, and measured from, the front lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes. (See Yards)
38. Sewers, Public Sanitary: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

39. Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
40. Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. (See Walkway)
41. Subdivider: See Developer
42. Subdividers' Agreement (Subdivider's Contract): The Performance Bond, or Letter of Credit, and the Maintenance Bond.
43. Subdivision:
 - a. The division of any parcel of land shown as a unit or as contiguous units on the last proceeding tax roll, into two (2) or more parcels, sites, or lots anyone of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
 - b. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. (See Minor Subdivision)
44. Surety Bond: (See Performance Bond)
45. Surveyor: Any person registered to practice surveying.
46. Terrain Classification: Terrain within the entire area of the preliminary plat is classified as level, rolling, hilly, or hillside for street design purposes. The classifications are as follows:
 - a. "Level" is that land which has a cross slope range of four (4) percent or less;
 - b. "Rolling" is that land which has a cross slope range of more than four (4) percent but not more than eight (8) percent;
 - c. "Hilly" is that land which has a cross slope range of more than eight (8) percent but not more than fifteen (15) percent;
 - d. "Hillside" is that land which has a cross slope range of more than fifteen (15) percent.
47. Thoroughfare, Street, or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
 - b. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic; usually on a continuous route.
 - c. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
 - d. Cul-de-Sac: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
 - e. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
 - f. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
 - g. Loop Street: A type of local street, each end of which terminates at an intersection with the same street.
 - h. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street)
48. Thoroughfare Plan: The comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the corporate limits of the Village.
49. Through Lot: See Lot Types
50. Variances: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, literal enforcement of the regulations would result in unnecessary and undue hardship.
51. Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services in order to better locate and orient the area in question.
52. Walkway: A dedicated public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.
53. Watershed: The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.
54. Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
- a. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
 - b. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

- c. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Sec 15.20.3 Complete Minor Subdivision Regulations

1. Definition of Minor Subdivision. A tract of land shall be considered a minor subdivision if all five of the following conditions are met:
 - a. Such Minor Subdivision is not contrary to applicable zoning regulations or to the general and specific intent of these regulations.
 - b. Such Minor Subdivision consists of not less than two (2) lots (including the original tract) or more than five (5) lots, any one of which is less than five (5) acres.
 - c. Such Minor Subdivision will not involve more than five (5) lots after the original tract has been completely subdivided.
 - d. A Minor Subdivision shall be for the purpose of dividing small tracts of land, and shall not be used in staging development of large parcels of land, thereby shortcutting the normal preliminary and final platting procedure.
 - e. The proposed subdivision is located along an existing hard-surfaced public road which has the minimum required right-of-way, and the public road is regularly maintained.
2. Required Contents of Minor Subdivision Plot Plan. The Minor Subdivision Plot Plan shall be drawn at a scale of one hundred (100) feet to the inch on sheets 18" by 24" in size; shall include a location map; and shall meet the following specifications and include the following information:
 - a. Location of the minor subdivision including township, range, and section numbers along with a legal description, prepared and certified by a registered professional land surveyor.
 - b. Title, scale of plot plan, north arrow, and the date of survey.
 - c. Name(s) and address(es) of the owner(s), subdivider, and registered surveyor. (There shall be proper certification of ownership accompanying the application.)
 - d. Adjoining public right-of-way, pavement width and street name of the existing street in the Minor Subdivision.
 - e. All lot lines adjacent to and abutting the minor subdivision and the use of the corresponding parcels of property.
 - f. Where applicable, building setbacks and front yard dimensions should be shown.
 - g. Layout and size of lots drawn to scale showing bearing and distances as determined by an accurate field survey measured to the nearest one hundredth (1/100th) of a foot. One corner of the lots in the Minor Subdivision shall be referenced to the Street centerline of the nearest established intersection. Total area in the Minor Subdivision shall be

- shown to the nearest one thousandth (1/1000th) of an acre.
- h. Statement from the Combined Health District that the proposed means of sewage disposal is appropriate.
 - i. The location and purpose of existing and proposed easements.
 - j. The location of existing and/or proposed drainage courses, drainage tiles, road culverts.
 - k. The location of all proposed utilities and utility connections.
 - l. The location, type of material and size of all monuments and markers.
 - m. Certification by the Planning Commission or authorized representative thereof that the Minor Subdivision in fact conforms to the five-part definition of the Minor Subdivision.

3. Minor Subdivision Application Procedure and Approval Process.

- a. Before the Minor Subdivision Plot Plan can be submitted for approval to the Planning Commission, the following conditions shall be met:
 - 1) An application for approval of the Minor Subdivision Plot Plan including application fee and other fees deemed necessary shall be filed.
 - 2) There shall be one (1) original and four (4) copies of the Plot Plan in final form; including a legal description, prepared and certified by a registered professional land surveyor.
 - 3) There shall be proper certification of ownership.
 - 4) When the total area included in the Minor Subdivision includes natural features such as wooded areas, lakes, ponds, marshes, and rock outcropping or subsurface conditions such as mines and wells, supplementary information shall be submitted with the application to accurately locate those features or conditions involved.
- b. Minor Subdivision Approval: Upon receipt of the Minor Subdivision Plot Plan, the Administrator shall:
 - 1) Make sure the land proposed to be subdivided on the Minor Subdivision Plot Plan conforms to the definition of a Minor Subdivision as stated in Section 15.20.3.1. This shall be done with the approval of the Planning Commission, or Planning Commission Chairperson if no meeting of the Planning Commission is called during the window of time allowed for action on the Minor Subdivision.
 - 2) Make sure the Minor Subdivision Plot Plan submitted is complete and meets all the provisions of these regulations.

The Minor Subdivision Plot Plan shall be returned to the subdivider no more than seven (7) working days after submission of the Minor Subdivision Plot Plan. The Administrator shall mark the Plot Plan "approved by Village of South Lebanon Planning Commission; no plat required" provided all the requirements in this Article have been met by the applicant and approved by the Planning Commission, or Planning Commission Chairperson. In the event the Minor Subdivision Plot Plan

fails to meet all the conditions of these regulations, the Plot Plan shall be stamped by the Administrator "Not Approved" with a statement of deficiencies.

Sec 15.20.4 Procedure for Subdivision Approval

1. Preapplication Meeting Required. The subdivider shall meet with the Village, or its designated representative prior to submitting the preliminary plat. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein.
2. Preapplication Sketch Content. The subdivider shall submit to the Village Planning Commission a sketch plan, legibly drawn at a suitable scale and containing the following information:
 - a. The proposed subdivision in relation to existing community facilities, thoroughfares, and other transportation modes, shopping centers, manufacturing establishments, residential developments and existing natural and man-made features such as soil types, vegetation, contours, and utilities in the neighboring area.
 - b. The layout and acreage of streets, lots, and any non-residential sites such as commercial, manufacturing, school or recreational uses within the proposed subdivision.
 - c. The location of utilities in the proposed subdivision, if available, or the locations of the nearest sources for water and public facilities for the disposal of sewage and storm water.
 - d. The scale and title of the subdivision, north arrow, and the date.
 - e. Name, address and phone number of owners and developer.
3. Preliminary Plat Required. After the preapplication stage, the subdivider shall submit a preliminary plat of the proposed subdivision which shall conform with the requirements set forth herein. The preliminary plat shall be prepared by a qualified registered engineer or surveyor.
4. Submission to Ohio Department of Transportation (ODOT). Before any plat is approved affecting any land within three-hundred (300) feet or the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Ohio Department of Transportation (ODOT) of any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the ODOT Director. The Commission shall not approve the plat for one hundred twenty (120) days from the date the notice is received by the ODOT Director. If the Director notifies the Commission that he shall proceed to acquire the land needed, then the Commission shall refuse to approve the plat. If the Director notifies the Commission that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director and the property owner, the

Commission shall, if the plat is in conformance with the provisions of these regulations, approve the plat.

5. Application for Tentative Approval. An application in writing for the tentative approval of the preliminary plat, together with five (5) copies of the preliminary plat and all required supplementary information, shall be submitted to the Village Planning Commission.
6. Preliminary Plat Form. The preliminary plat shall be drawn at a scale not less than one hundred (100) feet to the inch and shall be on one or more sheets 24 x 36 inches in size.
7. Preliminary Plat Contents. The preliminary plat shall contain the following information:
 - a. Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the City (Village, County)
 - b. Location by section, range, and township or other surveys.
 - c. Names, addresses and phone numbers of the owner, subdivider, and professional engineer and registered surveyor who prepared the plat, and appropriate registration numbers and seals.
 - d. Date of survey.
 - e. Scale of plat, north point.
 - f. Boundaries of the subdivision and its acreage.
 - g. Names of adjacent subdivisions, owners of adjoining parcels of unsubdivided land, and the location of their boundary lines.
 - h. Locations, widths, and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings, and corporation and township lines; location of wooded areas and other significant topographic and natural features within and adjacent to the plat for a minimum distance of two hundred (200) feet.
 - i. Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.
 - j. Existing contours at an interval of not greater than two (2) feet if the slope of the ground is fifteen (15) percent or less; and not greater than five (5) feet where the slope is more than fifteen (15) percent.
 - k. Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the tract.
 - l. Location, names, and widths of proposed streets and easements.
 - m. Building setback lines with dimensions.
 - n. Location and dimensions of all proposed utility and sewer lines, showing their connections with the existing system.
 - o. Layout, numbers, and approximate-dimensions of each lot. When a lot is located on a curved street or when side lot lines are not at ninety (90) degree angles, the width at the property line shall be shown.
 - p. Parcels of land in acres to be reserved for public use or to be reserved by covenant for residents of the subdivision.
 - q. A vicinity map at a scale of not less than two thousand (2,000) feet to the inch shall be shown on, or accompany, the preliminary plat. This map shall show all existing subdivisions, roads, and tract lines and the nearest

existing thoroughfares. It shall also show the most advantageous connections between the roads in the proposed subdivision and those of the neighboring areas.

8. **Supplementary Information.** The following information shall be supplied in addition to the requirements in Section 15.20.4.7.
 - a. Statement of proposed use of lots, giving type and number of dwelling units and type of business or industry.
 - b. Location and approximate dimensions of all existing buildings.
 - c. For commercial and industrial development, the location, dimensions, and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets, and the points of vehicular ingress and egress to the development.
 - d. Description of proposed covenants and restrictions.
 - e. Evidence of proposed connection to municipal treatment plant, or other approved means of sewage disposal.
9. **Filing.** The preliminary plat shall be considered officially filed on the day that the complete, accurate submittal is received by the Village Planning Commission and shall be so dated. A filing fee shall be charged, as indicated in Article 9.
10. **Public Hearing.** The Village Planning Commission on its own initiative or upon petition by a citizen or neighboring property owner may, prior to action on a preliminary plat of a subdivision, hold a public hearing thereon at such time and upon such notice as the Commission may designate.
11. **Approval of Preliminary Plat.** The Village Planning Commission shall forward copies of the preliminary plat to such officials and agencies as may be necessary for the purpose of study and recommendation. After receipt of reports from such officials and agencies, the Village Planning Commission shall determine whether the preliminary plat shall be approved, approved with modifications or disapproved. If a plat is disapproved, the reasons for such disapproval shall be stated in writing. The Village Planning Commission shall act on the preliminary plat within thirty (30) days after filing unless such time is extended by agreement with the subdivider. When a preliminary plat has been approved by the Village Planning Commission, the chairman shall sign all copies and return one (1) to the subdivider for compliance with final approval requirements. Approval of the preliminary plat shall be conditional upon compliance with all other applicable statutes, ordinances, resolutions, and regulations of the Village.
12. **Approval Period.** The approval of the preliminary plat shall be effective for a maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be affected by changes to these regulations.
13. **Final Plat Required.** The subdivider, having received approval of the preliminary plat of the proposed subdivision, shall submit a final plat of the subdivision and drawings and specifications of the improvements required therein. The final plat shall have incorporated all changes in the preliminary plat required by the Village Planning Commission. Otherwise it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the

- subdivider proposes to record and develop at the time. The plan supplementary information shall be prepared by a qualified registered engineer or surveyor.
14. Application for Approval of Final Plat. An application for approval for the final plat shall be submitted on forms provided by the Village Planning Commission, together with five (5) copies of the plat and the supplementary information specified, shall be submitted to the Village Planning Commission.
 15. Regulations Governing Improvements. The final plat drawings and specifications of improvements shall be a set of construction and utility plans prepared by a registered professional engineer. The plans shall include typical sections, plans and profile views, construction details and estimates of quantities. All typical sections and major engineering details to be used on any particular street shall be approved in advance by the Village before completion of the plans. Prior to the granting of approval of the final plat the subdivider shall have complied with the provisions for required improvements, as specified in these regulations, Article 7.
 16. Final Plat Form. The final plat shall be legibly drawn in waterproof ink on tracing cloth or other material of equal permanence. It shall be drawn at a scale not less than one hundred (100) feet to the inch, and shall be one (1) or more sheets 24 x 36 inches in size. If more than one (1) sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown.
 17. Final Plat Contents. The final plat shall contain the following information:
 - a. Name of the subdivision, location by section, range and township, or by other survey number; date, north point, scale, and acreage.
 - b. Name and address of the subdividers, and the professional engineer and/or registered surveyor who prepared the plat and appropriate registration numbers and seals.
 - c. Plat boundaries, based on accurate traverse, with angular and lineal dimensions. All dimensions, both linear and angular shall be determined by an accurate control survey in the field which must balance and close within the limit of one (1) in ten thousand (10,000).
 - d. Bearings and distances to nearest established street lines or other recognized permanent monuments.
 - e. Exact locations, right-of-way, and names of all streets within and adjoining the plat, and building setback lines.
 - f. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, and lengths and bearings of chords of all applicable streets within the plat area.
 - g. All easements and rights-of-way provided for public services or utilities.
 - h. All lot numbers and lines with accurate dimensions in feet and hundredths. When lots are located on a curve, the width at the building setback line shall be shown.
 - i. Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.
 - j. A copy of any restrictions and covenants the subdivider intends to include in the deeds to the lots in the subdivision.

- k. Certification by a registered surveyor to the effect that the plat represents a survey made by him and that the monuments show thereon exist as located and that all dimensional details are correct.
 - l. Notarized certification by the owner or owners of the adoption of the preliminary plat and the dedication of streets and other public areas.
 - m. Typical sections and complete profiles of streets and other related improvements to be constructed in the proposed subdivision.
 - n. Accurate location and a description of all monuments and pins as to type, size and whether the monument was found or set. If a monument has been omitted or offset, a notation shall appear on the plat indicating the reason for the omission; or, if it has been offset, its true location in relation to the property corner or lot corner shall be noted.
 - o. The owners of record, size, and deed book (or official record book) and page references for all abutting tracts; and, the names of all abutting subdivisions, with lot lines, lot numbers and plat book and page references..
 - p. A general notation describing the evidence of occupation that may be found along every boundary line and/or occupation lines.
 - q. A citation of pertinent documents and sources of data used as a basis for the plat.
 - r. A superimposition of the plat on a survey of the tract or tracts from which the plot is drawn, which shall contain an accurate metes-and-bounds description, deed book and page references, names of owners and acreages of the tract or tracts.
 - s. Statements and signature blocks as required in Article 10. All signatures, certifications and notarizations shall be in waterproof ink and shall be legible and reproducible.
18. Supplementary Information. The following information shall be supplied in addition to the requirements in Section 15.20.4.17:
- a. If a zoning change is involved, certification from the Village Zoning Administrator shall be required indicating that the change has been approved and is in effect.
 - b. Certification shall be required showing that all required improvements have been either installed and approved by the proper officials or agencies, and that a bond or other surety has been furnished assuring installation and initial maintenance of the required improvements.
19. Filing. The final plat shall be filed with the Village Planning Commission not later than twelve (12) months after the date of approval of the preliminary plat; otherwise it will be considered void unless an extension is requested by the developer and granted in writing by the Village Planning Commission.
20. Approval of Final Plat. The Village Planning Commission shall approve or disapprove the final plat within thirty (30) days after it has been filed. Failure of the Commission to act upon the final plat within such time shall be deemed as approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Commission, and a copy of said record shall be

forwarded to the subdivider. The Commission shall not disapprove the final plan if the developer has done everything that he was required to do and has proceeded in accordance with the conditions and standards specified in the approved preliminary plat. If disapproved the subdivider shall make the necessary corrections and resubmit the final plat within thirty (30) days to the Commission for its final approval. If a plat is refused by the Commission the person submitting the plat which the Commission refused to approve may file a petition within ten (10) days after such refusal in the Court of Common Pleas of the county in which the land described in said plat is situated to reconsider the action of the Commission.

21. Transmittal of Copies. When the final plat has been approved by the Village Planning Commission, the original tracing shall be returned to the subdivider, for filing with the Court Recorder after all necessary certifications are received.

Sec 15.20.5 Replats and Transfers

1. Replats. The requirements and procedures to be followed for modifying an existing, recorded subdivision plat shall be the same as those specified for preliminary plats and final plats.
2. Transfer of Property Between Adjoining Owners. Transfer of property between adjoining owners is subject to these regulations to the extent that such regulation is consistent with Chapter 711 of the Ohio Revised Code.
 - a. Where a transfer of property between adjoining owners, which is less than five (5) acres in size, results in a residual parcel, which is also less than five (5) acres in size, said residual parcel shall be subject to the requirements of these regulations; and, the transfer of property shall be approved only if the residential parcel meets these requirements.
 - b. The procedures for approval of a transfer of property between adjoining owners shall be as provided for in Article 4, with the following exceptions:
 - 1) If the transfer of property is not within a recorded subdivision, it may be submitted as a minor subdivision, regardless of the number of lots, less than five (5) acres, which have previously been subdivided from the original tract.
 - 2) If the transfer of property is within a recorded subdivision, it may be submitted as a minor subdivision, if it does not involve the elimination or creation of any subdivision lot as a separate building site.

Sec 15.20.6 Subdivision Design Standards and Improvement Requirements

1. General Statement. The regulations in Article 6 shall control the manner in which streets, lots and other elements or a subdivision are arranged on the land. These design controls shall help insure convenient and safe streets, creation of usable lots, and provisions of space for public facilities. The planning of

attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, random growth.

The Planning Commission has the responsibility for reviewing the design of each future subdivision early in its design development. The Planning Commission shall insure that all of the requirements of Article 6 are met.

2. Suitability of Land. If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography, inadequate water supply, transportation facilities, and other such conditions which 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 purpose proposed, the Planning Commission shall not approve the land for subdivision unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.
3. Conformity with Zoning Resolutions. No preliminary or final plat of land shall be approved unless it conforms with the zoning for the area.
4. Design and Construction Standards. All streets and other improvements in a subdivision shall meet the specific design standards and construction regulations of:
 - a. These Subdivision Regulations, and/or the Official Thoroughfare Plan, included herewith.
 - b. If the standards set forth in these regulations are in the opinion of the Village Administrator in consultation with the Planning Commission insufficient in detail, incomplete in coverage, or inapplicable to the particular site, then the following standards shall apply in the following rank-order:
 - 1) Single sheet "Standard Drawings" Document
 - 2) Southwest Ohio Engineering Association "Standard Drawings" booklet
 - 3) State of Ohio Department of Transportation Construction and Material Specifications.
 - 4) Other reasonable, professional standards in use in the State of Ohio to be determined by the Village Administrator in conference with the Planning Commission.
 - c. The Village Planning Commission, as specified in Section 15.20.9 of these regulations and in Section 711.101 of the Ohio Revised Code may modify such standards due to exceptional factors, when such modification is consistent with the meaning and intent of Section 15.20.9 of these regulations and Section 711.101 of the Ohio Revised Code.
5. General Street Design Requirements.
 - a. The arrangement, character, extent, and location of all arterial and collector thoroughfares or extensions thereof shall conform to the Thoroughfare Plan or subsequent amendments thereto; and, such streets shall be considered in their relation to existing and planned streets, topographic conditions, and public convenience and safety, and in their

- appropriate relation to the proposed uses of the land to be served by such streets. Thoroughfares not contained in the aforementioned plan shall conform to the recommendation of the Planning Commission.
- b. The street pattern shall discourage through traffic in the interior of a subdivision, unless a through connection is called for in the Thoroughfare Plan.
6. Street Classifications. All streets in all subdivisions and all streets as shown on the Official Thoroughfare Plan shall be classified as one of the following: local, collector, arterial or private. Private streets are permitted only in new subdivisions which are part of a Planned Unit Development.
7. Right-Of-Way.
- a. Right-of-way dedications are required for all streets within or abutting a subdivision. For existing streets right-of-way dedications shall be in conformance with the requirements of the Official Thoroughfare Plan. For new streets, or streets not shown on the aforementioned plan, right-of-way requirements are as specified below:
 - 1) Local Street: 50' (25' each side of center line)
 - 2) Collector Street: 60' (30' each side of center line)
 - b. The right-of-way requirements for arterial streets where no specific width is shown on the Thoroughfare Plan shall be determined by the Village Planning Commission at the time of preliminary plat review.
 - c. All streets shall be dedicated public streets.
 - d. When required by the Planning Commission, area for right-of-way for future thoroughfares shall be reserved within the boundaries of the subdivision plat.
8. Utility Easements. Rear lot-line utility provision is encouraged; easements for this purpose shall be designated as "Public Utility Easement," and shall be at least twenty (20) feet in width centered along rear or side lot lines. This may be for sanitary sewers, gas mains, water lines, electric lines, and all other utilities. Easements shall also be provided along every water course, storm sewer, drainage channel, or stream within a subdivision, as provided for in these regulations.
- Where it may be impractical to accommodate any of these functions along rear or side lot lines, the Planning Commission may allow such utility provision within the street right-of-way, although in this case the Planning Commission reserves the right to require additional right-of-way beyond the normal dedication requirements for these purposes.
9. Street Design and Construction Requirements.
- a. The subdivider shall be responsible for the construction of all new streets within a subdivision.
 - b. A land use change or development on existing road frontage on a previously approved street, which increases traffic volumes, involves safety at or near entrances or exits, shall be reviewed for any improvements to adjoining, existing streets which may be required for

- the changed conditions.
 - c. All streets in all subdivisions shall meet the geometric and construction design standards of these regulations, and in particular Section 15.20.6.4 "Design and Construction Standards". Cross-referenced material shall be enforced as integral parts of these regulations, unless modified by the Planning Commission as per Article 9, "Variances."
 - d. Cul-de-sac turn-around facilities of acceptable design shall be provided at the end of cul-de-sac streets or dead-end streets. This shall be required for emergency vehicle turn-around even if the street termination is only temporary.
 - e. The maximum length or depth of a dead-end, cul-de-sac, or other "single access point" arrangement shall be 1,100 feet.
- 10. Intersection Design Standards.
 - a. Multiple intersections involving junctions of more than two (2) streets (four-way) are not permitted.
 - b. Three-way or T-intersections are to be utilized on local streets wherever possible.
 - c. Intersections between streets within or adjacent to all subdivisions shall meet the geometric design standards of these regulations and the official Thoroughfare Plan.
- 11. Private Access.
 - a. All streets shall be dedicated public streets. Private streets are not permitted. Private, common (shared) driveways may be permitted in Planned Unit Developments.
- 12. Commercial and/or Industrial Streets.
 - a. Streets serving business industrial developments and accessory parking/ loading/ mining/ processing areas shall connect with collector or arterial streets. Driveways serving business developments and accessory parking areas shall connect with collector or arterial streets. The intersections of commercial/ industrial subdivision driveways shall be offset from other commercial/ industrial driveways or collector street intersections by a minimum of 660' measured along the collector street. The intersections of commercial/ industrial subdivision driveways shall be offset from other commercial/ industrial driveways, or collector or arterial streets, by a minimum of 1320'. If constraints exist on the property due to size, sight distance or other factors, the Planning Commission shall determine driveway intersection locations at the time of preliminary plat review. The location of curb cuts for commercial driveways shall be approved by the Planning Commission.
 - b. As per Section 15.20.6.9, the Planning Commission shall determine requirements for street construction.

13. Street Subgrade. The subgrade shall be free of sod, vegetative or organic matter, soft clay, and other objectionable materials for a depth of at least two (2) feet below the finished surface. The subgrade shall be property rolled, shaped, and compacted, and shall be subject to the standards of these regulations and the approval of the Village Administrator.
14. Street Base Course. The developer has the option of using any of the following base courses, based upon these regulations and the recommendations of the Planning Commission as to soil and traffic conditions: aggregate, bituminous aggregate, asphaltic concrete, waterbound macadam, portland cement concrete, or equally suitable base course. Thickness shall be in accord with Section 15.20.6.4 of these regulations, based upon the physical properties of the base course used and the physical properties of the roadbed.
15. Street Surface Course. Upon the expiration of the established maintenance period for the base course, the surface course shall be constructed using either asphaltic concrete, bituminous mix, or portland cement concrete. Specific material and thickness recommendations shall be based upon anticipated traffic conditions, and Article 6 of these regulations,
16. Portland Cement Concrete Pavement. If the subdivider elects to construct streets totally out of portland cement concrete or if such pavement is required, a thickness of six (6) inches for local and collector streets and seven (7) inches for arterial, commercial, and industrial streets shall be required. The Village Planning Commission may require pavement of greater thickness based upon an evaluation of the subgrade, traffic, and wheel load conditions.
17. Full-Depth Asphalt Pavement. If streets are to be constructed out of "full-depth" asphalt, an asphalt pavement in which asphalt-aggregate mixtures are used for all courses above the subgrade, careful inspection of the subgrade may be necessary, to determine pavement thicknesses. The standards shall be determined in accord with Section 15.20.6.4, and the documents referenced in Section 15.20.6.4 b.
18. Street Curbs and Gutters. The requirements for curbs and gutters will vary according to the character of the area and the density of development. In areas of notable flash flooding or heavy rain run-off curbs shall be required to channel the flow of water. Curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the area surrounding the proposed subdivision equals or exceeds three (3) dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. Curbs, combined curbs, and gutters shall be constructed in conformance with Section 15.20.6.4.
19. Sidewalks. All sidewalks shall be constructed of portland cement concrete or other acceptable material to the minimum width specified in Section 15.20.6.4 and a minimum depth of four (4) inches. Additional sidewalk requirements are in Section 15.20.6.23.
20. Driveways and Off-Street Parking.
 - a. A private driveway may be used to provide vehicular access to more than one (1) single family, detached dwelling unit; however, no driveway shall

serve more than five (5) single family, detached dwelling units. Any driveway which serves more than five (5) dwelling units shall be considered a street and shall be designed and constructed in accordance with the standards herein for public streets.

- b. Private driveways may be permitted as a means of access in all commercial subdivisions, provided that the requirements of Section 15.20.6.12 shall apply.
- c. All lots which contain one-family and two-family residences within a subdivision shall be designed to provide two (2) unobstructed, off-street parking spaces per dwelling unit, exclusive of garage spaces. These parking spaces shall not encroach on the area contained within any public utility easement which adjoins the road right-of-way when they are located within one hundred (100) feet of an intersection. The parking spaces shall not encroach on any sidewalk or other public walkway, nor shall they be located between the sidewalk and street pavement.
- d. Driveways are not required to meet the street design and construction standards.

21. Street Names.

- a. Whenever a new street is constructed as an extension of an existing street, its name shall be the same as that of the existing street.
- b. To avoid duplication and confusion, the proposed names of all streets shall be approved by the Planning Commission, prior to such names being assigned or used on the final plat.
- c. The words north, south, east, or west should be avoided as part of a street name whenever possible.
- d. House numbers shall be assigned by the U.S. Postal Service.

22. Postal Facilities.

- a. Vehicle parking or waiting facilities shall be provided to serve combined postal delivery and collection units when they are employed to provide postal service to a subdivision. These facilities shall be located in the following areas:
 - 1) Roadside pull-off areas.
 - 2) Cul-de-sac or mid-block turnaround islands.
 - 3) Along the perimeter of cul-de-sacs or mid-block turnarounds, outside the travel way of the street.All locations for combined postal delivery and collection units shall be approved by the Planning Commission and the U.S. Postal Service during the review of the preliminary plat for the subdivision.
- b. Combined postal facilities shall be located no closer than one hundred (100) feet from any street intersection.
- c. All vehicle parking or waiting areas for postal facilities shall be designed and constructed in accordance with Section 15.20.6.4.

23. Sidewalks. Sidewalks shall be provided in new subdivisions as a system of pedestrian circulation which is separate from streets. All sidewalks shall be located in the road right-of-way.
- a. The provision of sidewalks in residential subdivisions shall be in accordance with the following standards:
 - 1) Sidewalks are required along one side of all local streets in a subdivision where the dwelling unit net density exceeds one (1) dwelling unit per acre. Cul-de-sac or loop streets which serve ten (10) or less dwelling units shall be exempt from this requirement.
 - 2) Sidewalks are required along both sides of all local streets where the net density exceeds 3 dwelling units per acre. Cul-de-sac or loop streets which serve 10 or fewer dwelling units may provide sidewalks on one (1) side.
 - 3) Collector and Arterial Streets: Sidewalks may be required as connections between sidewalks along lower order street systems, or as connections to activity centers.
 - b. Sidewalks are required along both sides of all street types in all commercial subdivisions.
 - c. Sidewalks are required in any location where the Planning Commission determines they are necessary for pedestrian movement and/or safety.
 - d. All sidewalks shall be designed and constructed in accordance with the standards as specified in Section 15.20.6.4, unless stated otherwise in this section.
24. Street and Walkway Lighting. Street and walkway lighting shall be provided in a subdivision in accordance with the following standards:
- a. Lighting shall be provided in the following locations:
 - 1) Street intersections.
 - 2) Street and walkway intersections.
 - 3) Street cul-de-sacs and mid-block turnarounds.
 - 4) Any conflict areas as determined by the Planning Commission.
 - b. The design and construction of street lighting facilities and levels of illumination shall be in accordance with the standards of Section 15.20.6.4.
25. Water Supply.
- a. The subdivider or developer shall construct a system of water mains and connect with such public water system and provide a connection for each lot. The water system shall be designed and constructed in accordance with the requirements and standards of the Ohio Environmental Protection Agency, and the Village.
 - b. Fire hydrants shall be provided in all subdivisions where the installation of a public water system is required. Fire hydrants shall be required in subdivisions where private water systems are to be installed. Hydrant locations and design shall be in accordance with the standards of the

Village and the State of Ohio.

26. Wastewater Disposal. The following requirements shall govern wastewater disposal within a subdivision.
 - a. Public sanitary sewers shall be installed to adequately serve all lots, providing lateral connections to the public system. Public sewer system extensions shall be designed and constructed in accordance with the requirements and standards of the Ohio Environmental Protection Agency and the standards of the Warren County Combined Health District, and the Village. Combinations of sanitary sewers and storm sewers are prohibited.
 - b. On-site sewers may be permitted as specified in Municipal Ordinance # 86-13
27. Stormwater Management. Stormwater management facilities shall be provided in all new subdivisions. The design and construction of these facilities shall be in accordance with the standards Section 15.20.6.4.
28. Off-Site Improvements.
 - a. The developer or subdivider may be required to contribute to the improvement of streets or utilities, not within the boundary of the proposed subdivision, if such improvements are necessary to serve the proposed subdivision, as determined by the Planning Commission.
 - b. If streets or utilities are not available at the boundaries of a proposed subdivision, the developer or subdivider may be required to obtain the necessary easements or right-of-way and to construct extensions of such improvements, as determined by the Planning Commission.
29. Over-Sizing and Extension of Improvements.
 - a. The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed to serve adjacent lands if it is determined that such improvements would provide for the most desirable development pattern for the area.
 - b. The subdivider shall be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land.
30. Survey Monuments.
 - a. Permanent reference monuments shall be placed within the subdivision, and their location noted on the record plat. There shall be a minimum of four (4) such monuments placed within the subdivision. The location of these monuments shall be approved by the Planning Commission at the time of final plat review. Additional monuments may be required for subdivisions which involve more than ten (10) lots.

- b. A solid iron pin shall be placed by the surveyor at all points on boundary lines where there is a change of direction, at all lot corners and along all new street centerlines where there is a change of direction.
- c. All monuments shall meet the design standards of the Warren County Board of County Commissioners.
- d. Monuments and lot corner pins shall be placed after all required subdivision improvements on a lot have been constructed.

31. Lots. The following regulations shall govern the design and layout of lots.

- a. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly relate to topography and the character of surrounding physical features of the land.
- b. All lots shall conform to or exceed the requirements of these subdivision regulations and the zoning district requirements for the district in which they are located and the use for which they are intended:
- c. Each lot shall front on a public right-of-way. The minimum lot size, width and frontage shall conform to the requirements of the zoning code.
- d. The maximum depth of a building lot or lot intended for eventual building shall not be greater than five (5) times the width of the lot. This restriction shall not apply to the panhandle portion of a panhandle lot, however, it shall apply to the remainder of the lot.
- e. Side lot lines shall not deflect more than thirty (30) degrees from the perpendicular in relation to street centerlines. Where a lot is located on a street curve, deflection shall be measured against radial lines originating at the centerline of the curve. A side lot line shall maintain the same angle of deflection between the front lot line and the minimum building setback line as established by the zoning code.
- f. Through lots shall be avoided except where the Planning Commission determines that it is essential to provide separation of residential development from arterial or collector streets.
- g. Panhandle lots may be permitted. Panhandle lots shall not be 'stacked', one behind the other, with reference to street lines. The lot must conform to the applicable zoning requirements.
- h. Fifty (50) feet of additional lot depth may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or gas line, open drainage ditch, an arterial street or interstate highway, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property, and where no local street is provided at the rear of such lot. Where a residential lot has its side lot line adjacent to any of the aforementioned, fifty (50) feet of additional width may also be required.

32. Additional Easements.

- a. Additional easements shall be provided for all utilities or public improvements not located within the right-of-way for a street. The size

- and location of these easements shall be as determined by the Planning Commission, and as per Section 15.20.6.8 of these regulations.
- b. Easements shall be provided for storm drainage purposes. Such easements shall conform substantially with the lines of any natural watercourse, channels, streams, or creeks which traverse the subdivision or for any new channel which is established to substitute for an existing natural watercourse, channel, stream or creek. Such easements shall be of such a width as to provide adequate area for the maintenance of the channel or watercourse and any incidental structures as determined by the Planning Commission.
33. Physical Characteristics. Subdivisions should be planned to take advantage of the topography of the land, to minimize destruction of trees and topsoil and to preserve such natural features as watercourses, unusual rock formations, large trees, sites for historical significance and other assets which, if preserved, will add to the quality and value of the subdivision and the community.
 34. Flood Plains.
 - a. The flood plain shall be defined as follows: The one hundred (100) year flood plain, as identified by the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development.
 - b. Warning and disclaimer of liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas outside flood plain areas will be free from flooding or flood damages.
 These regulations shall not create liability on the part of Warren County or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.
 - c. Cross-reference to other applicable regulations. Flood plain subdivision activity shall conform to Ordinance #86-15 as amended "Special Purpose Flood Damage Prevention Ordinance", and Codified Ordinances 15.1.1 through 15.15 "Zoning (and) Land Use".

Sec 15.20.7 Requirements for the Construction of Improvements

1. Construction Procedures and Materials. The subdivider shall design and construct all improvements in accordance with the standards of Section 15.20.6.4. The minimum requirements for procedures and materials shall be in accordance with the standards specified above, and in addition the Ohio Environmental Protection Agency, the Ohio Department of Health and Warren County Combined Health District.
2. Subdivider's Agreement. Upon the receipt of notice of approval of the Final Plat, but prior to said approval taking effect, the Subdivider shall have prepared

on a form approved by the Solicitor, a contract to agree to construction of all required improvements within the subdivision, in accordance with these Subdivision Regulations. The Subdivider's Agreement shall be in accordance with all of the legal requirements of the Village and shall contain the guarantee of the Subdivider to the posting of both Performance and Maintenance Bonds to cover the costs of all required improvements included within the subdivision development. The Subdivider shall execute the Subdivider's Agreement with the Village Council.

3. Performance Bond or Letter of Credit. Upon the formal approval of the Final Plat and the execution of the Subdivider's Agreement, the Subdivider shall post a Performance Bond or Letter of Credit in the amount of one hundred (100%) percent of the total estimated costs of the construction of the required improvements as specified in these Subdivision Regulations in order to guarantee their proper installation. The Village Administrator, in conference with the Planning Commission and an engineer acting in the service of the Village (if necessary), shall have determined that the estimated costs adequately reflect the costs of the required improvements as well as the time period that is likely to be required to construct all improvements, and shall approve and certify in writing to the Planning Commission the arrangements of the Subdivider prior to the posting of the Bond or Letter of Credit. The Village reserves the right to reject any Performance Bond or Letter of Credit which has been determined to be unacceptable to construct the required improvements in the event of the default of the subdivider. The Performance Bond or Letter of Credit shall not exceed a period of two (2) years unless mutually extended by the Subdivider and the Village.

The Performance Bond or Letter of Credit shall be made payable to and enforceable by the Village and shall provide that the Subdivider, his heirs, successors and assigns, their agent or servants will comply with all applicable terms, conditions, provisions and requirements of these Subdivision Regulations.

Upon the execution of these documents, the approval of the Final Pl at shall become effective.

4. Maintenance Bond. Upon the completion of the required improvements, and the approval and certification in writing of the Village Administrator and engineer acting in the service of the Village that said improvements have been constructed and completed in a satisfactory manner, the Subdivider shall post a Maintenance Bond in the amount of ten (10) percent of the actual construction costs of the improvements. The dollar amount of the Maintenance Bond shall be reviewed and approved in writing by the Village Administrator and engineer acting in the service of the Village, prior to the actual posting of the Bond in order to assure that it is an accurate reflection of the improvement costs.

No improvements shall be accepted by the Village Council until the Subdivider has posted an approved Maintenance Bond which shall extend for a period of one (1) year from the date of acceptance by the Village in the case of all improvements within easements and public rights-of-way, and public water and sanitary sewer system.

5. Procedure in Case of Default. The subdivider shall be in default of his Performance Bond when one of the following conditions exist:

- a. The installation of all required public improvements as called for in these Subdivision Regulations has not taken place within the two (2) year time period agreed upon in the subdivider's contract with the Village, and the subdivider has failed to establish reasonable cause for such delay to the satisfaction of the Planning Commission and thereby to receive a time extension.
- b. The subdivider has not constructed the required public improvements in accordance with the minimum standards specified in these Subdivision Regulations or cross-referenced documents, and the subdivider is unwilling to modify and to upgrade said public improvements within six (6) month time period so as to be in compliance with the provisions of these Subdivision Regulations.
- c. The subdivider shall be in default of his Maintenance Bond if the required public improvements reveal construction defects within the one (1) year period following the actual date that the Village Council accepts the dedication of the said public improvements; or when the required public improvements are not in accordance with the plans submitted by the subdivider to the City. The Village may then utilize the maintenance bond to make corrections.

In such cases of default, the Village shall proceed to utilize the Performance Bond, Letter of Credit and/or Maintenance Bond monies to construct the required public improvements to the minimum design standards as required in these Regulations, or cross-referenced documents.

- 6. Inspection. The Village may exercise its option of inspecting required public improvements at any reasonable time before final acceptance of said improvements by the Village Council.

The installation of public improvements may not proceed until the Village Administrator has been notified of the subdivider's intention to proceed.

The subdivider, however, shall assume responsibility for notifying the Village of his desire to have inspection of stages of work completed at least twenty-four (24) hours in advance of the time inspection is desired. Failure of the subdivider to so notify the Village shall be interpreted by the Village as a lack of readiness on the part of the subdivider to be inspected. The subdivider shall notify the Village of the time and date he will be available for inspection, and failure to keep such an appointment or failure to have work for which inspection was requested completed, shall make the subdivider liable to the Village for a reinspection fee, in the amount to be adopted as part of the schedule of fees. The subdivider shall be notified in writing at that time by the Village Administrator no later than twenty-four (24) hours after each inspection of the results of that inspection.

As requested, in writing, the Village, through formal action by the Village Council, shall accept public improvements made by a subdivider which meet the following conditions:

- a. Said public improvements have been made in accordance with the requirements of these Regulations.

- b. The design standards of these Regulations have been adhered to;
- c. Installation of said public improvements has been completed according to the requirements of the Village of South Lebanon.
- d. All final inspections required by these Regulations have been carried out by the Village and said public improvements were found to be acceptable by the Village Administrator upon the advice (if needed and requested) by an engineer acting in the service of the Village.
- e. Accurate "as built" construction plans have been submitted by the subdivider to the Village and release from the posted Performance Bond has been granted; and
- f. The Planning Commission has found the subdivider to be in conformance with these Regulations.

Sec 15.20.8 Hillside Regulations

1. General. These regulations apply to all hillside areas. A hillside area as referred to herein is defined as one with an average slope of more than fifteen (15) percent. The subdivider shall submit sufficient detailed information as to geologic conditions, soil types, and underground water level in order that a determination can be made by the Village as to the safety of development of the particular location.
2. Determination of Average Slope. The average slope of any hillside development shall be determined by the Village Planning Commission during the time of preliminary subdivision design. Determination will be on an area-by-area basis with each lot sized according to the average topographic change falling within each area.
3. Grading Plan and Controls. The grading plan shall show contour lines at five (5) foot intervals where average slopes exceed fifteen (15) percent and at two (2) foot intervals where slopes are less than fifteen (15) percent. Elevations are to be based on the sea level datum (USGS), if available. The approximate lot layout and the approximate dimensions shall be shown for each lot and each building site. Where pads are utilized or proposed for building sites, engineering data shall show the existing topography and the approximate finished grades, location and size of each building site, and finished grade of streets prior to consideration of the final plat.
4. Cuts and Fills. No land shall be graded, cut, or filled so as to create a slope exceeding a vertical rise of one (1) foot for each two and one half (2 ½) feet of horizontal distance between abutting lots, unless a retaining wall of sufficient height and thickness is provided to retain the graded bank. Major cuts, excavation, grading, and filling, where the same materially changes the site and its relationship with surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading, and filling will result in a slope exceeding a vertical rise of one (1) foot for each two and one half (2 ½) feet of horizontal distance between abutting lots or between adjoining tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing and retaining walls.
5. Compaction of Fill. All fill shall be compacted to a density of ninety (90) percent or greater. Inspection of fill shall be conducted by the Village.

6. Retaining Walls. Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. Such improvements shall require the approval of the Village.
7. Street Alignment. The following regulations shall govern street alignment:
 - a. Vertical profile grades shall be connected by vertical curves up to twenty (20) percent, but only for short, straight stretches.
 - b. Waiver of visibility requirements may be given subject to the approval of the Village Planning Commission.
 - c. Waiver of vertical curve requirements may be given subject to the approval of the Village Planning Commission.
8. Driveways. The maximum grade on driveways shall not exceed twelve (12) percent. Each drive shall provide sufficient space and distance to turn around prior to entering the street.

Sec 15.20.9 Revisions, Enforcement

1. Recording of Plat. No plat of any subdivision shall be recorded by the County Recorder of Warren County or have any validity until said plat has received final approval in the manner prescribed in these regulations.
2. Revision of Plat After Approval. No changes, easures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Village Planning Commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the Commission.
3. Sale of Land Within Subdivisions. No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plat of the subdivision before such plat has been approved and recorded in the manner prescribed in these regulations. 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.
4. Schedule of Fees, Charges, and Expenses. The Village Council shall establish a schedule of fees, charges and expenses, and a collection procedure for same, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the Village and may be altered, or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
5. Penalties.
 - a. Whoever violates any rule or regulation adopted by the Village Council for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the Village or any citizen thereof. Whoever violates these regulations shall forfeit and pay not less than one hundred (100)

dollars nor more than one thousand (1000) dollars. Such sum may be recovered with costs in a civil action brought in the Court of Commons Pleas of Warren County.

- b. Whoever, being the owner or agent of the owner of any land within or without a municipal corporation, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than one hundred (100) dollars nor more than five hundred (500) dollars for each lot parcel, or tract of land so sold. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. If such land is within a municipal corporation, such sum may be recovered in a civil action brought in the Court of Commons Pleas of Warren County by the legal representative of the Village of South Lebanon in the name of the Village.
- c. Any person who disposes of, offers for sale or lease for a time exceeding five (5) years any lot or any part of a lot in a subdivision before provisions of these regulations are complied with shall forfeit and pay the sum of not less than one hundred (100) dollars nor more than five hundred (500) dollars for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action, in the name of the Village for the use of the Village.

6. Variances. The following regulations shall govern the granting of variances:

- a. Where the Village Planning Commission finds unusual topographic or other conditions, it may vary the regulations, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development, of the neighborhood and community. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the comprehensive plan, or the zoning ordinance.
- b. In granting variances or modifications, the Village Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

7. Appeal. Any person who believes he has been aggrieved by the regulations or the action of the Village Planning Commission, has all the rights of appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section of the Ohio Revised Code.

8. Role of Planning Commission. In order to administer these Regulations, the Planning Commission will do the following:

- a. Work with the Village Administrator to review and classify ("minor subdivision or subdivision") the initial submittal making a timely determination as per O.R.C. 711.131 and these Regulations.
- b. Review the Preliminary Plat, or Minor Subdivision Plot Plan, if applicable.

- c. Evaluate the recommendations of the Village Administrator and any engineering input relative to preliminary and final plats.
 - d. Accept, accept with modifications, or reject plans, Minor Subdivision Plot Plans, Preliminary Plats, and Final Plats.
9. Role of the Village Administrator.
- a. Work with the Planning Commission in classification of plans as per these Regulations Section 15.20.9.8 and O.R.C. 711.131.
 - b. Have the responsibility of acting in accord with and on behalf of the Planning Commission in making an initial determination that a particular subdivider has or has not complied with the requirements of these Regulations.
 - c. Make certain physical inspection of improvements within proposed subdivisions maintaining a vigil on the quality of the improvements and the adherence of the subdivider or developer's work to the timetables specified in these Regulations; receive advice of an engineer working in the service of the Village. Distribute, when appropriate, copies of Plans, Minor Subdivision Plot Plan, Preliminary Plat or Final Plat to any or all appropriate boards, commissions, or engineers.
 - d. Determine instances of non-compliance with these Regulations; taking into consideration the review comments of all the appropriate officials and engineering advice (if needed and requested) to whom review copies of the preliminary plat were sent.
 - e. Make recommendations to the Planning Commission for action on all preliminary and final plats, certifying those final plats which are in full compliance with the provisions of these Regulations; if needed and requested, the Administrator shall take into consideration the professional advice of an engineer.
 - f. Maintain permanent and current records of the regulations including amendments thereto;
 - g. Receive, review, file, forward, and maintain records of preliminary plats, final plats, application forms, construction drawings, and other required submissions under the terms of these Regulations as public records.
 - h. Make recommendations to the Village Council relative to the acceptance of public improvements contained within the particular subdivision; if needed and requested, the professional advice of an engineer shall be taken into consideration.
10. Role of Village Council. The Village Council shall have the power to, and shall exercise its responsibilities thereby, act in the following manner with regard to these Regulations:
- a. Accept public improvements which meet the requirements of these Regulations and which are in accordance with the minimum engineering design standards and materials specifications stated or referenced in Section 15.20.6.4 of these Regulations, and which have been approved by the Village Administrator upon the professional advice of an engineer (if

- needed and requested).
- b. Amend these Subdivision Regulations, following receipt of a formal recommendation from the Planning Commission and following a public hearing with appropriate public notice.
 - c. Authorize the appropriate Village official to enter into the Subdivider's Agreement with the Subdivider and/or Developer. The Council shall provide such authorization if the requirements of these Regulations have been adhered to.

Sec 15.20.10 Required Statements and Signatures to be Affixed on the Plat

1. Required Statements. The following statements shall be affixed on the subdivision plat:

Situated in Section _____ Township _____, Range _____, County _____, Ohio, Containing _____ acres and being the same tract as conveyed to _____ and described in the deed and recorded in the Deed Book _____ County, Ohio.

The undersigned _____ hereby certify that the attached plat correctly represents their _____, a subdivision of lots _____ to _____ inclusive, do hereby accept this plat of same and dedicate to public (private) use as such all or parts of the roads, boulevards, cul-de-sacs, parks, planting strips, etc., shown herein and not heretofore dedicated.

The undersigned further agrees that any use of improvements made on this land shall be in conformity with all existing valid zoning, platting, health, or other lawful rules and regulations including the applicable off-street parking and loading requirements of the Village of South Lebanon, Ohio, for the benefit of himself and all other subsequent owners or assigns taking title from, under, or through the undersigned.

In witness thereof _____ day of _____, 19____

Witness _____ Signed

We do hereby certify that we have surveyed the premises and prepared the attached plat and that said plat is correct.

By _____

STATE OF OHIO VILLAGE OF SOUTH LEBANON

Before me a Notary Public in and for said Village personally came (name)_____ who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for the purposes therein expressed.

In witness whereof I have hereunto set my hand and affixed my official seal this _____, 19_____

By

Reviewed this _____ day of _____, 19_____.

Approved this _____ day of _____, 19_____.

(Office)

Approved this _____ day of _____, 19_____.

(Office)

Approved this _____ day of _____, 19_____.

(Office)

Approved this _____ day of _____, 19_____.

(Office)

Approved this _____ day of _____, 19_____. (Approval of this plat for recording does not constitute an acceptance of the dedication of any public street, road or highway dedicated on such plat.)

Village Planning Commission

Transferred this _____ day of _____, 19_____.

County Auditor

Filed for Record this _____ day of _____, 19____ at _____m.

Recorded this _____ day of _____, 19_____ in Plat Book _____ Place No.

County Recorder

Sec 15.20.11 Enactment

1. Effective Date. These regulations shall become effective from and after the date of its approval and adoption by the Village Planning Commission and Village Council, after public hearing and certification to the Warren County Recorder. Henceforth, other contradictory regulations previously adopted by the Village Council or the Village Planning Commission shall be deemed to be repealed. These regulations shall in no way affect any subdivision having received preliminary approval prior to the effective date provided, however, that no changes to the preliminary plat, as approved, are introduced by the subdivider.

PASSED

(Date)

(Chairperson, Village Council)

ADOPTED

(Date)

(Mayor)

ATTEST

Village Clerk

APPENDIX

Heavy Industry Zone “I-2” Regulations

Section _____ The regulations set forth in this chapter, or set forth elsewhere in These Regulations are the zoning regulations for Heavy Industry Zone “I-2”.

Section _____ Principal permitted uses: A building or lot shall be used only for the following purposes, provided that utility/sewer/water connections are approved by appropriate authorities, and provided that impacts and emissions standards, as established by appropriate State/ County/ Federal authorities, are adhered to.

1. Sanitary landfill or other solid waste facility provided that an appropriate reuse plan is filed with the State of Ohio.
2. Junk yards meeting screening standards for state Highways.

Section _____ No zoning permit shall be issued for any use in conflict with any regulation of Warren County or any law of the State of Ohio regarding nuisances.

Section _____ Height: The height regulations are the same as for Light Industrial I-1 district.

Section _____ Yards: The yard regulations are the same as for the Light Industrial I-1 district.

Section _____ Minimum lot size: 1 acre, and each tract of land shall have an outlet to a dedicated public street, road, or highway.

Common Soil Types in Planning Area

| VILLAGE OF SOUTH LEBANON: COMMON SOIL TYPES IN PLANNING AREA | | | | |
|--|---|--------------------------------------|--------------------------------------|--|
| SOIL SERIES & MAP SYMBOLS | LIMITATIONS FOR ONSITE SEWAGE DISPOSAL | LIMITATIONS FOR ONSITE LOCATION | LIMITATIONS FOR LAWNS, LANDSCAPING | LIMITATIONS FOR STREETS & PARKING LOTS |
| Algiers: Ag | Severe: subject to flooding | Severe: subject to flooding | Severe: subject to flooding | Severe: subject to flooding |
| Avonburg: AvA | Severe: slow permeability | Moderate: somewhat poorly drained | Moderate: somewhat poorly drained | Moderate: somewhat poorly drained |
| Casco: CcC2 | Moderate: slope | Moderate: slope | Severe: droughty | Severe: slope |
| Casco: CdD2 | Severe: slope | Severe: slope | Severe: droughty, slope | Severe: slope |
| Cincinnati: CnB, CnB2 | Severe: moderately slow permeability | Slight | Slight | Moderate: slope |
| Cincinnati: CnC2 | Severe: moderately slow permeability | Moderate: slope | Moderate: slope | Severe: slope |
| Clermont: Co | Severe: very slow permeability; poorly drained | Severe: poorly drained | Severe: poorly drained | Severe: poorly drained |
| Eden: EdD2, EdE2 | Severe: 1½ to 3½ feet to rock; slope; slow permeability | Severe: 1½ to 3½ feet to rock; slope | Severe: 1½ to 3½ feet to rock; slope | Severe: 1½ to 3½ feet to rock; slope |
| Fox: FIA | Slight | Slight | Slight | Slight |
| Fox: FIB, FIB2 | Slight | Slight | Slight | Moderate: slope |
| Fox: FIC2 | Moderate: slope | Moderate: slope | Moderate: slope; droughtiness | Severe: slope |
| Fox: FoD2 | Severe: slope | Severe: slope | Severe: slope, droughtiness | Severe: slope |
| Genesee: Gd, Gn | Severe: subject to flooding | Severe: subject to flooding | Severe: subject to flooding | Severe: subject to flooding |
| Henshaw: HoB | Severe: moderately slow permeability | Moderate: somewhat poorly drained | Moderate: somewhat poorly drained | |
| Hickory: HrD2, HtE2, HtF2 | Severe: moderately slow permeability | Severe: slope | Severe: slope | Severe: slope |
| Ockley: OcA | Slight | Slight | Slight | Slight |
| Ockley: OcB | Slight | Slight | Slight | Moderate: slope |
| Parke: PaB | Slight | Slight | Slight | Moderate: slope |
| Parke: PaD2 | Severe: slope | Severe: slope | Severe: slope | Severe: slope |
| Patton: Pc | Severe: very poorly drained, moderately slow permeability | Severe: very poorly drained | Severe: very poorly drained | Severe: very poorly drained |
| Rodman: RkE2 | Severe: slope | Severe: slope | Severe: slope | Severe: slope |
| Ross: Rn | Severe: subject to flooding | Severe: subject to flooding | Severe: subject to flooding | Severe: subject to flooding |
| Rossmoyne: RpA | Severe: moderately slow permeability | Slight | Slight | Slight |
| Rossmoyne: RpB, RpB2 | Severe: moderately slow permeability | Slight | Slight | Moderate: slope |
| Rossmoyne: RpC2 | Severe: moderately slow permeability | Moderate: slope | Moderate: slope | Severe: slope |
| Rossmoyne: RsB3 | Severe: moderately slow permeability | Slight | Moderate: erosion | Moderate: slope |
| Uniontown: UnB | Severe: moderately slow permeability | Slight | Slight | Moderate: slope |

| | | | | |
|---|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| Wynn: WyB | Severe: limited depth to limestone | Severe: limited depth to limestone | Severe: limited depth to limestone | Severe: limited depth to limestone |
| Source: USDA/SCS Soil Survey of Warren County, 1973 | | | | |

Footnotes

- \1 Warren County Regional Planning Commission and the Ohio- Kentucky- Indiana Regional Council of Governments “Little Miami River Corridor Plan,” Warren County, OH. October, 1979. p. 12.
- \2 Ibid. p. 10.
- \3 Ibid. p. 9.
- \4 Ibid
- \5 Ibid
- \6 Ibid. p. 98.
- \7 Ibid. p. 100.
- \8 Ibid.
- \9 Rose, Jerome G. Legal Foundations of Land use Planning, (New Brunswick NJ: Center for Urban Policy Research), 1979. pp. 147-148; also pp. 384.

Bibliography

Rose, Jerome, Legal Foundations of Land Use Planning. New Brunswick NJ: Center for Urban Policy Research, 1979.

United States Department of Agriculture, Soil Survey of Warren County, March 1973. Washington, DC: US Government Printing Office.

Warren County Regional Planning Commission, Ohio-Kentucky-Indiana Regional Council of Governments, Little Miami River Corridor Plan, Warren County OH., October 1979.