



EVENDALE ZONING CODE

**Adopted by Ordinance 12-64
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As Amended by:

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Ord. 16-62	Ord. 18-07	Ord. 20-69
Ord. 16-63	Ord. 18-16	Ord. 21-47
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Ord. 17-36	Ord. 18-48	
Ord. 17-37	Ord. 19-15	
Ord. 17-38	Ord. 19-75	

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CHAPTER 1240 TITLE, PURPOSE, APPLICABILITY, INTERPRETATION AND LEGAL EFFECT**1240.01 TITLE**

This document shall be known, and may be cited and referred to, as the "Evendale Zoning Code" or "Zoning Code."

1240.02 AUTHORITY AND PURPOSES.

This Code is adopted pursuant to the authority granted to the Village of Evendale by the Ohio Revised Code for the following purposes (without indicating order of priority):

- (a) To implement the goals and policies of the Village's Comprehensive Master Plan;
- (b) To maintain the Village of Evendale as a community comprised principally of well-maintained single family residential neighborhoods and separately located commercial, industrial, office and institutional areas;
- (c) Preserve the existing residential development pattern;
- (d) Preserve local commercial areas to serve the residents of the Village as well as industrial employees who enter and leave the Village each day;
- (e) To protect the public from harm from the loss of natural resources by encouraging and enhancing the preservation of natural resources, aesthetic amenities, and natural features;
- (f) To establish a rational pattern of land uses and encourage the most appropriate use of individual parcels of land in the Village;
- (g) To encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
- (h) To secure adequate natural light, clean air, privacy, a safe environment, and convenience of access to property;
- (i) To promote and protect the public health, safety, morals, and the general welfare of the Village;
- (j) To conserve and enhance the value of land and buildings;
- (k) To help control congestion of traffic and to promote a safe, efficient traffic circulation system;
- (l) To ensure that adequate off-street parking and loading facilities are provided and maintained for different types of land uses;
- (m) To facilitate implementation of public utility master plans; and
- (n) To facilitate the adequate and cost-effective provision of transportation, water, sewage, schools, parks, open space and other public facilities requirements.

1240.03 JURISDICTION.

This Zoning Code shall apply to all land, structures and uses within the corporate limits of the Village of Evendale.

1240.04 INTERPRETATION.

- (a) The provisions of this Code shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of this Code, these provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.
- (b) It is not intended by this Code to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties. However, where this Code imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Code shall govern. In the event of a conflict between the text of these provisions and any caption, figure, illustration, table, or map, the text of these provisions shall control. Additional rules of interpretation for terms and words are found in § 1242.01.

1240.05 APPLICABILITY.

This Code applies to all land uses, structures, subdivisions, and development within the Village, as follows:

- (a) New Land Uses or Structures. It shall be unlawful, and a violation of this Code, for any person to establish or construct any land use or structure, except in compliance with the requirements of this Code.
- (b) Existing Land Uses or Structures. The requirements of this Code are not retroactive in their effect on land uses or structures lawfully established before the effective date of this Code or any applicable amendment. Existing land uses or structures are lawful and not in violation of the Evendale Municipal Code only when operated and maintained in compliance with all applicable provisions of this Code. Any alteration, expansion or modification of existing land uses or structures shall comply with all provisions of this Code.
- (c) Subdivision of Land. Any subdivision of land proposed within the Village after the effective date of this Code shall be consistent with this Code and Chapter 1222 (Subdivision Regulations) of the Evendale Municipal Code.
- (d) Effect of Zoning Code Amendments on Projects in Progress. All land use permit applications that have been determined by the Building, Planning, & Zoning Manager to be complete before the effective date of this Code, or any amendment to this Code, will be processed in compliance with the requirements in effect when the application was accepted as complete.
- (e) Other Permits and Requirements. Nothing in this Code eliminates the need for obtaining any other permits required by the Village, or any permit or approval required by other provisions of the Evendale Municipal Code or the laws, rules or regulations of any Village department, or any county, regional, state, or federal agency.
- (f) Conflicting Permits and Licenses. All permits shall be issued by the Village in compliance with the provisions of this Code after the effective date of this Code or any amendment to this Code. Any permit issued in conflict with this Code shall be void.

1240.06 RELATIONSHIP TO COMPREHENSIVE MASTER PLAN.

This Zoning Code is the primary means by which the Village can implement its Comprehensive Master Plan and accomplish the long-range goals that its citizens have for the development and redevelopment of their community. Although the Comprehensive Master Plan does not control all zoning decisions, it should be followed to the extent that is reasonable and practicable, taking into account the current facts and circumstances.

1240.07 SEVERABILITY.

It is the intent of the Village of Evendale that nothing in this Code shall be construed to conflict with the laws of the State of Ohio or to limit additional requirements, if any, imposed by law. This Code and the various chapters, sections, paragraphs, sentences, clauses or phrases are severable; if any chapter, section, paragraph, sentence, clause or phrase of this Code shall be declared unconstitutional by the degree of any court of competent jurisdiction, such constitutionality shall not affect any of the remaining chapters, sections, paragraphs, sentences, clauses or phrases of this Code.

1240.08 REPEAL OF PREEXISTING CODE.

- (a) The Evendale Zoning Code adopted by the Village of Evendale as Ordinance No. 04-56 on August 12, 2004, and as subsequently amended, together with the Zoning Map which is a part of that Zoning Code, is hereby superseded and amended to read as set forth in this Code. However, this Code, including the Zoning Map, shall be deemed a continuation of the previous Code, and not a new enactment, insofar as the substance of revisions of the previous Code is included in this Code, whether in the same or different language; and this Code shall be so interpreted upon all questions of construction relating to tenure of officers and board established by the previous Code, to questions of conforming and nonconforming uses and structures, and to questions as to the dates upon which such uses or structures become conforming or nonconforming.
- (b) To the extent that this Code reestablishes a zoning district of the same land use category and with the same district designation and name, this district and its boundaries as indicated on the Zoning Map under the preexisting Zoning Code shall be deemed as continuing until such time as it may be amended pursuant to the provisions of this Code. To the extent that this Code establishes a zoning district of the same land use category, but different name from that under the preexisting Code, this new district name shall replace the old zoning district name on the Zoning Map, but shall retain its existing boundaries. A zoning district that is not reestablished by this Code is hereby repealed as of the effective date of this Code.
- (c) Zoning districts established by this Code in addition to the zoning districts established under the preexisting Zoning Code shall become effective upon the adoption of such Zoning Map amendments by the Village Council as are necessary to give effect to the new districts.

1240.09 EFFECTIVE DATE.

This Code shall be in full force and effect from and after the earliest period allowed by law and, in accordance with § 1240.08, Repeal of Preexisting Code, shall supersede the regulations and Zoning Map of the Zoning Code initially effective, and as subsequently amended.

CHAPTER 1242 DEFINITIONS**1242.01 DEFINITIONS GENERALLY.**

- (a) Interpretations of Terms and Words. For the purposes of this Code, certain terms and words are defined and are used in this Code in that defined context. For the purpose of this Planning and Zoning Code, certain terms and words used herein shall be interpreted as follows:
- (1) Any words not herein defined shall be construed as defined in normal dictionary usage.
 - (2) The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
 - (3) The word “lot” includes the words “plot” or “parcel.”
 - (4) The words “used” and “occupied” include the words “intended,” “designed” or “arranged” to be used or occupied.
 - (5) The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
 - (6) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 - (7) Whenever a number of days are specified, days shall mean calendar days unless specifically noted otherwise.
 - (8) Whenever a proposed use fits within a specific definition but also within a more general definition, the more specific definition shall control.
- (b) Definitions of General Terms. For the purpose of this Zoning Ordinance, certain words used herein are defined and whenever used in this Zoning Ordinance shall have the meaning indicated in this Section, except where the context clearly indicates a different meaning. The following are general terms of reference:
- (1) BOARD: The Board of Zoning and Building Appeals of Evendale, Ohio.
 - (2) BUILDING COMMISSIONER: The individual certified by the Ohio Board of Building Standards to administer the Ohio Building Code and all other relevant building standards of the State of Ohio. Duties of the Building Commissioner may also be performed by a designated agent holding an equivalent certification.
 - (3) BUILDING, PLANNING, & ZONING MANAGER: The individual designated to administer the Zoning Code of the Village of Evendale, Ohio. Duties of the Building, Planning, & Zoning Manager may also be performed by a designated agent. See Chapter 1270.
 - (4) CODE: Unless otherwise referring to another portion of the Codified Ordinances of the Village of Evendale, Ohio, “code” means only Part Twelve, Title Four of the Codified Ordinances of the Village of Evendale that regulates Village zoning.
 - (5) COMMERCIAL DISTRICT: Either the Heavy Commercial “HC” District or the General Commercial “GC” District.
 - (6) COMMISSION: The Planning Commission of Evendale, Ohio.
 - (7) COUNCIL: The Village Council of Evendale, Ohio.

- (8) DISTRICT: A part of the Village wherein regulations of this Zoning Code are uniform as classified by the provisions of Chapter 1244.
- (9) EFFECTIVE DATE OF ADOPTION: The date upon which this Zoning Ordinance was passed by Council.
- (10) INDUSTRIAL DISTRICT: Either the Industrial Truck Center "ITC" District, the General Industrial "GI" District, the Industrial Flex-1 "IF-1" District, or the Industrial Flex-2 "IF-2" District.
- (11) MUNICIPALITY: The Village of Evendale, Ohio.
- (12) NON-RESIDENTIAL DISTRICT: The ITC, GI, IF-1, IF-2, OR, GC, HC, or PF District, or any Planned Unit Development.
- (13) NON-RESIDENTIAL USE: Any use permitted in the Village other than "single-family dwelling".
- (14) PLANNED UNIT DEVELOPMENT or "PUD": A "planned unit development" or "planned business development" as provided for in Chapter 1256 of this Code.
- (15) PUBLIC NOTICE: Advance notice of a hearing or proceeding as prescribed in this Zoning Code pursuant to Chapter 1278.
- (16) VILLAGE: The Village of Evendale, Ohio.
- (17) ZONING MAP: The "Zoning District Map" of the Village of Evendale, Ohio.

1242.02 ADDITIONAL DEFINITIONS.

Additional definitions relating to specific portions of this Code are found at Chapter 1262, Signs and Chapter 1263, Wireless Communications Towers and Systems.

1242.03 DEFINITIONS.

- (a) For purposes of this Code, the following terms shall have the following meanings: *(Ord. 14-16)*
 - (1) ABUTTING OR ADJOINING: Having a common lot line with, or being separated from such a common lot line by a right-of-way.
 - (2) ACCESSORY STRUCTURE: A subordinate structure customarily incidental to, detached from and located upon the same lot occupied by the principal structure or use.
 - (3) ACCESSORY USE: A use occurring or constructed on, above or below grade which is incidental to or customarily in connection with, or subordinate to, the principal structure or use. It is located on the same lot with such principal structure or use and may or may not be located within the same structure as the principal use.
 - (4) ADULT ARCADE: Any place to which the public is permitted or invited where either or both motion picture machines, projectors, digital video or laser disc players, or other video or image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
 - (5) ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE:
 - A. A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- i. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
 - ii. Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities."
 - B. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "ADULT BOOKSTORE," "ADULT NOVELTY STORE," "ADULT RETAIL" or "ADULT VIDEO STORE." Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "ADULT BOOKSTORE," "ADULT NOVELTY STORE," "ADULT RETAIL" or "ADULT VIDEO STORE" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (6) ADULT CABARET: A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
 - A. Persons who appear semi-nude,
 - B. Live performances which are characterized by any "specified sexual activities," or
 - C. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on exhibiting or displaying "specified sexual activities" or "specified anatomical areas."
- (7) ADULT MEDIA: Magazines, books, videotapes, movies, slides, CD or DVD roms, or other devices used to record computer, images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hardcore material.
- (8) ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, DVDs, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (9) ADULT RETAIL: Any retail establishment which, for money or any other form of consideration either:
 - A. Has as one of its principal purposes to sell, exchange, rent, loan, trade, transfer, or provide for viewing, off the premises, any adult oriented merchandise as defined in the Village Municipal Code; or
 - B. Provides, as its stock-in-trade, for the sale, exchange, rental, loan, trade, transfer, for viewing or use, off the premises, any adult-oriented merchandise as defined in the Village Municipal Code.
- (10) ADULT ENTERTAINMENT BUSINESS: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

- (11)ADDITIVE MANUFACTURING: The construction of complex three-dimensional parts from 3D digital model data by depositing successive layers of material. Metal, polymer, and ceramic materials can be used to manufacture parts of a geometry that often cannot be produced by any other manufacturing technology. The names of specific additive manufacturing technologies include, but not limited to: 3D printing, layered object manufacturing, selective laser sintering, selective laser melting, LENS, stereolithography, and fused deposition modeling. Synonyms include layered manufacturing, solid freeform manufacturing, direct digital manufacturing, and rapid prototyping. *(Ord. 18-48)*
- (12)ADVANCED MANUFACTURING: Advanced manufacturing uses innovative technologies to improve existing products and create new products. Advanced manufacturing can include production activities that depend on information, automation, computation, software, sensing, and networking. Generally, advanced manufacturing focuses on the research and development and/or production of a single, unique or specialized product or prototype but may include the mass production of such products or prototypes in a safe, clean environment. *(Ord. 18-48)*
- (13)ANIMAL HOSPITALS, VETERINARY CARE AND OTHER RELATED SERVICES: Any structure or portion thereof established for any service relating to animals, including animal hospitals and veterinary care, pet training facilities, pet daycare and overnight kennel services. Excludes pet crematoria and uses that are restricted solely to retail sales of pet-related products or pet grooming services, though these may be incidental to the uses above.
- (14)ART GALLERY: A room or structure in which the primary use is one where original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public as either a non-commercial, retail, or for-profit operation.
- (15)ASSEMBLY HALLS AND MEETING FACILITIES: A building or portion thereof used for regular or occasional gathering for purposes including, but not limited to: deliberation, performances, dancing, conferences, banquets, exhibits, parties, and auctions.
- (16)AUTOMOTIVE SERVICE STATIONS AND GARAGES: An establishment that provides for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles. Excludes, "maintenance and repair services," and the servicing of vehicles falling under, "light truck and equipment
- (17)BANKS AND FINANCIAL INSTITUTIONS: An establishment that provides retail banking, credit and mortgage services to individuals and businesses. This classification includes banks, savings and loan establishments, credit unions, check cashing, and currency exchange outlets.
- (18)BAY WINDOW: A rectangular, curved or polygonal window extending beyond the main wall of a building.
- (19)BERM: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
- (20)"BUILDING." See, "STRUCTURE". References to "BUILDING" shall in all cases be deemed to refer to both buildings and structures.
- (21)BUILDING LINE: A line parallel to the street right-of-way line or any lot line at any story level of a building and representing the distance that all or any part of the building is set back from the right-of-way line.

- (22) **BUILDING MATERIALS AND HARDWARE SUPPLY SALES, SERVICES, AND RENTAL:** An establishment that includes the following:
- A. Retail sales including, but not limited to, lumber and other large building materials, paint, wallpaper, glass, fixtures, nursery stock, appliances, lawn and garden supplies, where most display, storage and sales occur indoors. May include sales to the general public or to contractors, or some combination thereof.
 - B. Rental of light equipment and tools as an accessory use; and
 - C. Services which are customarily incidental to the operation.
- (23) **BUSINESS SERVICE:** An establishment providing document delivery, mail receiving and boxes, or reprographic, blueprinting, typesetting, copying, desktop publishing or photographic services.
- (24) **CANOPY TREE:** A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree.
- (25) **CEMETERY:** Land used or intended to be used for the burial of the human or animal dead, and which is dedicated for cemetery purposes. Cemetery includes mausoleums, columbaria, and mortuaries if operated in connection with, and within the boundaries of a cemetery. This term shall not include crematoria.
- (26) **COMMERCIAL VEHICLE:** A commercial vehicle is any of the following:
- A. Any vehicle exceeding 8,800 pounds gross vehicle weight; or
 - B. A passenger van designed to transport ten or more individuals, regardless of its weight.
- (27) **COMMUNICATIONS FACILITIES:** Broadcasting and other communications services accomplished through electronic mechanisms.
- (28) **CORNER LOT:** See, "lot, corner."
- (29) **COVENANT:** A legal agreement between the property owner and the Village concerning the use of land and compliance with the Zoning Code binding on the owner and the owner's successors and assigns.
- (30) **DATA PROCESSING AND COMPUTER CENTERS:** Facilities where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, market research, call centers and mailing list preparation.
- (31) **DAYCARE CENTER, ADULT:** An establishment in which supervision, protection and care is administered to one or more adult person or persons, by an adult 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 persons own home.
- (32) **DAYCARE CENTER, CHILD:** A facility in which child care or publicly funded child care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven to twelve children at one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. Includes pre-schools and nursery schools.

- (33)DAYCARE CENTER, CHILD, WHICH OCCURS IN CONJUNCTION WITH ANOTHER USE: A “Child Daycare Center” as defined by this code, which occurs accessory and incidentally to another business, and which only serves the employees or customers of that business who are present on the site.
- (34)DAYCARE HOME, TYPE-B FAMILY: A permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted.
- (35)DISPLAY AND SALES, OUTDOOR: Merchandise placed in an outdoor area that is open to the general public, when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building, or where merchandise as part of an outdoor display is available for purchase by the general public directly from the outdoor display area. This is exclusive of, though can occur in conjunction with as the Code permits, outdoor storage as defined and regulated by this Code. This type of display and sale is permanent or ongoing in nature, and is exclusive from “outdoor temporary display or sales,” which are permitted pursuant to an approved temporary permit.
- (36)DISTRIBUTION: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.
- (37)DRIVE-THROUGH: That portion of any establishment which provides services to motor vehicles or their occupants while they remain in a vehicle, and as its components may include, but is not limited to, any equipment or signage integral to the drive-through operations such as menu boards, pick-up or service windows, queuing lines, ATMs and voice boxes.
- (38)EASEMENT: A grant of one or more property rights for a designated portion of land by the property owner to the public, a corporation, person or other entity.
- (39)EDUCATIONAL INSTITUTION: A public or parochial pre-primary, primary, grade, high or preparatory school or academy, junior college or university, other than trade or business schools, if public or founded or conducted by or under the sponsorship of a religious or charitable organization. These exclude living quarters, but may include instructional and recreational uses, dining rooms, restaurants, and other incidental facilities for students, teachers and employees.
- (40)EDUCATIONAL TRAINING FACILITIES, INDOOR: A building or facility utilized for the vocational training of potential, current or future employees.
- (41)EQUIPMENT, HEAVY: A movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises and having a gross weight of 2.5 tons or more, including, but not limited to, trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, and lifts.
- (42)EQUIPMENT, LIGHT: A bulky vehicular or non-vehicular piece of machinery or movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises and having a gross weight of less than 2.5 tons, including, but not limited to, trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, and lifts.

- (43)ESTABLISHMENT: A specific land use on a lot or within a building. For purposes of this code, an establishment with multiple uses and/or products is considered to be one establishment when operating under one roof, within the same building footprint, or controlled by a unifying entity.
- (44)EVERGREEN: A plant with foliage that persists and remains green year-round.
- (45)EXTENSION: An increase in the amount of the existing gross floor area.
- (46)FAMILY: means one of the following:
- A. One (1) person;
 - B. Two or more persons related by blood, marriage, adoption or guardianship living together as a single housekeeping unit in a residence;
 - C. Two unrelated persons and their children living together as a single housekeeping unit in a residence; or
 - D. A group of not more than four (4) unrelated persons living together as a single housekeeping unit.
- (47)FAMILY HOME, ADULT: A residence or facility that provides accommodations and supervision to three to five unrelated adults, at least three of whom require personal care services.
- (48)FARMING, GENERAL: The operation of a farm, including the growing of crops, plants, trees, and other agricultural products, the maintenance of livestock, and incidental retail sales of produce grown on premises, with the necessary accessory uses, provided, however, that the operation of any accessory uses shall be secondary to that of normal farming activities and such accessory uses do not include the feeding of garbage or offal to swine or other animals.
- (49)FENCE: Any structure composed of wood, iron, steel or other material erected in such a manner and position as to enclose or partially enclose all or any part of the lot, refuse containers, recreational areas, swimming pools, outdoor dining areas, etc.
- (50)FENCE, PERIMETER: A tangible barrier, other than a building, constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to screen the view from adjoining properties and streets.
- (51)FESTIVALS: A recreational, social, educational, or cultural activity, which may include amusement rides, games, food, mobile food trucks, events, art shows, concerts, and religious revival meetings, operated outside of permanent structures. *(Ord. 18-02)*
- (52)FINISHED GRADE: See, "grade, finished."
- (53)FLOOR AREA, GROSS: The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.
- (54)FOSTER HOME: A private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away.

- (55)FRONT LOT LINE: See, "lot line, front."
- (56)FRONT YARD: See, "yard, front."
- (57)FRONTAGE, LOT: The distance between adjacent property lines, measured along the street line. Also referred to as, "street frontage."
- (58)FUEL SALES, AUTOMOBILE: The retail sale of gasoline, diesel and kerosene fuels that is intended primarily for use in motor vehicles.
- (59)FUEL SALES, OTHER: The retail sale of fuels other than automobiles fuels, including, but not limited to, propane, natural gas, and other bottled gases.
- (60)FUEL SALES WHEN IN CONJUNCTION WITH ANOTHER USE: Fuel sales as defined by this Code which occur accessory to another use for which the sale and use of fuel is customarily incidental.
- (61)FUNERAL HOME: A building or part thereof used for human funeral services. Such building excludes crematories, but may contain space and facilities for:
- A. Embalming and the performance of other services used in preparation of the dead for burial;
 - B. The performance of autopsies and other surgical procedures;
 - C. The storage of caskets, funeral urns, and other related funeral supplies; and
 - D. The storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.
- (62)GARAGE: In the Residential District, a "garage" shall mean an accessory building to a single-family residence that is primarily used for parking or temporary storage of passenger vehicles. In all other zoning districts, a "garage" shall mean a main or accessory building used or designed for repairing or storage of motor vehicles.
- (63)GARAGE AND YARD SALES: All general sales, open to the public, conducted from or on residential premises in the Residential District, as defined by this Code, for the purpose of disposing of personal property, including but not limited to all sales entitled, "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," "auctions," "estate sales," or "rummage," sales where the sale of personal property is conducted on a lot upon which a dwelling is located.
- (64)GARDEN NURSERIES AND SUPPLIERS: An establishment primarily engaged in the retail sale of garden supplies and plants grown on the premises or elsewhere. This classification includes the sale of landscape materials, topsoil and rental of landscaping equipment.
- (65)GOVERNMENT BUILDING: A structure or portion of a structure owned, operated or controlled by a government agency for the performance of certain specialized governmental activities required for its day to day functions.
- (66)GRADE, FINISHED: The elevation of the finished surface of the ground adjoining the building or structure within a distance of ten feet from the foundation wall.
- (67)GREENBELT AREAS OWNED OR ESTABLISHED BY THE VILLAGE: A strip of land owned by the Village or by a private property owner in pursuant to the Code's commercial greenbelt provisions, which is of a definite area whereupon existing vegetation is preserved or an area is reserved for the planting of living plant materials to serve as an obscuring screen of buffer strip in carrying out the requirements of this Code.
- (68)GROSS FLOOR AREA: See, "floor area, gross."

- (69)GROUP HOME: A licensed residential facility that provides room and board, personal care, habitation services and supervision in a family setting for at least six but not more than eight persons with mental retardation or a developmental disability.
- (70)GUEST: A person other than a member of a family who may temporarily use facilities at a single-family residence, without charge, and is accompanied by a member of the family while using such facilities.
- (71)HEIGHT: The vertical dimension of a structure as determined by § 1244.13(c).
- (72)HOMEOWNERS' ASSOCIATION: An incorporated nonprofit organization operating under recorded land agreements for lots within the Village of Evendale through which each lot owner of a developed area is a member and each lot is subject to charges for a proportionate share of the expenses for the organization's activities.
- (73)HOSPITAL: A state licensed facility providing medical, surgical (necessary or elective), psychiatric, emergency medical, or rehabilitative services to patients. This classification includes facilities for inpatient or outpatient treatment, including drug and alcohol abuse programs as well as training, research and administrative services for patients and employees.
- (74)HOTEL: An establishment providing, for a fee, sleeping accommodations and customary lodging services in 24-hour or greater intervals, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Access to individual guest rooms is through a common lobby, and may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities.
- (75)INCIDENTAL: Subordinate and minor in size and use, and bearing an exclusive relationship to the primary use.
- (76)INDOOR EDUCATIONAL TRAINING FACILITIES: See, "education training facilities, indoor."
- (77)INDOOR RECREATIONAL FACILITIES: See, "recreational facilities, indoor."
- (78)INSTITUTION: A public or quasi-public establishment serving a nonprofit purpose, as for a religious, educational or charitable use.
- (79)INTERIOR LOT: See, "lot, interior."
- (80)INTERIOR SIDE LOT LINE: See, "lot line, interior side."
- (81)LABORATORIES, PRODUCT RESEARCH AND DEVELOPMENT CENTERS: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- (82)LANDSCAPED AREA: The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- (83)LIBRARIES, PUBLIC: A building containing printed information, electronic information, and pictorial material for the public use and purpose of study, reference, and recreation.
- (84)LOT: A parcel of land occupied or capable of being occupied by a use, structure, or group of structures and accessory structures and uses, together with such open space as is required by this Code.

- (85) LOT AREA: The total horizontal area included within the lot lines of the lot. No public right-of-way or access easement or handle of a panhandle lot shall be included in the calculation of the lot area.
- (86) LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than one hundred thirty-five (135) degrees. A corner lot must have two required front yards and two rear yards opposite those front yards.
- (87) LOT FRONTAGE: See, "frontage, lot."
- (88) LOT LINE: The property lines bounding a lot; provided, however, that when a lot includes land subject to a public right-of-way easement for street purposes, the line separating such right-of-way from the rest of the lot shall be deemed to be the lot line.
- (89) LOT LINE, FRONT: A lot line dividing a lot from a street. A corner lot must have two front lot lines and two rear lot lines opposite those front lot lines.
- (90) LOT LINE, REAR: The lot line that is most distant from, and most nearly parallel to, the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to, and a maximum distance from the front lot line. In the case of a corner lot, there will be two rear lot lines opposite the front lot lines.
- (91) LOT LINE, SIDE: Any lot line that is not a front lot line or a rear lot line.
- (92) LOT OF RECORD: A lot which is part of a subdivision, the map or metes and bounds description of which has been recorded in the office of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record to adoption of zoning.
- (93) LOT WIDTH: The distance between two lot lines perpendicular to the front setback line. In the case of a corner lot, it is the width of the narrower of the two front setback lines.
- (94) LOT, VACANT: A lot without a building or structure.
- (95) MAINTENANCE AND REPAIR SERVICES: Establishments engaged in the provision of repair or maintenance services to individuals or businesses, including building maintenance, extermination, and appliance and electronics repair shops. Excludes, "automotive service stations and garages," "light truck and equipment services," "heavy truck and equipment services," and any sort of light repair services such as tailoring and shoe repair that may be considered part of "personal services" as defined by this Code.
- (96) MANUFACTURING: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, processing of food products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.
- (97) MEDICAL SERVICES AND CLINICS: Offices organized as a unified facility for three or more licensed physicians, dentists, chiropractors, or other health care professionals providing diagnosis or care of patients but are not provided with room and board and are not kept 24 hours or longer on the premises, nor do they fall within the definition of "hospital" as found in this Code. Medical Services and medical clinics include medical and dental laboratories incidental to the medical office use.
- (98) MICROBREWERY: An establishment which includes both (1) on-site food service, whether the food is prepared on-premises or off-premises, and (2) on-premise beer manufacture. Beer brewed on-premises must be in quantities not to exceed 31 million gallons per year. Beer brewed on-premises

may be available for carry-out, may be sold for on-premise consumption, or may be sold to retail and wholesale permit holders. No alcoholic beverages other than the beer brewed on-premises may be sold, served or distributed. *(Ord. 17-36)*

- (99) MOBILE RETAIL FOOD ESTABLISHMENT: A movable vehicle or other portable structure designed to routinely change location, where food is regularly stored, processed, prepared, manufactured, and served for retail sale. *(Ord. 16-62)*
- (100) MUSEUM: An institution devoted to the procurement, care, study, and display of objects of significance, including, but not limited to, those with artistic, historic, or scientific value.
- (101) "NONCONFORMING STRUCTURE." A structure existing lawfully at the time this Code, or an amendment hereto, became effective, but which does not conform to the area, height, or bulk of the building, lot or other regulations of the zoning district in which it is located.
- (102) "NONCONFORMING LOT." A lot existing at the time this Code, or an amendment hereto, became effective, but which does not conform to the lot area, width, access, or other requirements of the zoning district in which it is located.
- (103) "NONCONFORMING USE." The use of a structure or lot existing lawfully at the time this Code, or an amendment hereto, became effective, but which does not conform to the use regulations, off-street parking and loading requirements, performance standards, or other use regulations of the zoning district in which it is located.
- (104) NUDE MODEL STUDIO:
- A. Any place where a person who appears seminude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
 - B. Nude model studio shall not include:
 - i. A proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation.
 - ii. A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - iii. An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any one time.
- (105) NUDITY or a STATE OF NUDITY or NUDE: Exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.
- (106) OFFICES, PROFESSIONAL: A facility for a firm or organization that primarily provides professional, executive, management or administrative services, such as accounting, advertising,

architectural, planning, computer software consulting, data management, engineering, medical, dental, chiropractors, or other health care professionals, environmental analysis, insurance, interior design, investment, graphic design, landscape design, law and real estate offices, drafting and recording studios. It excludes medical offices with more than two licensed health care professionals, banks and financial institutions, and offices that are incidental to retail, production, industrial storage or other activities.

- (107) OFFICES, REAL ESTATE AND MODEL SALES: A structure permitted pursuant to an approved temporary use permit for the use as a sales office for a residential or commercial development currently under construction.
- (108) OUTDOOR DINING: A porch, patio, deck or other area used for consumption of food or beverage by the public which is not completely enclosed within the exterior building walls, windows and doors of a traditional, sit-down or fast casual restaurant and which may or may not have a solid roof cover.
- (109) OUTDOOR DISPLAY AND SALES: See, "display and sales, outdoor."
- (110) OUTDOOR SALES, TEMPORARY: See "sales, outdoor temporary".
- (111) OUTDOOR STORAGE: See "storage, outdoor."
- (112) PANHANDLE LOT: See, "lot, panhandle."
- (113) PARKING GARAGE: A multi-level structure built either above or below grade providing off-street parking for motorized vehicles.
- (114) PARKING LOT: A surface lot that provides off-street parking for motorized vehicles.
- (115) PARKING STALL: An area in a parking garage or lot permanently designated for the parking of a motor vehicle.
- (116) PATIO: A level surface constructed of any material that is directly adjacent to a principal structure, having an average elevation of not more than 30 inches above grade, and having no walls or a roof.
- (117) PERIMETER FENCE OR WALL: See, "fence, perimeter."
- (118) PERSONAL INSTRUCTION: The provision of instructional services including: tutoring, photography, fine arts, crafts, dance or music studios, art studios, driving schools, vocation and trade schools not including automotive repair, diet centers, reducing salons, martial arts, yoga and workout studios with incidental retail sales.
- (119) PERSONAL SERVICES: The provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, nail salons, tanning salons, massage therapy, electrolysis, seamstresses, tailors, shoe repair, dry cleaners (excluding dry cleaning plants), pet grooming, self-service laundries and photographic studios.
- (120) PLACE OF WORSHIP: An establishment for religious worship and other religious ceremonies, including religious education, rectories, and parsonages.
- (121) PLAY EQUIPMENT: A freestanding play apparatus, exclusively for the recreational use of children, that is permanently anchored to the ground.
- (122) PORCH: A platform having a separate roof at an entrance to a dwelling that is considered a part of the building for setback purposes.

- (123) PORTABLE STORAGE UNIT: See, "storage unit, portable."
- (124) PRIMARY PRINCIPAL STRUCTURE: See, "principal structure."
- (125) PRINCIPAL STRUCTURE: A building or other facility that is designed for or occupied by a principal use. Includes "primary principal structures" and "secondary principal structures."
- A. "Secondary Principal Structure." Principal structures placed on a lot within a commercial district in addition to the primary principal structure, pursuant to the requirements of § 1248.09(b).
- (126) PRINCIPAL USE: A use that is the primary function of land or structures.
- (127) PUBLIC LIBRARIES: See, "libraries, public".
- (128) PUBLIC UTILITIES: See, "utilities, public."
- (129) REAL ESTATE AND MODEL SALES OFFICES: See, "offices, real estate and model sales."
- (130) REAR LOT LINE: See, "lot line, rear."
- (131) REAR YARD: See, "yard, rear."
- (132) RECREATIONAL FACILITIES, INDOOR: Any commercial activity conducted entirely indoors which is related to the recreation field, such as bowling alleys, skating rinks, indoor tennis courts, swimming pools, and similar recreational activities. This definition shall exclude sexually oriented businesses as defined elsewhere in this Zoning Code.
- (133) RECREATIONAL VEHICLE: Every vehicle or boat originally designed for recreation or human habitation, including, but not limited to, the following:
- A. "Boat." Any vessel used for water travel. A boat mounted on a trailer shall be considered one vehicle.
- B. "Camper Trailer." A folding or collapsible vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreation or vacation use;
- C. "Motorized Home." A temporary dwelling designed and constructed for travel, camping, recreational or vacation uses as an integral part of a self-propelled vehicle.
- D. "Off-The-Road Vehicle." A vehicle intended principally for recreational use off of roads where state vehicle licenses are required, such as a dune buggy, go-cart, snowmobile, or aircraft.
- E. "Racing Car" or "Cycle." A vehicle intended to be used in racing competition, such as a race car, stock car, or racing cycle.
- F. "Travel Trailer." A vehicle without its own motive power, designed to be used as a temporary dwelling for travel, camping, recreational, or vacation uses.
- G. "Truck Camper." A structure designed primarily to be mounted on a pickup or truck chassis and designed to be used as a temporary dwelling for travel, camping, recreational, or vacation uses. When mounted on a truck, such a structure and the truck shall together be considered one vehicle.
- H. "Van." A general term applied to a non-commercial motor vehicle licensed by the State of Ohio as a Recreational Vehicle.
- I. "Vehicle Trailer." A vehicle without its own motor power that is designed to transport another vehicle, such as a boat, motorcycle or snowmobile for recreational or vacation use and that is eligible to be licensed or registered and insured for highway use. A vehicle trailer with another vehicle mounted on it shall be considered one vehicle.

- (134) RECREATION: Recreational, indoor- or outdoor-, non-commercial facilities intended for both active and passive recreation, which may include , but are not limited to, parks, open space, playgrounds, athletic fields, nature preserves, picnic shelters, and any other types of recreational structures, uses or programs that are customarily incidental thereto.
- (135) REQUIRED YARD: See, “yard, required.”
- (136) RESIDENTIAL GARAGE AND YARD SALES: See, “garage and yard sales.”
- (137) RESTAURANTS, FAST CASUAL: An establishment within any building or portion thereof, where prepared food is the principal good sold. Orders are made at a counter, and are processed within a short period of time. Payment for food is made prior to consumption, packaging of food is a combination or reusable and disposable containers, menu boards are stationary, and carry out orders may occur. In the dining area, the drink service, condiments, and table bussing may be the responsibility of either the customer or restaurant staff.
- (138) RESTAURANTS, FAST FOOD: An establishment within any building or portion thereof, where prepared food is the principal good sold. Orders are made at either a drive-through window or at a counter, and are processed within a short period of time. Payment for food is made prior to consumption, packaging of food is disposable, menu boards are stationary, and carry out orders and drive-through orders are frequent. In the dining area, the drink service, condiments, and table bussing are primarily the responsibility of the customer, via-self-service stations and open trash receptacles.
- (139) RESTAURANTS, TRADITIONAL, SIT-DOWN: An establishment within any building or portion thereof, where prepared food is the principal good sold. Orders are processed in a longer period of time, and are taken at the patron’s table by restaurant wait staff. Payment for food is made after consumption, packaging of food is out of entirely reusable containers, individual menus are provided, and carry out orders may occur. No drive-through service is provided. In the dining area, the drink service, condiments, and table bussing are entirely the responsibility of the restaurant wait staff.
- (140) RETAIL SALES: An establishment engaged in sales of goods, including, but not limited to: food, alcoholic beverage sales, furniture and home furnishings, electronics and appliances, clothing and shoes, jewelry, luggage and leather goods, sporting goods and hobbies, books, periodicals and music, tobacco sales, department stores, florists, office supplies and stationary, gifts and novelties, pets, hardware, consignment shops, video stores and auto parts. This classification includes the retail sale or rental of merchandise not specifically listed under another use classification. This classification excludes Retail Sales, Discount; Retail Sales, Pawn; and Retail Sales, Thrift. *(Ord. 21-47)*
- (140A) RETAIL SALES, DISCOUNT: An establishment that defines its primary purpose as offering a combination and variety of consumer goods for sale to the general public that are continuously sold or advertised using terms such as – but not limited to – discount, bargain, liquidation, closeout, or outlet. This classification shall not include establishments that contain a prescription pharmacy, offer for sale gasoline or diesel fuel, or include a minimum of 75,000 gross square feet of floor area. *(Ord. 21-47)*
- (140B) RETAIL SALES, PAWN: An establishment that loans money on deposit of personal property or deals in the purchase or possession of personal property on the condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. *(Ord. 21-47)*

- (140C) RETAIL SALES, THRIFT: An establishment where the primary purpose is to offer a combination and variety of used or previously-owned consumer goods for sale to the general public that were procured through voluntary donations from individuals; businesses or groups; estate sales; or otherwise obtained by similar means. *(Ord. 21-47)*
- (141) RIGHT-OF-WAY: All of the land included within an area that is dedicated, reserved by deed, or granted by easement for street or utility purposes, including both streets and highways.
- (142) ROUTINE ATTENDANCE: The conduct of a non-domiciled person in connection with a home occupation approved pursuant to this Code whereupon he or she visits the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency, or duration of such visits.
- (143) SALES, LEASING, AND RENTAL OF NEW OR USED AUTOMOBILES, TRUCKS OR CONSTRUCTION EQUIPMENT: An establishment engaged in the display, storage, sale, rental, or leasing of new or used automobiles, trucks, or construction equipment to businesses or individuals.
- (144) SALES, OUTDOOR: See, "display and sales, outdoor."
- (145) SALES, OUTDOOR TEMPORARY: When merchandise as part of an outdoor display is available for purchase by the general public directly from the outdoor display area. This type of sale is temporary in nature, permitted pursuant to an approved temporary permit, and is exclusive from "outdoor sales," as defined and regulated by this Code.
- (146) SALES, SEASONAL OUTDOOR TEMPORARY: The outdoor temporary sales of cut live flowers, plants and trees.
- (147) SCREENING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.
- (148) SECONDARY PRINCIPAL STRUCTURE: See, "principal structure."
- (149) SEMI-NUDITY, STATE OF SEMI-NUDITY, SEMI-NUDE CONDITION or SEMI-NUDE: Exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.
- (150) SETBACK LINE: The line at a minimum horizontal distance from a specified lot line as determined by the required yard depth, which forms one side of the outer boundaries of the area on the lot upon which structures may be located.
- (151) SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.
- (152) SEXUALLY ORIENTED BUSINESS: Any business including any activities as defined in adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture

theater, adult entertainment business, nude model studio, sexual encounter center, adult media, or adult retail.

- (153) SHRUB: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.
- (154) SIDE LOT LINE: See, "lot line, side."
- (155) SIDE YARD: See, "yard, side."
- (156) SIGN: For any sign or signage-related definition, please see Chapter 1262, Signs.
- (157) SINGLE-FAMILY RESIDENCE, DETACHED: A detached structure on a single lot designed for occupancy by one family.
- (158) SPECIFIED ANATOMICAL AREAS:
- A. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - B. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- (159) SPECIFIED SEXUAL ACTIVITIES: Any of the following:
- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - C. Excretory functions as part of or in connection with any of the activities set forth above.
- (160) STORAGE ELEVATOR, GRAIN AND CEMENT: Facility at which bulk grain or cement is unloaded, weighed, cleaned, blended, stored and exported.
- (161) STORAGE, OUTDOOR: The storage of goods, materials, or merchandise in an area outside of a building or structure in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display, outdoor sales, or outdoor temporary sales.
- (162) STORAGE UNIT, PORTABLE: Any portable enclosed unit constructed of metal or other durable material that is designed to be transported by vehicle and used to provide storage of personal belongings.
- (163) STORAGE, VEHICLE: See § 1266.09(d)(1)(A)(i), "stored vehicle". (*Ord. 16-63*)
- (164) STORY: Except as otherwise specifically provided in this Code, that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the space between the floor and the ceiling next above it. A basement shall be counted as one-half story. Any area in which the distance from one floor to the floor or ceiling above it is more than 16 feet shall be deemed to consist of one story for each 16 feet of height.
- (165) STREET: The paved portion of a public or private right-of-way, other than a driveway, that affords the principal means of vehicular access to abutting property.
- (166) STREET FRONTAGE: See, "frontage, lot."
- (167) STREET SIDE LOT LINE: See, "lot line, side."
- (168) STRUCTURE: Anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground.

- (169) SUBSTITUTION: The replacement of an existing use by a new use, or a change in the nature of an existing use. It does not include a change of ownership, tenancy or management where the previous line of business or other function is substantially unchanged.
- (170) TEMPORARY STRUCTURE: Any structure that is not permanently affixed to the ground.
- (171) TEMPORARY USE: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time pursuant to Chapter 1268. Such uses do not involve the construction or alteration of any permanent structure.
- (172) TRUCK AND EQUIPMENT SERVICES, HEAVY: An establishment that provides for the repair, rebuilding or reconditioning of heavy trucks or equipment or parts thereof, including collision service and painting. Excludes “automotive service stations and garages” and “heavy truck and equipment services.”
- (173) TRUCK AND EQUIPMENT SERVICES, LIGHT: An establishment that provides for the repair, rebuilding or reconditioning of light trucks or equipment or parts thereof, including collision service and painting. Excludes “automotive service stations” and “garages and heavy truck and equipment services.”
- (174) TRUCK, HEAVY: Any truck with a gross vehicle weight rating of at least 18,500 pounds or any truck-tractor or semi-trailer with more than three axles.
- (175) TRUCK, LIGHT: Trucks and similar vehicles other than truck tractors or semi-trailers with more than three axles, that have a gross vehicle weight rating of less than 18,500 pounds.
- (176) TRUCK TERMINAL: Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.
- (177) USE: The purpose or activity for which a structure or land is designed, arranged, or intended, or for which it is occupied or maintained.
- (178) UNDERSTORY TREE: Small trees, shrubs and vines that grow under taller trees. These plants can grow in the shade of the taller trees and typically stay fairly short even at maturity.
- (179) UTILITIES, PUBLIC: Any facility operated by an entity certified by the Public Utility Commission of Ohio as a public utility.
- (180) VACANT LOT: See, “lot, vacant.”
- (181) WAREHOUSING: A use engaged in commercial or industrial storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive. This classification excludes Warehousing, Self-Storage. *(Ord. 21-47)*
- (181A) WAREHOUSING, SELF-STORAGE: An establishment where the primary purpose is to offer, for sale or lease, indoor or outdoor space to store the personal items of a private individual or household, including, but not limited to, household items, furniture, clothing, collectibles, recreational vehicles, trailers, boats, or automobiles. *(Ord. 21-47)*
- (182) WASTE TRANSFER FACILITY: A place or facility where nonhazardous solid waste materials are taken from a collection vehicle, temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility. A waste transfer facility is not a salvage yard.

Waste transfer facilities include recycleries, i.e., materials recovery facilities, where recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

- (183) WHOLESALE: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.
- (184) WIRELESS COMMUNICATIONS TOWER: For any wireless communications tower or other wireless communications-related definition, please see Chapter 1263, Wireless Communications towers and systems.
- (185) YARD: A required open space on a lot between a lot line and a setback line that is, except as otherwise expressly authorized by this Code, unoccupied and unobstructed from grade to the sky.
- (186) YARD, FRONT: That area between a front lot line and the building line. Where no structure exists, it is considered that area between the front lot line and the front setback line. A corner lot must have two front yards and two rear yards opposite those front lot yards.
- (187) YARD, REAR: The area between a rear lot line and the rear building line. Where no structure exists, it is considered that area between the rear lot line and the rear setback line. In the case of a corner lot, there will be two rear yards opposite the two front yards.
- (188) YARD, REQUIRED: The area required between all lot lines and the setback lines as defined by the regulations of the district in which a lot is located, unless otherwise indicated.
- (189) YARD, SIDE: Any yard between a lot line and a building line which is not considered a front or rear yard. Where no structure exists, it is considered that area between the side lot lines and the side setback lines.
- (190) ZONING LOT: A parcel or parcels of land abutting a dedicated street occupied or intended to be occupied by a principal building and those accessory uses customarily incidental to it together with such open spaces as required by this Zoning Code.

1242.04 DEFINITION OF STREET SYSTEM.

- (a) Main Roads. The following streets listed below and as indicated in Figure 1242.04(A) shall be categorized as "MAIN ROADS": Reading Road; Glendale-Milford Road; Cooper Road; Plainfield Road; Sharon Road; Wyscarver Road; Evendale Drive; Shepherd Lane; AeroHub Boulevard; Cunningham Drive; Evendale Commons Drive; Exon Drive; Medallion Drive; South Medallion Drive; and Interstate 75. *(Ord. 20-69)*
- (b) Commercial Streets. The following streets listed below and as indicated in Figure 1242.04(A) shall be categorized as "COMMERCIAL STREETS": Access Place; P.G. Graves Lane; McSwain Drive; Makro Drive; Spartan Drive; Oak Avenue (east of Interstate 75); first 100 feet of Inwood Drive (east of Reading Road); and Gorman Heritage Farm Lane. *(Ord. 20-69)*
- (c) Thoroughfares. The following thoroughfares listed below and as indicated in Figure 1242.04(B) shall be categorized as follows for purposes of landscaping requirements: *(Ord. 20-69)*

- (1) TYPE "A" THOROUGHFARES - Reading Road (entire length) and Glendale-Milford Road from Kingsport on the east to Millcreek and from the traffic light at the I-75 exit ramp west to the Village of Evendale's corporate limits;
- (2) TYPE "B " THOROUGHFARES - P.G. Graves Lane; Access Place; Exon Drive; Shepherd Lane, Cunningham Drive, Evendale Commons Drive, and McSwain Drive;
- (3) TYPE "C" THOROUGHFARES – AeroHub Boulevard; Spartan Drive; Evendale Drive; Medallion Drive; and South Medallion Drive; and
- (4) TYPE "D" THOROUGHFARES - Oak Street and Makro Drive.

FIGURE 1242.04(A) MAP OF MAIN ROADS AND COMMERCIAL STREETS

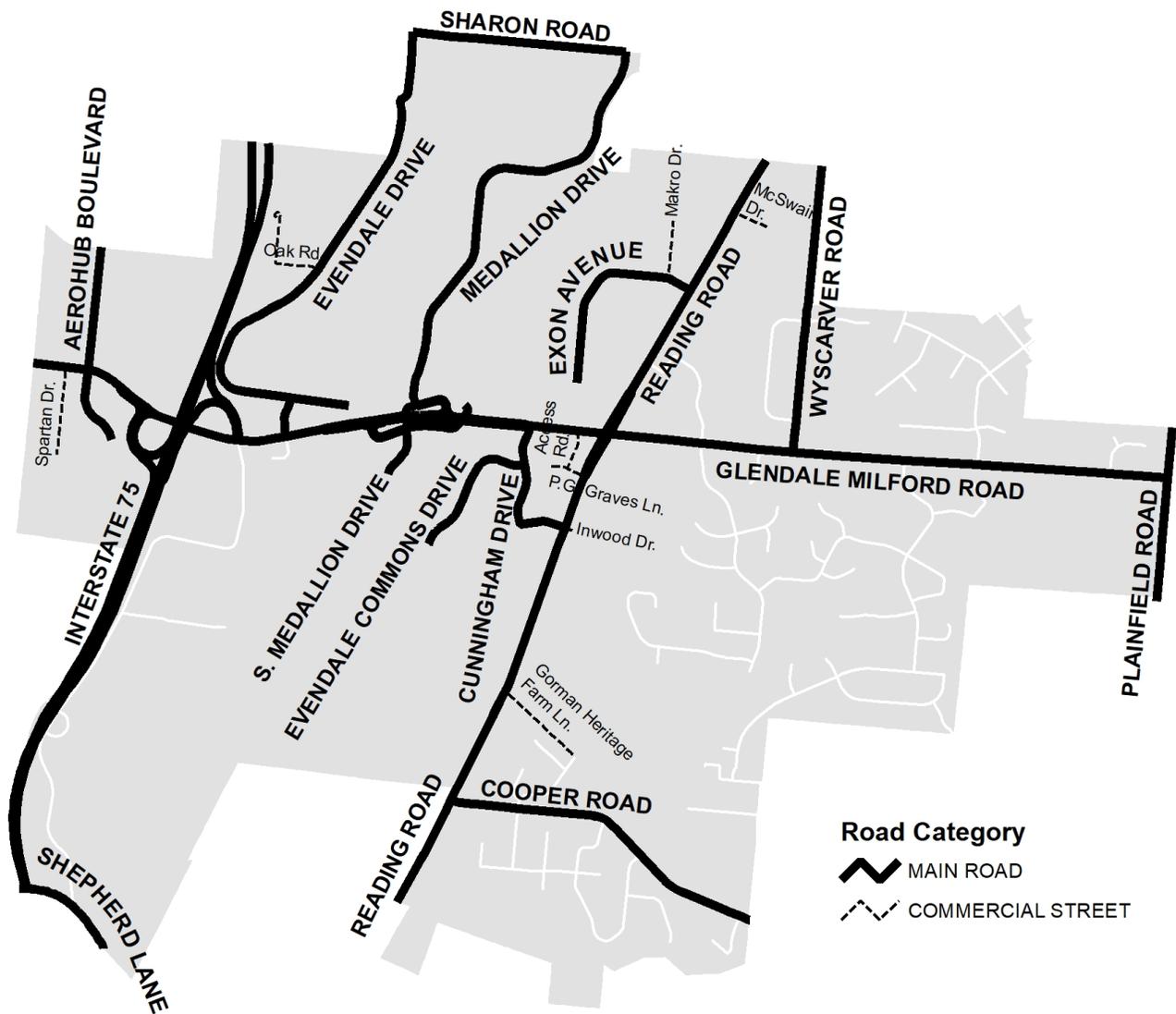
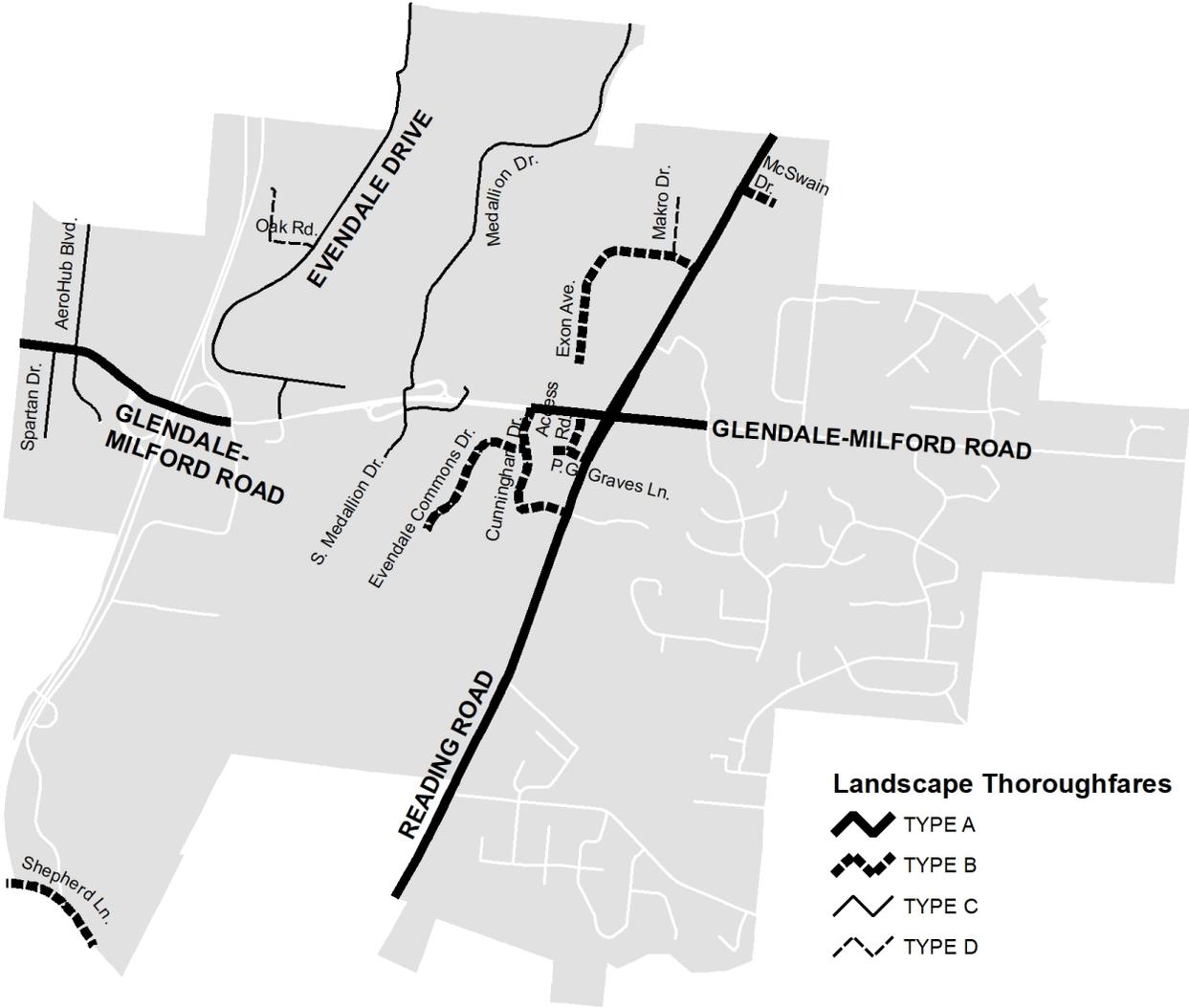


FIGURE 1242.04(B) MAP OF LANDSCAPE THOROUGHFARES



CHAPTER 1244 ZONING DISTRICTS, ZONING MAP, AND METHODS OF MEASUREMENT

1244.01 ESTABLISHMENT OF ZONING DISTRICTS.

In order to carry out the purposes of this Code, the Village of Evendale is divided into nine base/underlying zoning districts, and in some areas, planned unit development districts and/or the Design Overlay District apply. Base zoning districts include Residential (R), Public Facilities (PF), Office Research (OR), General Commercial (GC), Heavy Commercial (HC), Industrial Truck Center (ITC), General Industrial (HI), Industrial Flex-1 (IF-1), and Industrial Flex-2 (IF-2). The base zoning district regulations are intended to control the following:

- (a) Location and Use. Zoning districts regulate and restrict the location and use of structures and land.
- (b) Dimensions. Zoning districts regulate and restrict dimensions including, but not limited to, the height and size of principle and accessory structures hereafter erected or structurally altered, the area of lots, the depth of setbacks, the dimensions of landscaping, buffering, and open spaces, and the density of development.
- (c) Standards. Zoning districts impose additional site and development standards.

SCHEDULE 1244.01 ZONING DISTRICTS

DISTRICT CATEGORIES AND CHAPTER REFERENCE	DISTRICT
CHAPTER 1246 Residential District	RESIDENTIAL (R)
CHAPTER 1254 Public Facilities District	PUBLIC FACILITIES (PF)
CHAPTER 1252 Office/Research District	OFFICE/RESEARCH (OR)
CHAPTER 1248 Commercial Districts	GENERAL COMMERCIAL (GC)
	HEAVY COMMERCIAL (HC)
CHAPTER 1250 Industrial Districts	INDUSTRIAL TRUCK CENTER (ITC)
	GENERAL INDUSTRIAL (GI)
	INDUSTRIAL FLEX-1
	INDUSTRIAL FLEX-2
CHAPTER 1256 Planned Unit Development Districts	COMMERCIAL, OFFICE, INDUSTRIAL, INNOVATION DISTRICT, OR MIXED USE - AS APPROVED BY COUNCIL (<i>Ord. 20-69</i>)

1244.03 DESIGN GUIDELINES OVERLAY DISTRICT

Per § 1270.03(a)(4), the Planning Commission shall consider the most recently adopted version of the Evendale Design Guidelines in its review of applications that fall within this district.

1244.05 MAP OF ZONING DISTRICTS.

Map Incorporated. The location and boundaries of the base and planned unit development districts established by this Code are as shown on a map entitled "Zoning Map of the Village of Evendale, Ohio" hereinafter referred to as the Zoning Map, which by this reference is incorporated as part of this Code. All notations, references and other information shown on the Zoning Map, and all amendments thereto, shall be as much a part of this Code as if specifically set forth and literally described herein.

- (a) Omitted Land. It is the intent of this Code that the entire area of the Village be included in the districts established by this Code. Any area lying within the Village but not shown on the Zoning Map as being included in such a district shall be deemed to be, and it is hereby, classified in the Residential District.
- (b) Maintenance and Availability of Zoning Map. The official copy of the Zoning Map shall be maintained by the Village and shall be available for public inspection during Village business hours at the Village Hall. Any amendment to zoning district boundaries or any change in any information shown on the Zoning Map made by amendment to this Code shall be indicated on the official copy of the Zoning Map.

1244.07 INTERPRETATION OF DISTRICT BOUNDARIES

In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- (a) Centerlines. The district boundaries are the center lines of highways, streets, alleys, and other rights-of-way unless otherwise indicated. When the designation of a boundary line on the Zoning Map coincides with the location of any such right-of-way, the center line of such right-of-way shall be construed to be the boundary of such district.
- (b) Lot Lines. When a district boundary does not coincide with the location of the centerline of any right-of-way but does coincide with a lot line, such lot line shall be construed to be the boundary of such district.
- (c) Scale. When a district boundary does not coincide with the location of the centerline of any right-of-way or lot line, the district boundary shall be determined by the use of the scale shown on the Zoning Map.
- (d) Uncertainty. If any uncertainty remains as to the location of a district boundary or other feature shown on the zoning map, the Building, Planning, & Zoning Manager has the duty to determine the location.

1244.09 NUMBER OF PRINCIPLE STRUCTURES ON A ZONING LOT WITHIN DISTRICTS.

Unless otherwise indicated in this Zoning Code, not more than one (1) principal structure shall be located on a zoning lot within the zoning districts established in 1244.01.

1244.11 ANNEXED LAND.

- (a) Annexation of Land. All land annexed to the Village after the effective date of this Code shall be classified automatically in the Residential District upon such annexation.
- (b) Application for Different Classification. When any land is classified pursuant to this Section, it shall remain so classified unless and until an application to amend such classification is filed and approved pursuant to Ch. 1286, Amendments. Such application may be filed prior to or contemporaneously with the annexation of the land in question.

1244.13 METHODS OF MEASUREMENT

The following explain how various measurements referenced in this Zoning Code are to be calculated.

- (a) Distances. The Distances Are Measured Horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area or other object. These distances are not measured by following the topography of the land. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects. Exceptions to this rule are as follows:
 - (1) Measurement of Vehicle Stacking or Travel Areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, is measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the arc of the driveway or traffic lane.
 - (2) Measurements Involving a Structure. Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves and bay windows up to 12 feet in length, are not included in the measurement. Other features, such as covered porches and entrances, are included in the measurement.
 - (3) Underground Structures. Structures or portions of structures that are entirely underground are not included in measuring required distances.
- (b) Fractions. When calculations result in fractions the results are rounded as follows:
 - (1) Minimum Requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result over 0.5 is rounded up to the next consecutive whole number.
 - (2) Maximum Limits. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number.
- (c) Structure Height.
 - (1) Principal and accessory structure height is measured from the finished grade at the building line to the top of the cornice of flat roofs, or to the deck line of a mansard roof, or to the mid-height of the highest gable or dormer in a pitched or hipped roof, or, if there are no gables or dormers, to the mid-height of a pitched or hipped roof. *(Ord. 20-69)*
 - (2) If the finished grade at the building line varies, the point from which height is measured is the average of the highest and lowest elevation of the building line at grade.

- (3) Other Structures. The height of other structures such as fences is the vertical distance from the ground level immediately under the structure to the top of a structure. Special measurement provisions are also provided below.
- A. Measuring Height of Fences on Top of Retaining Walls. Fences on the top of retaining walls are measured from the top of the retaining wall.
 - B. Measuring Height of Decks. Deck height is determined by measuring from the ground to the top of the floor of the deck if there is no rail and from the average finished grade to the top of the rails for all other situations.
 - C. Building and Mechanical Equipment. Upon approval of the Planning Commission, building and mechanical equipment within the Commercial, Industrial, Office Research or Public Facilities Districts may be placed on the roof of structures resulting in a combined structure and equipment height that exceeds the height limit within the respective district, provided:
 - i. The equipment itself does not exceed 10 feet in height;
 - ii. The equipment is set back a minimum of 15 feet from exterior walls; and
 - iii. The equipment is adequately screened from view.
- (d) Lot Width. The horizontal distance between the side lot lines as measured from the midpoint of one side lot line to the midpoint of the other side lot line.
- (e) Minimum and Maximum Separation Distance. In cases where a minimum or maximum separation distance applies, the minimum or maximum distance is measured in a straight line, without regard to intervening structures, from the closest property line of the use being regulated to the closest property line, district boundary line or use from which the minimum or maximum distance is required.

CHAPTER 1246 RESIDENTIAL DISTRICT**1246.01 PURPOSE.**

The Residential District regulations are intended to preserve the character of established residential neighborhoods and to provide for new residential development that is consistent with the established residential neighborhoods within the Village and with the most current Comprehensive Development Plan adopted by the Village.

1246.03 GENERAL PROVISIONS.

This chapter regulates, in part, all parcels, structures, and uses within the R District. In addition to the regulations imposed by this Chapter 1246, there are other provisions placed upon parcels, structures, and uses located in the R District within the following chapters:

- (a) **Parking Standards.** Uses and structures permitted in the Residential District may be subject to the parking provisions of Chapter 1258, Off-Street Parking and Loading.
- (b) **Landscaping.** Parcels located in the Residential District may be subject to the landscaping and buffering provisions of Chapter 1260, Landscaping.
- (c) **Signs.** Signs in the Residential District subject to the provisions of Chapter 1262, Signs.
- (d) **Accessory Uses and Structures.** Accessory uses and structures, including, but not limited to, fences, swimming pools, tennis courts, and antennae, located in the Residential District are subject to the provisions of Chapter 1266, Accessory Uses and Structures.
- (e) **Home Occupations.** Home occupations in the Residential District are subject to the provisions of Chapter 1266, Accessory Uses and Structures.
- (f) **Temporary Uses and Structures.** Temporary uses and structures including, but not limited to, residential garage or yard sales, tents, and portable storage units, located in the Residential District are subject to the provisions of Chapter 1268, Temporary Uses and Structures.
- (g) **Conditional Uses.** Conditional uses in the R Residential District are subject to the provisions of Chapter 1282, Conditional Uses.

1246.05 PERMISSIBLE USES.

Schedule 1246.05 below prescribes the land use regulations for the “R” Residential District. The regulations for the district are established by letter designations as follows: “P” indicates that a use is permitted. “C” indicates that a use that is permitted only after review and approval by the Village Planning Commission, pursuant to Chapter 1282, Conditional Uses. All use classifications that are either not listed in Schedule 1248.05 below, or which are indicated by an “X”, are prohibited.

All conditional and permitted uses may be subject to additional regulations as indicated within the notes of the schedule or elsewhere in this Code. Use classifications are defined in Chapter 1242, Definitions.

SCHEDULE 1246.05 PERMISSABLE USES

USE	DISTRICT: R
RESIDENTIAL (<i>Ord. 14-16</i>)	
SINGLE FAMILY RESIDENCE, DETACHED	P
ADULT FAMILY HOME ¹	P
FOSTER HOME	P
GROUP HOME	P
TYPE-B FAMILY DAYCARE HOME ²	P
INSTITUTIONAL/PUBLIC/SEMIPUBLIC USES	
CEMETERY	C
EDUCATIONAL INSTITUTION	C
GREENBELT AREA OWNED OR ESTABLISHED BY THE VILLAGE ⁴	C
PLACE OF WORSHIP	C
RECREATION/ENTERTAINMENT	
RECREATION	P
COMMERCIAL USES	
FUNERAL HOME	C

USE	DISTRICT: R
NOTES:	
<p>1 No Adult Family Home shall be permitted within one thousand (1,000) feet of another Adult Family Home and shall otherwise comply with the requirements of this Chapter for detached single family residences.</p> <p>2 A Family Daycare Home is an accessory, home occupation use, subject to the applicable requirements of Chapter 1266 Accessory Uses and Structures.</p> <p>3 No Type-A Family Daycare Home shall be permitted within one thousand (1,000) feet of another Type-A Family Daycare Home and shall otherwise comply with the requirements of this Chapter and for detached single family residences and any conditions imposed pursuant to Chapter 1282.</p> <p>4 Pursuant to Chapter 1222 (Subdivision Regulations) of the Codified Ordinances of the Village, the Planning Commission may approve a greenbelt area in the Residential District adjoining the "GC" General Commercial District.</p>	

1246.07 AREA AND HEIGHT REQUIREMENTS.

The lot, yard and structure height requirements for principal structures in the Residential District are set forth in the following Schedule 1246.07. Footnote references and additional regulations appear at the end of Schedule 1246.07 and in § 1244.13(c) regarding height modifications. For lot, yard and building height requirements for accessory structures in the Residential District, see Schedule 1266.04(A).

SCHEDULE 1246.07 AREA, SETBACK AND HEIGHT REQUIREMENTS

Permitted Use	Minimum Lot Area	Minimum Lot Width at Setback Line	Minimum Front and Corner Yard Setback	Minimum Side Yard Setback (each)	Minimum Rear Yard Setback	Maximum Principal Structure Height
<i>Cemeteries</i>	10 acres	100 ft.	50 ft.	10 ft.	35 ft.	35 ft.
<i>Funeral Homes^(a)</i>	2 acres	100 ft.	50 ft.	30 ft.	35 ft.	35 ft.
<i>Detached Single Family Residences</i>	20,000 sq. ft.	100 ft.	50 ft.	10 ft.	35 ft.	35 ft.

Permitted Use	Minimum Lot Area	Minimum Lot Width at Setback Line	Minimum Front and Corner Yard Setback	Minimum Side Yard Setback (each)	Minimum Rear Yard Setback	Maximum Principal Structure Height
<i>Educational Institutions</i>	5 acres	100 ft.	50 ft.	30 ft.	35 ft.	35 ft.
<i>Places of Worship</i>	2 acres	100 ft.	50 ft.	30 ft.	35 ft.	35 ft.
<i>Recreation</i>	20,000 sq. ft.	100 ft.	50 ft.	10 ft.	35 ft.	35 ft.
NOTES: (a) Funeral homes must be located on the same zoning lot or a zoning lot adjacent to a cemetery.						

1246.09 SUPPLEMENTAL REGULATIONS.

- (a) Detached Single Family Residences.
 - (1) Zoning lots shall have only one principal structure
 - (2) All residences shall have a minimum 2-car garage located on the same zoning lot.
 - (3) All driveways must be paved per the requirements of Chapter 1258 Off-Street Parking and Loading.
- (b) Places of Worship; Cemeteries. Places of worship and cemeteries shall be located on, and have access by means of, main roads as shown in § 1242.04, Figure 1242.04(A).
- (c) Educational Institutions. Educational institutions, which include public and private elementary and high schools, shall be located on, and have access by means of, main roads as shown in § 1242.04, Figure 1242.04(A).
- (d) Recreation. Recreation uses in the R District shall be owned or operated by either a homeowner's association surrounding the recreational use or by the Village of Evendale. Recreational use facilities owned or operated by a homeowner's association shall be limited to use by the members of the homeowner's association and their guests and shall not be illuminated by lighting fixtures exceeding 15 feet in height.
- (e) Alternative Energy Systems. Solar panels and small wind turbine systems may only be permitted as part of the principal structure.
- (f) Parking in the Residential District.
 - (1) No off-street parking area, maneuvering area for parking spaces, or loading area shall be located within any required front yard. This restriction shall not apply to driveways providing access from the street to the parking area.

- (2) Drives and maneuvering areas reasonably necessary to serve the residence are permitted. Within ten feet (10') of the right-of-way, the maximum width of the driveway shall be twenty-four feet (24').
- (3) Parking spaces accessory to uses other than single family residences shall be located in side or rear yards not less than 10 feet from any lot line.
- (4) No vehicle shall be parked on any unpaved area.
- (5) Recreational Vehicles. Recreational Vehicles are prohibited in the R District unless the recreational vehicle:
 - A. Is stored or parked by a resident on a lot owned or leased by him for a period not to exceed any part of two calendar days within a single calendar week; or
 - B. Is stored or parked for a period exceeding two calendar days within a single calendar week, it shall be stored within a wholly enclosed building.
- (6) Commercial Vehicles and Trailers. Commercial vehicles and trailers are prohibited in the R District unless the commercial vehicle or trailer is stored within a wholly enclosed building, or is temporarily parked on the premises of the zoning lot for which work necessitating the commercial vehicle is being performed.

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CHAPTER 1248 COMMERCIAL DISTRICTS**1248.01 PURPOSE.**

The Commercial District regulations are intended to provide sufficient areas in appropriate and convenient locations for business activities and the exchange of goods and services. Development within the Commercial Districts shall be consistent with the most current Comprehensive Plan adopted by the Village. The districts will encourage quality and variety in building and landscape design as well as compatibility in use and form. Existing commercial districts shall be maintained and enhanced, giving special consideration to types of uses, scale, intensity and access. Appropriate standards are established for reviewing proposals for new development and redevelopment in commercial areas for compatibility with the surrounding development patterns.

- (a) The "GC" General Commercial District is intended to provide locations for commercial uses which share vehicular traffic characteristics and are generally patronized on single purpose trips.
- (b) The "HC" Heavy Commercial District is intended to provide for a variety of commercial uses which share the common characteristic of being large-scale and in some cases, requiring outdoor display or storage of materials, merchandise or inventory. These uses have the need for larger expanses of land than uses within the GC General Commercial District.

1248.03 GENERAL PROVISIONS.

- (a) Design Overlay District. Parcels located within a commercial district may also be located in a Design Overlay District and may be subject to the most recently adopted Evendale Design Guidelines, per § 1270.03(a)(4).
- (b) Parking Standards. Uses and structures permitted in the GC General Commercial or HC Heavy Commercial Districts are subject to the parking provisions of Chapter 1258, Off-Street Parking and Loading.
- (c) Landscaping. Parcels located in the GC General Commercial or HC Heavy Commercial Districts are subject to the landscaping and buffering provisions of Chapter 1260, Landscaping.
- (d) Signs. Signs in the GC General Commercial or HC Heavy Commercial Districts subject to the provisions of Chapter 1262, Signs.
- (e) Accessory Uses and Structures. Accessory uses and structures in the GC General Commercial or HC Heavy Commercial, including, but not limited to, fences, refuse containers, outdoor lighting, antennae, canopies in conjunction with motor vehicle fuel sales, off-street parking and storage of vehicles, and outdoor storage and displays, may be permitted in the GC General Commercial or HC Heavy Commercial Districts subject to the provisions of Chapter 1266, Accessory Uses and Structures.
- (f) Temporary Uses and Structures. Temporary uses and structures in the GC General Commercial or HC Heavy Commercial Districts, including, but not limited to, seasonal outdoor sales, are subject to the provisions of Chapter 1268, Temporary Uses and Structures.
- (g) Conditional Uses. Conditional uses in the GC and HC Commercial Districts are subject to the provisions of Chapter 1282, Conditional Uses.

1248.05 PERMISSIBLE USES.

Schedule 1248.05 prescribes the land use regulations for the GC General Commercial and HC Heavy Commercial Districts. The regulations for each district are established by letter designations as follows: P indicates that a use is permitted. C indicates that a use is permitted only after review and approval by the Village Planning Commission pursuant to Chapter 1282 Conditional Uses. All use classifications which are either not listed in Schedule 1248.05, or that are indicated by an "X", are prohibited.

All conditional and permitted uses may be subject to additional regulations as indicated within the notes of the schedule or elsewhere in this Code. Use classifications are defined in Chapter 1242, Definitions. (Ord. 21-47)

SCHEDULE 1248.05 GC AND HC PERMISSIBLE USES

USE	GC	HC
COMMERCIAL USES		
ANIMAL HOSPITALS, VETERINARY CARE, AND OTHER RELATED SERVICES	X	P
ART GALLERY	P	P
BANKS AND FINANCIAL INSTITUTIONS	p ^(a)	p ^(a)
BUSINESS SERVICES ^(b)	p ^(a)	X
MEDICAL SERVICES AND CLINICS	p ^(a)	p ^(a)
HOSPITALS	C	C
PROFESSIONAL OFFICES	p ^(a)	p ^(a)
ASSEMBLY HALLS AND MEETING FACILITIES	P	P
RETAIL SALES	p ^(a)	p ^(a)
RETAIL SALES, THRIFT	C ^(a)	X
PERSONAL SERVICES	P	X
PERSONAL INSTRUCTION	P	X
MAINTENANCE AND REPAIR SERVICES	P	P
EDUCATIONAL TRAINING FACILITIES, INDOOR	P	X
RESTAURANTS, TRADITIONAL, SIT-DOWN	p ^(a)	p ^(a)
RESTAURANTS, FAST CASUAL	C ^(a)	C ^(a)
RESTAURANTS, FAST FOOD	X	C ^(a)
OUTDOOR DINING AREAS	C ^(a)	C ^(a)
AUTOMOTIVE SERVICE STATIONS AND GARAGES	X	C
FUEL SALES, AUTOMOBILE	C ^(a)	C ^(a)
FUEL SALES, OTHER	C	C

USE	GC	HC
BUILDING MATERIALS AND HARDWARE SUPPLY SALES, SERVICE, AND RENTAL	P	P
GARDEN NURSERIES AND SUPPLIERS	C	P
MICROBREWERY (<i>Ord. 17-36</i>)	C	X
INSTITUTIONAL/PUBLIC/SEMI-PUBLIC USES		
GREENBELT AREAS OWNED OR ESTABLISHED BY THE VILLAGE	P	P
DAY CARE CENTERS, CHILD	P	X
DAY CARE CENTERS, ADULT	P	X
UTILITIES/COMMUNICATIONS		
COMMUNICATIONS FACILITIES ^(c)	P	P
RECREATION/ENTERTAINMENT		
RECREATIONAL FACILITIES, INDOOR	C	C
MISCELLANEOUS USES		
ANY ACCESSORY USE WHICH IS CLEARLY INCIDENTAL TO CONDUCTING A PERMITTED USE	SEE CHAPTER 1266	SEE CHAPTER 1266
DRIVE-THRU IN CONJUNCTION WITH A RESTAURANT	X	C- SEE CHAPTER 1266
DRIVE-THRU IN CONJUNCTION WITH A BANK	C- SEE CHAPTER 1266	C- SEE CHAPTER 1266
OUTDOOR STORAGE AS AN ACCESSORY USE	X	C - SEE CHAPTER 1266
OUTDOOR DISPLAY & SALES AS AN ACCESSORY USE	X	C - SEE CHAPTER 1266
NOTES:		
(a) THE USE MAY BE LOCATED WITHIN A PRIMARY OR SECONDARY PRINCIPAL STRUCTURE SUBJECT TO THE ADDITIONAL LIMITATIONS SET FORTH IN SECTION 1248.09(b) SECONDARY PRINCIPAL STRUCTURES.		
(b) THE USE MAY OCCUPY NO MORE THAN 4,000 SQ FT OF A STRUCTURE		
(c) ANY TOWER OR OTHER EQUIPMENT LOCATED ON THE EXTERIOR OF THE STRUCTURE IS SUBJECT TO THE LIMITATIONS SET FORTH IN CHAPTER 1262 WIRELESS COMMUNICATIONS TOWERS AND SYSTEMS.		

1248.07 AREA AND HEIGHT REQUIREMENTS.

The lot, yard and structure height requirements for principal structures applicable to the GC General Commercial and HC Heavy Commercial Districts are set forth in Schedule 1248.07. Footnote references and additional regulations appear at the end of Schedule 1248.07 and in § 1244.13(c) regarding height modifications. For lot, yard, and structure height requirements for accessory uses and structures in the HC and GC Commercial Districts, see Schedules 1266.04(B) and (C).

SCHEDULE 1248.07 AREA AND HEIGHT REQUIREMENTS FOR GC GENERAL

AREA AND HEIGHT REQUIREMENTS FOR GC GENERAL		
DIMENSION	GC DISTRICT STANDARDS	HC DISTRICT STANDARDS
1. Maximum Principal Structure Height	45 ft. for structures on Reading Road that are north of the entrance to Gorman Farm, beginning at 9980 Reading Road; 30 ft. for structures on Reading Road that are south of that location.	45 ft.
1. Minimum Lot Area and Dimensions		
a. Total Lot Area:	1 acre	2 acres
b. Lot Width at Setback Line:	100 ft.	100 ft.
3. Minimum Setbacks		
a. Front Yard:	50 ft.	75 ft.
b. Side Yard:	10 ft. ^(a)	10 ft.
c. Rear Yard:	10 ft. ^(a)	10 ft.
Notes:		
(a) If the side or rear yard of a parcel within the GC District abuts the Residential District, then that side or rear yard which abuts the Residential District must include a greenbelt area that is a minimum of 60 feet in depth and that complies with the greenbelt requirements of § 1260.04(b)(2).		

1248.09 SUPPLEMENTAL REGULATIONS.

- (a) Uses. All uses on lots within the GC and HC Districts must be conducted within wholly enclosed buildings, unless specifically provided for elsewhere in this Code.
- (b) Secondary Principal Structures. More than one principal structure may be permitted on the same lot within the GC or HC District where the size of a lot allows for the appropriate maintenance of traffic patterns, dimensions of structures, setbacks and structure location standards. Additional principal structures on a lot shall be considered “secondary principal structures” and shall comply with the following requirements:
 - (1) The uses permitted conditionally or as-of-right within secondary principal structures within the GC and HC Districts are indicated in Schedule 1248.05, designated by note (a).

- (2) Secondary principal structures shall be designed so that there are no loading facilities visible from the Village right-of-way.
 - (3) No more than one secondary principal structure on any lot may be used for a fast food restaurant.
 - (4) No additional street access may be provided in order to service a secondary principal structure.
 - (5) Secondary principal structures shall occupy a minimum area of 1,500 square feet.
 - (6) Secondary principal structures shall be at least 30 feet in width.
- (c) Access. All lots within the GC and HC Districts shall have primary access onto either main roads or commercial streets as established by Figure 1242.04(A). There shall be no access onto residential streets.
 - (d) Refuse Control. Refuse containers must be covered and shall be stored within completely enclosed buildings or placed in corrals providing screening from public streets and adjoining lots.
 - (e) Lighting. On site lighting shall be located, directed or designed in such a manner as to contain direct light and glare to an amount not to exceed one foot-candle at all property lines.
 - (f) Ground Level and Roof Top Mechanical Equipment to be Screened. All ground level and roof top mechanical equipment within the GC and HC Districts shall be fully screened from view from type A and B thoroughfares by adequate landscaping to the height of such equipment or by a parapet wall or other screening structure constructed of the same materials as the principal building façade, to the height of such equipment.
 - (g) Seasonal Outdoor Sales. Seasonal outdoor sales may be permitted within the GC or HC Districts upon the approval of a temporary use permit pursuant to the provisions of Chapter 1268, Temporary Uses.
 - (h) Commercial Greenbelt and District Boundary Buffer. Parcels in the GC General Commercial District which abut the R Residential District are subject to the greenbelt/district boundary buffer requirements of § 1260.04(b)(2).
 - (i) Sensory and Nuisance Impacts.
 - (1) Processes, equipment operations and goods for sale shall be limited to those that are not objectionable to the enjoyment, use and safety of surrounding areas by way of odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water-carried waste.
 - (2) Any use or dissemination of pyrophoric, explosive, or radioactive material in a manner or quantity that endangers the public health, safety, comfort or welfare is a public nuisance and declared unlawful.
 - (j) Visual compatibility of structures. (*Ord. 20-69*)
 - (1) New structures. The quality of exterior design shall be equal on all façades of the structure, and the materials used shall be of the same or comparable quality on all façades of the structure.
 - (2) Existing structures. All exterior modifications to existing structures shall be designed to be visually compatible in terms of the materials used, shapes, textures, colors and projections with the buildings, public ways, and places to which they are adjacent.

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CHAPTER 1250 INDUSTRIAL DISTRICTS**1250.01 PURPOSE.**

Development in the Industrial Districts should be consistent with the most current Comprehensive Master Plan adopted by the Village. These districts are established in areas of the Village generally adjoining railroads, interstates and major vehicular thoroughfares, and are situated in such a manner so as not to adversely affect adjacent residential neighborhoods. More specifically, each individual industrial district has the following purpose:

- (a) ITC District. The "ITC" Industrial Truck Center District is intended to provide for the location of truck terminals and related general storage and warehouse operations in an area with good interstate accessibility without greatly affecting the levels of heavy truck traffic throughout the Village.
- (b) GI District. The "GI" General Industrial District is intended to provide appropriate locations for a wide range of intensive industrial uses, including fabrication, manufacturing, processing, packaging, assembly and bulk storage, while also providing for uses that will benefit from the district's proximity to the railroad.
- (c) IF-1 District. The "IF-1" Industrial Flex 1 District is intended to create a high quality mix of light manufacturing, distribution, office, research and development and other related industrial and office uses in campus-like surroundings, while also providing for uses that will benefit from the district's proximity to the railroad.
- (d) IF-2 District. The "IF-2" Industrial Flex 2 District is intended to create a high quality mix of light manufacturing, distribution, office, research and development and other related industrial and office uses in areas that have a development pattern that is smaller in scale than that of ITC, GI and IF-1.

1250.03 GENERAL PROVISIONS.

- (a) Design Overlay District. Parcels located within an industrial district may also be located in a Design Overlay District and may be subject to the most recently adopted Evendale Design Guidelines, per § 1270.03(a)(4).
- (b) Parking Standards. Uses and structures permitted in an industrial district are subject to the parking provisions of Chapter 1258, Off-Street Parking and Loading.
- (c) Landscaping. Parcels located in an industrial district are subject to the landscaping and buffering provisions of Chapter 1260, Landscaping.
- (d) Signs. Signs in an industrial district are subject to the provisions of Chapter 1262, Signs.
- (e) Accessory Uses and Structures. Accessory uses and structures, including, but not limited to, fences, refuse containers, outdoor lighting, antennae, off-street parking and storage of vehicles, and outdoor storage and display and sales, may be permitted in an industrial districts and are subject to the provisions of Chapter 1266, Accessory Uses and Structures.
- (f) Temporary Uses and Structures. Temporary uses in an industrial District are subject to the provisions of Chapter 1268, Temporary Uses and Structures.
- (g) Conditional Uses. Conditional uses in an industrial district are subject to the provisions of Chapter 1282, Conditional Uses.

1250.05 PERMISSIBLE USES.

Schedule 1250.05 prescribes the land use regulations for the Industrial Districts. The regulations for each district are established by letter designations as follows: P indicates that a use is permitted. C indicates that a use is permitted only after review and approval by the Village Planning Commission pursuant to Chapter 1282 Conditional Uses. P-A indicates that the use is permitted only in conjunction with, and subordinate to, another use that is permitted or conditional within the industrial district in which it is listed. (Ord. 20-69)

All use classifications which are either not listed in Schedule 1250.05, or that are indicated by an "X", are prohibited. All conditional and permitted uses may be subject to additional regulations as indicated within the notes of the schedule or elsewhere in this Code. Use classifications are defined in Chapter 1242, Definitions.

SCHEDULE 1250.05 INDUSTRIAL DISTRICT PERMISSIBLE USES

USE	ITC	GI	IF-1	IF-2
INDUSTRIAL/DISTRIBUTION/WAREHOUSE/MANUFACTURING USES				
MANUFACTURING	P	P	P	P
WASTE TRANSFER FACILITY	C	X	X	X
TRUCK TERMINALS	P	X	X	X
WAREHOUSING, WHOLESALING AND DISTRIBUTION	P	X	P	p ^(a)
GRAIN AND CEMENT STORAGE ELEVATORS	X	X	P	X
COMMERCIAL USES				
BANKS AND FINANCIAL INSTITUTIONS	X	P-A	P-A	X
BUSINESS SERVICES ^(b)	X	P-A	P-A	X
MEDICAL SERVICES AND CLINICS - STAND ALONE USE	C	X	C	C
PROFESSIONAL OFFICES - STAND ALONE USE	C	X	C	C
PROFESSIONAL OFFICE – IN CONJUNCTION WITH ANOTHER USE	P-A	P-A	P-A	X
CHILD AND ADULT DAY CARE CENTERS	P-A	P-A	P-A	X
DATA PROCESSING AND COMPUTER CENTERS	P-A	P-A	P-A	X
FUEL SALES WHEN IN CONJUNCTION WITH ANOTHER USE	P	X	X	X

USE	ITC	GI	IF-1	IF-2
LABORATORIES AND OTHER RESEARCH AND DEVELOPMENT FACILITIES	P	P	P	P
INDOOR EDUCATIONAL TRAINING FACILITIES	C	P-A	P-A	P-A
MAINTENANCE AND REPAIR SERVICES	X	X	P	P
HEAVY TRUCK AND EQUIPMENT SERVICES	P	X	X	X
LIGHT TRUCK AND EQUIPMENT SERVICES	P	X	X	C
AUTOMOTIVE SERVICE STATIONS AND GARAGES	P	X	X	X
SALES, LEASING, AND RENTAL OF NEW OR USED AUTOMOBILES, TRUCKS OR CONSTRUCTION EQUIPMENT	P	X	X	C
USE (Ord. 18-27)	ITC	GI	IF-1	IF-2
MISCELLANEOUS USES				
SEXUALLY ORIENTED BUSINESSES	C	X	X	X
OUTDOOR STORAGE AS AN ACCESSORY USE	P - SEE CHAPTER 1266	P - SEE CHAPTER 1266	C - SEE CHAPTER 1266	X
OUTDOOR DISPLAY AND SALES AS AN ACCESSORY USE	P - SEE CHAPTER 1266	P - SEE CHAPTER 1266	C - SEE CHAPTER 1266	C - SEE CHAPTER 1266
RECREATIONAL FACILITIES, INDOOR	X	X	C	X
NOTES:				
(a) OFFICES IN CONJUNCTION WITH DISTRIBUTION WHERE THE DISTRIBUTION AREA DOES NOT EXCEED 35% OF THE BUILDING FLOOR AREA. OVERHEAD DOORS TO SERVE THE DISTRIBUTION SPACE SHALL NOT FRONT A PUBLIC RIGHT-OF-WAY.				
(b) THE USE MAY OCCUPY NO MORE THAN 4,000 SQ FT OF A STRUCTURE. IF IT IS OVER 4,000 S.F. IT IS CONSIDERED "MANUFACTURING" AND SUBJECT TO THOSE REQUIREMENTS.				

The lot, yard, and structure height requirements applicable to the Industrial Districts are set forth in Schedule 1250.07. Footnote references and additional regulations appear at the end of Schedule 1250.07 and in § 1244.13(c) regarding height modifications. For lot, yard and structure height requirements for accessory uses and structures in the Industrial Districts, see Schedules 1266.04(D thru G, inclusive).

SCHEDULE 1250.07 AREA AND HEIGHT REQUIREMENTS FOR THE INDUSTRIAL DISTRICTS

AREA AND HEIGHT REQUIREMENTS FOR THE INDUSTRIAL DISTRICTS					
DIMENSION	ITC DISTRICT STANDARDS*	GI DISTRICT STANDARDS	IF-1 DISTRICT STANDARDS*	IF-2 DISTRICT STANDARDS	REQUIREMENTS FOR STAND ALONE MEDICAL OFFICES & CLINICS AND PROFESSIONAL OFFICES IN THE ITC AND IF-1 DISTRICTS
1. Maximum Principle Structure Height	45 ft. ^(a)	80 ft. ^(a)	60 ft. ^(a)	45 ft. ^(a)	60 ft. ^(a) maximum and a 2-story minimum.
2. Minimum Lot Area and Dimensions					
a. Total Lot Area:	2 acres	2 acres	2 acres	1 acre	3 acres
b. Lot Width at Setback Line:	200 ft.	150 ft.	150 ft.	100 ft.	150 ft.
3. Minimum Setbacks					
a. Front Yard:	50 ft.	50 ft.	50 ft.	25 ft.	50 ft.
b. Side Yard:	10 ft.	10 ft.	10 ft.	10 ft.	30 ft.
c. Rear Yard:	10 ft.	10 ft.	10 ft.	10 ft.	30 ft.
Notes:					
*These requirements apply to all uses within the ITC and IF-1 districts except for either (1) professional offices, or (2) medical offices and clinics if either use is a stand-alone use.					
(a) Buildings or structures which exceed 50 feet in height shall be set back from all lot lines a minimum distance equal to the greater of the building height or the required yard.					

1250.09 SUPPLEMENTAL REGULATIONS.

- (a) Multiple Principal Structures. More than one principal structure may be permitted on the same lot within the IF-1, GI or ITC District where the size of the lot allows for the appropriate maintenance of traffic patterns, dimensions of structures, setbacks and structure location standards.
- (b) Ground Level and Roof Top Mechanical Equipment to be Screened. In IF-1 and IF-2 Districts, all ground level and roof top mechanical equipment within the Industrial Districts shall be fully screened from view from Type A and B thoroughfares by adequate landscaping to the height of such equipment or by a

parapet wall or other screening structure constructed of the same materials as the principal building facade

- (c) Refuse Control. Refuse containers must be covered and shall be stored within completely enclosed buildings or placed in corrals providing screening from public streets and adjoining lots.
- (d) Sensory and Nuisance Impacts.
 - (1) Processes, equipment operations and goods for sale shall be limited to those that are not objectionable to the enjoyment, use and safety of surrounding areas by way of odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water-carried waste.
 - (2) Any use or dissemination of pyrophoric, explosive, or radioactive material in a manner or quantity that endangers the public health, safety, comfort or welfare is a public nuisance and declared unlawful.
- (e) Lighting. On site lighting shall be located, directed or designed in such a manner as to contain direct light and glare to an amount not to exceed one-foot candle at all property lines.

CHAPTER 1252 OFFICE/RESEARCH DISTRICT**1252.01 PURPOSE.**

It is the purpose of the Office Research District to provide appropriate and convenient locations for the provision of professional and administrative services and similar ancillary uses. Office development within the Office Research District shall be of high quality. Additionally, office and research uses are permitted elsewhere in the Village in the commercial, industrial, and planned development districts, and as such, this Chapter is intended to set a template for the character of future desired and anticipated office development within the Village.

1252.03 GENERAL PROVISIONS.

- (a) Design Overlay District. Parcels located within an Office/Research district may also be located in a Design Overlay District and may be subject to the most recently adopted Evendale Design Guidelines, per §1270.03(a)(4).
- (b) Parking Standards. Uses and structures permitted in the Office/Research District are subject to the parking provisions of Chapter 1258, Off-Street Parking and Loading.
- (c) Landscaping. Parcels located in the Office/Research District are subject to the landscaping and buffering provisions of Chapter 1260, Landscaping.
- (d) Signs. Signs in the Office/Research District subject to the provisions of Chapter 1262, Signs.
- (e) Accessory Uses and Structures. Accessory uses and structures, including, but not limited to, fences, refuse containers, outdoor lighting, satellite dish antennae, and off-street parking and storage of vehicles, may be permitted in the Office/Research District subject to the provisions of Chapter 1266, Accessory Uses and Structures.
- (f) Temporary Uses and Structures. Temporary uses and structures in the Office/Research District are subject to the provisions of Chapter 1268, Temporary Uses and Structures.
- (g) Conditional Uses. Conditional uses in the OR Office Research District are subject to the provisions of Chapter 1282, Conditional Uses.

1252.05 PERMISSIBLE USES.

Schedule 1252.05 prescribes the land use regulations for the OR Office Research District. The regulations for the district are established by letter designations as follows: P indicates that a use is permitted. C indicates that a use is permitted only after review and approval by the Village Planning Commission pursuant to Chapter 1282 Conditional Uses. P-A indicates that the use is permitted only in conjunction with, and subordinate to, another use that is permitted or conditional within the office research district.

All use classifications which are not listed in Schedule 1252.05, or that are indicated by an "X", are prohibited. All permitted and conditional uses may be subject to additional regulations as indicated within the notes of the schedule or elsewhere in this Code. Use classifications are defined in Chapter 1242, Definitions.

SCHEDULE 1252.05 OFFICE RESEARCH DISTRICT PERMISSIBLE USES

USE (Ord. 18-07)	OR
COMMERCIAL USES	
OFFICES, PROFESSIONAL	P
BUSINESS SERVICES ^(a)	C
DATA PROCESSING AND COMPUTER CENTERS	C
INDOOR EDUCATIONAL/TRAINING FACILITIES	C
HOSPITALS	P
LABORATORIES AND OTHER RESEARCH AND DEVELOPMENT FACILITIES	P
MEDICAL SERVICES AND CLINICS	P
RESTAURANT - FAST CASUAL	C
RESTAURANT - TRADITIONAL, SIT-DOWN	C
OUTDOOR DINING AREAS	C
INSTITUTIONAL/PUBLIC/SEMI-PUBLIC	
CHILD DAY CARE CENTERS IN CONJUNCTION WITH ANOTHER USE	C
EDUCATIONAL INSTITUTION	C
MISCELLANEOUS USES	
ANY ACCESSORY USE WHICH IS CLEARLY INCIDENTAL TO CONDUCTING A PERMITTED USE	SEE CHAPTER 1266
<p>Notes: (a) THE USE MAY OCCUPY NO MORE THAN 4,000 S.F. OF A STRUCTURE.</p>	

1252.07 AREA AND HEIGHT REQUIREMENTS.

The lot, yard and structure height requirements for principal structures applicable to the Office/Research District are set forth in Schedule 1252.07. Additional regulations regarding calculations of principal structure height appear in § 1244.13(c). For lot, yard, and structure height requirements for accessory uses and structures in the OR Office Research District, see Schedule 1266.04(H).

SCHEDULE 1252.07 OFFICE RESEARCH AREA AND HEIGHT REQUIREMENTS

AREA AND HEIGHT REQUIREMENTS FOR THE OFFICE/RESEARCH DISTRICT (Ord. 18-07)	
DIMENSION	STANDARD
1. Maximum and Minimum Height	30 ft.
2. Minimum Lot Area and Dimensions	
a. Total Lot Area:	1 acres
b. Lot Width at Setback Line:	100 ft.
3. Minimum Yards	
a. Front:	50 ft.
b. Side:	10 ft. ^(a)
c. Rear:	10 ft. ^(a)
Notes: (a) If the side or rear yard of a parcel within the OR District abuts the Residential District, then that side or rear yard which abuts the Residential District must include a greenbelt area that is a minimum of 60 feet in depth and that complied with the greenbelt requirements of Chapter 1260.04(b)(2).	

1252.09 SUPPLEMENTAL REGULATIONS.

(a) Generally.

- (1) Multiple Principal Structures. Multiple principal structures are permitted on the same parcel provided all such principal structures are in compliance with the design standards of § 1252.09(a)(2).

- (2) Visual Compatibility of Structures.
 - A. New Structures. The quality of exterior design shall be equal on all facades of the structure, and the materials used shall be of the same or comparable quality on all facades of the structure.
 - B. Existing Structures. All conversions of existing structures or new construction shall be designed to be visually compatible in terms of the materials used, shapes, textures, colors and projections with the buildings, public ways, and places to which they are adjacent.
- (b) Other District Regulations. In addition to the foregoing regulations, all uses shall comply with the following:
 - (1) Enclosed Operations. All principal uses shall take place within entirely enclosed buildings.
 - (2) Storage. No outdoor storage shall be permitted.
- (c) Sensory and Nuisance Impacts.
 - (1) Processes, equipment operations and goods for sale shall be limited to those that are not objectionable to the enjoyment, use and safety of surrounding areas by way of odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water-carried waste.
 - (2) Any use or dissemination of pyrophoric, explosive, or radioactive material in a manner or quantity that endangers the public health, safety, comfort or welfare is a public nuisance and declared unlawful.
- (d) Ground Level and Roof Top Mechanical Equipment to be Screened. All ground level and roof top mechanical equipment shall be fully screened from view from type A and B thoroughfares by adequate landscaping to the height of such equipment or a parapet wall or other screening structure constructed of the same materials as the principal structure facade to the height of such equipment.
- (e) Refuse Control. Refuse containers must be covered and shall be stored within completely enclosed buildings or placed in corrals providing screening from public streets and adjoining lots.
- (f) Lighting. On site lighting shall be located, directed or designed in such a manner as to contain direct light and glare to an amount not to exceed one foot candle at all property lines.

CHAPTER 1254 PUBLIC FACILITIES DISTRICT**1254.01 PURPOSE.**

The "PF" Public Facilities District regulations are intended to provide for a mix of public and semi-public governmental and institutional uses in unique geographic areas of the Village. This district will act to maintain and enhance the parks and recreation within the Village. Institutions within the District may attract visitors from throughout the region by maintaining a regional connection, provide educational resources, serve specialized clients, and support the development of clusters of related institutions. Development within the Public Facilities District shall be consistent with the most current Comprehensive Plan adopted by the Village.

1254.03 GENERAL PROVISIONS.

- (a) Design Overlay District. Parcels located within a Public Facilities district may also be located in a Design Overlay District and may be subject to the most recently adopted Evendale Design Guidelines, per § 1270.03(a)(4).
- (b) Landscaping. Parcels located in the Public Facilities District are subject to the landscaping and buffering provisions of Chapter 1260, Landscaping.
- (c) Parking Standards. Uses and structures permitted in the Public Facilities District are subject to the parking provisions of Chapter 1258, Off-Street Parking and Loading.
- (d) Signs. Signs in the Public Facilities District are subject to the provisions of Chapter 1262, Signs.
- (e) Accessory Uses and Structures. Accessory uses and structures, including, but not limited to, fences, refuse containers, outdoor lighting, satellite dish antennae, and off-street parking may be permitted in the Public Facilities District subject to the provisions of Chapter 1266, Accessory Uses and Structures.
- (f) Temporary Uses and Structures. Temporary uses and structures in the Public Facilities District are subject to the provisions of Chapter 1268, Temporary Uses and Structures.
- (g) Conditional Uses. Conditional uses permitted in the Public Facilities District are subject to the provisions of Chapter 1282, Conditional Uses.

1254.05 PERMISSIBLE USES.

Schedule 1254.05 prescribes the land use regulations for the PF Public Facilities District. The regulations for the district are established by letter designations as follows: P indicates that a use is permitted. C indicates that a use is permitted only after review and approval by the Village Planning Commission pursuant to Chapter 1282 Conditional Uses. All use classifications which are either not listed in Schedule 1254.05, or that are indicated by an "X", are prohibited.

All conditional and permitted uses may be subject to additional regulations as indicated within the notes of the schedule or elsewhere in this Code. Use classifications are defined in Chapter 1242, Definitions.

SCHEDULE 1254.05 PF PERMISSIBLE USES

USE	PF
INSTITUTIONAL/PUBLIC/SEMIPUBLIC USES	
CHILD AND ADULT DAY CARE CENTER WHEN IN CONJUNCTION WITH ANOTHER USE	C
EDUCATIONAL INSTITUTION	p ^(a)
GOVERNMENT BUILDING	P
GREENBELT AREA OWNED OR ESTABLISHED BY THE VILLAGE	P
MUSEUM	P
PLACE OF WORSHIP	p ^(a)
PUBLIC LIBRARY	P
PUBLIC UTILITY	P
RECREATION/ENTERTAINMENT	
RECREATION	P
AGRICULTURAL	
GENERAL FARMING	P
MISCELLANEOUS USES	
ANY ACCESSORY USE WHICH IS CLEARLY INCIDENTAL TO CONDUCTING A PERMITTED USE	SEE CHAPTER 1266
NOTES: (a) IF USE IS EXISTING, IT IS A PERMITTED USE AND IS NOT SUBJECT TO THE LIMITATIONS PLACED ON NONCONFORMING USES PER CHAPTER 1264, NONCONFORMING USES AND STRUCTURES; OTHERWISE, USE IS PROHIBITED.	

1254.07 AREA AND HEIGHT REQUIREMENTS.

The lot, yard and structure height requirements for principal structures applicable to the Public Facilities District are set forth in Schedule 1254.07. Additional regulations appear in § 1244.13(c) regarding height modifications. For lot, yard, and structure height requirements for accessory uses and structures in the Public Facilities District, see Schedule 1266.04(I).

SCHEDULE 1254.07 TABLE OF PUBLIC FACILITIES DISTRICT AREA REQUIREMENTS

TABLE OF PUBLIC FACILITIES DISTRICT AREA REQUIREMENTS	
DIMENSION	STANDARD
1. Maximum Principal Structure Height	60 ft.
2. Minimum Lot Area and Dimensions	
a. Total Lot Area:	3 acres
b. Lot Width at Setback Line:	150 ft.
3. Minimum Yards	
a. Front Yard:	50 ft.
b. Side Yard:	50 ft.
c. Rear Yard:	50 ft.

1254.09 SUPPLEMENTAL REGULATIONS.

- (a) **Uses.** All activities within the PF District must be conducted within wholly enclosed buildings, except for recreational, agriculture, and other activities specifically excepted in this chapter.
- (b) **Multiple Principal Structures.** Multiple principal structures may be permitted on the same zoning lot.
- (c) **Access.** All lots in the Public Facilities District shall have primary access onto either main roads or commercial streets as established by Figure 1242.04(A). There shall be no access onto residential streets.
- (d) **Refuse Control.** Refuse containers must be covered and shall be stored within completely enclosed buildings or placed in corrals providing screening from public streets and adjoining lots.
- (e) **Lighting.** On site lighting shall be located, directed or designed in such a manner as to contain direct light and glare to an amount not to exceed one foot candle at all property lines.
- (f) **Ground Level and Roof Top Mechanical Equipment to be Screened.** All ground level and roof top mechanical equipment within the PF District shall be fully screened from view from type A and B thoroughfares by adequate landscaping to the height of such equipment or by a parapet wall or other screening structure constructed of the same materials as the principal building façade to the height of such equipment.
- (g) **Sensory and Nuisance Impacts.**
 - (1) Processes, equipment operations and goods for sale shall be limited to those that are not objectionable to the enjoyment, use and safety of surrounding areas by way of odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water-carried waste.

- (2) Any use or dissemination of pyrophoric, explosive, or radioactive material in a manner or quantity that endangers the public health, safety, comfort or welfare is a public nuisance and declared unlawful.

CHAPTER 1256 PLANNED UNIT DEVELOPMENT DISTRICTS**1256.01 PURPOSE.**

The purpose of a Planned Unit Development is to encourage the efficient use of land resources, to promote greater efficiency in public and utility service, and to encourage innovation in the planning, design and building of developments in the Village. This Chapter provides flexibility in site design and configuration while maintaining adequate development and design standards. A Planned Unit Development (PUD) may not occur within Residential District, nor may it include residential uses.

1256.02 PUD FOR COMMERCIAL DISTRICTS.

- (a) Purpose. It is the purpose of the Commercial PUD to allow design flexibility in accordance with the Comprehensive Master Plan. Planned unit developments that are compatible with surrounding uses, open spaces, landscaping, and parking areas are encouraged.
- (b) Qualifying Conditions. Any application for approval shall meet the following conditions to qualify for consideration as a commercial PUD:
 - (1) The PUD site shall be located within the "HC" or "GC" Districts, or some combination thereof, or any area upon which a mixed use PUD has been designated on the zoning map.
 - (2) The PUD be five or more acres in area;
 - (3) The proposed PUD shall be designed and developed with a unified architectural style;
 - (4) Utilities, roads, and other services shall be completed before any occupancy is permitted in the PUD;
 - (5) The site must be compatible with nearby residential or business areas as evidenced by the following criteria:
 - A. The uses have no harmful or unpleasant effects in adjoining use districts;
 - B. The PUD site has direct access to a main road;
 - C. The appearance is consistent with adjacent uses;
 - D. The distances separating all proposed uses and buildings or structures in fact constitute a buffer from the adjacent uses;
 - E. Loading docks and truck maneuvering areas are screened from residential lot lines.
- (c) Permitted and Conditional Uses.
 - (1) Any use that is a permitted or conditional use in a commercial district
 - (2) Any accessory use that is a permitted or conditional use in a commercial district.
- (d) Development Requirements: In addition to the qualifying conditions, the following requirements shall be met:
 - (1) District Requirements: At a minimum, the development requirements of the use district in which the PUD is located shall be met, except as modified in this chapter;
 - (2) Height and setback requirements. Structure height, setbacks and the distances between structures shall be at least equal to that required by the use district unless the applicant demonstrates that:
 - A. A better or more appropriate design can be achieved by not applying the provisions of the use district;

- B. Adherence to the requirements of the use district is not required in order to assure the general welfare of the users of the development and the Village of Evendale.
 - C. Perimeter Setback Requirements. All buildings on the perimeter of a Planned Unit Development shall be located in such a way that the front, side or rear yard setbacks on the perimeter of the development shall not be less than those required by the Code for the district in which such development is located, or which such development abuts, whichever is more restrictive.
- (3) Circulation and Parking.
- A. Streets, building location, lights, parking areas, pedestrian ways, and utility easements shall be designed to promote the public safety and to minimize friction between uses.
 - B. Private streets may be used for both circulation and parking if fire and police protection, rubbish collection and lighting are adequately provided for.
 - C. Adequate access shall be allowed for fire and other emergency vehicles.
 - D. Parking required for the PUD shall equal the sum of the parking requirements for all proposed uses, unless it can be demonstrated that certain factors, such as different hours of operation, affect the overall parking needs.
 - E. Driveways and circulation roadways shall be designed to minimize traffic, congestion, and the amount of paved areas.
 - F. If open parking areas are used, and are adjacent to any lot line, a buffer shall be built in order to preserve the privacy of the adjacent property owner.
- (4) Maintenance and Utilities. For any areas to be held under common ownership, a document showing the future maintenance provisions shall be submitted to Planning Commission. Such provisions shall include mandatory membership of all property owners in any association designed for maintenance of the common area. Utilities are required to be underground whenever possible.
- (5) Open Space and Landscaping. All open space and landscaping shall be in conformity with an approved site plan to be included as a condition of the PUD.
- (6) Sign. Signs are permitted per the Evendale Sign Ordinance as set forth in Chapter 1262, unless a uniform sign system is proposed by the Planning Commission and approved by Council for the entire PUD.

1256.03 PUD FOR OFFICE DISTRICTS.

- (a) Purpose. An office PUD allows design flexibility in accordance with the Comprehensive Master Plan. A planned unit development that is compatible with adjacent uses and which achieves suitable landscaping and parking areas is encouraged.
- (b) Qualifying Conditions. Any application for an office PUD shall meet the following conditions:
 - (1) The PUD site shall be located within an Office/Research "OR" District, or any area upon which a mixed use PUD has been designated on the zoning map.
 - (2) The PUD shall be five or more acres in area;
 - (3) The proposed PUD shall be designed and developed with a unified architectural style;
 - (4) Utilities, roads, and other services shall be completed before any occupancy is permitted in the PUD;
 - (5) The site shall be compatible with nearby uses as measured by the following criteria:

- A. The uses can have no harmful or unpleasant effects in adjoining use districts;
 - B. The PUD site has direct access to a main road;
 - C. The appearance is consistent with adjacent uses;
 - D. The distances separating all proposed uses and buildings in fact constitute a buffer from the adjacent uses;
 - E. Loading docks and truck maneuvering areas are screened from residential lot lines.
- (c) Permitted and Conditional Uses:
- (1) Any use that is a permitted or conditional use in the Office/Research district.
 - (2) Any accessory use that is a permitted or conditional use in the Office/Research district.
 - (3) Up to 35% of the area of the PUD may be used for uses that are permitted or conditional within the GC or HC districts, subject to the approval of the Planning Commission and Council.
 - (4) Uses that are permitted or conditional within the IF-1 or IF-2 districts may be permitted or conditional only upon approval by the Planning Commission and Council.
- (d) Development Requirements: In addition to the qualifying conditions, the following requirements shall be met:
- (1) District Requirements: At a minimum, the development requirements of the use district in which the PUD is located shall be met, except as modified in this chapter;
 - (2) Height and setback requirements. Structure height, setbacks, and the distances between structures shall be at least equal to that required by the use district unless the applicant demonstrates that:
 - A. A better or more appropriate design can be achieved by not applying the provisions of the use district;
 - B. Adherence to the requirements of the use district is not required in order to assure the general welfare of the users of the development and the Village of Evendale.
 - C. Perimeter Setback Requirements. All buildings on the perimeter of a Planned Unit Development shall be located in such a way that the front, side or rear yard setbacks on the perimeter of the development shall not be less than those required by the Code for the district in which such development is located, or which such development abuts, whichever is more restrictive.
 - (3) Circulation and Parking.
 - A. Streets, building location, lights, parking areas, pedestrian ways, and utility easements shall be designed to promote the public safety and to minimize friction between uses.
 - B. Private streets may serve circulation and parking if fire and police protection, rubbish collection, and lighting are adequately provided for.
 - C. Adequate access shall be allowed on site for fire and other emergency vehicles.
 - D. Parking required for the PUD shall equal the sum of the parking requirements for all proposed uses. However, if it can be demonstrated certain factors, such as different hours of operation, affect the overall parking needs, the total parking requirements may be reduced by the Planning Commission. In such case, the applicant shall give legal notice requesting the reduction.
 - E. Driveways and circulation roadways shall be designed to minimize traffic, congestion, and the amount of paved areas.

- F. If any open parking areas are to be located adjacent to any lot line, a buffer shall be built in order to preserve the privacy of the adjacent property owner.
- (4) Maintenance and Utilities. For any areas to be held under common ownership, a document showing the future maintenance provisions shall be submitted to Planning Commission and Village Solicitor. Such provisions shall include mandatory membership of all property owners in any association designed for maintenance of the common area. Utilities are required to be underground whenever possible.
- (5) Open Space and Landscaping. All open space and landscaping shall be in conformity with an approved site plan to be included as a condition of the PUD.
- (6) Sign. Signs are permitted per the Evendale Sign Ordinance as set forth in Chapter 1262, unless a uniform sign system is proposed by the Planning Commission and approved by Council for the entire PUD.

1256.04 PUD FOR INDUSTRIAL DISTRICTS.

- (a) Purpose. This type of PUD is intended to permit the development of preplanned, exclusively industrial areas in a manner that is consistent with the Comprehensive Master Plan. This type of PUD will afford industry protection from encroachment by retail, commercial, residential, and other incompatible land uses.
- (b) Qualifying Conditions.
- (1) An industrial PUD may be located in the IF-1, IF-2, "GI" or "ITC" districts, or some combination thereof; or any area upon which a mixed use PUD has been designated on the zoning map.
 - (2) The minimum area of an industrial PUD shall be ten acres or more.
 - (3) An industrial PUD shall have at least one direct access to a main road.
 - (4) Utilities, roads, and other essential services shall be available for the immediate use of occupants purchasing or leasing sites in an industrial PUD.
- (c) Permitted and Conditional Uses: The following uses of a building or lots may be permitted in an industrial PUD:
- (1) Any use that is a permitted or conditional use in the industrial districts.
 - (2) Any accessory use that is a permitted or conditional use in any of the industrial districts.
 - (3) Offices used in conjunction with an industrial use;
 - (4) Offices providing services to industry located within the PUD;
 - (5) Research and development laboratories, offices, and facilities for the development of new products and processes;
 - (6) Retail facilities, provided the uses serve the industrial users in the general vicinity, and provided that the retail uses do not exceed 10% of the total land area in the PUD.
- (d) Development Requirements: If a plan qualifies for a PUD, the following additional requirements shall be met:
- (1) District Requirements: At a minimum, the development requirements of the use district in which the PUD is located shall be met, except as modified in this chapter;

- (2) Height and setback requirements. Structure height, setbacks, and the distances between structures shall be at least equal to that required by the use district unless the applicant demonstrates that:
 - A. A better or more appropriate design can be achieved by not applying the provisions of the use district;
 - B. Adherence to the requirements of the use district is not required in order to assure the general welfare of the users of the development and the Village of Evendale.
 - C. Perimeter Setback Requirements. All buildings on the perimeter of a Planned Unit Development shall be located in such a way that the front, side or rear yard setbacks on the perimeter of the development shall not be less than those required by the Code for the district in which such development is located, or which such development abuts, whichever is more restrictive.
- (3) Sign. Signs are permitted per the Evendale Sign Ordinance as set forth in Chapter 1262, unless a uniform sign system is proposed by the Planning Commission and approved by Council for the entire PUD.
- (4) Maintenance and Utilities. For any areas to be held under common ownership, a document showing the future maintenance provisions shall be submitted to Planning Commission and Village Solicitor. Such provisions shall include mandatory membership of all property owners in any association designed for maintenance of the common area. Utilities are required to be underground whenever possible.

1256.05 MIXED-USE PUD.

- (a) Purpose. The purpose of a mixed use PUD is to provide flexibility for development in areas where the types of uses and patterns of development that are to occur on the site have been determined by the Village, pursuant to site conditions, site development history, public input and the most recently adopted Comprehensive Master Plan, to be broad, uncertain, and ripe for change from what is currently existing.
- (b) Qualifying Conditions.
 - (1) A mixed use PUD must be pre-designated by Village Council on the zoning map as an area where a mixed use PUD is permitted to be proposed.
 - (2) There is no minimum acreage required for a mixed use PUD.
 - (3) A mixed use PUD shall have at least one direct access to a main road.
 - (4) Utilities, roads, and other essential services shall be available for the immediate use of occupants purchasing or leasing sites in a mixed use PUD.
- (c) Permitted and Conditional Uses. Any use that is permitted or conditional in the industrial, commercial, or office districts may be proposed within a Mixed Use PUD.
- (d) Development Requirements. If a plan qualifies for a Mixed Use PUD, the following additional requirements shall be met:
 - (1) Minimum lot area and width. There are no minimum lot area or lot width requirements. Lots shall comply with the Subdivision Regulations of Chapter 1222 and shall otherwise be evaluated for their safety, utility and efficiency of use within the Mixed Use PUD.
 - (2) Minimum structure height and requirements. There are no requirements for maximum structure height, minimum setback or minimum distance between structures. Structure heights, setbacks and

distances between structures shall be evaluated for their safety, utility and efficiency of use within the Planned Unit Development.

- A. Exception - Perimeter Setback Requirements. All buildings on the perimeter of a Planned Unit Development shall be located in such a way that the front, side or rear yard setbacks on the perimeter of the development shall not be less than those required by the Code for the district that the PUD abuts.
- (3) Signs. Signs are permitted per the Evendale Sign Ordinance as set forth in Chapter 1262, unless a uniform sign system is proposed by the Planning Commission and approved by Council for the entire PUD.
- (4) Maintenance and Utilities. For any areas to be held under common ownership, a document showing the future maintenance provisions shall be submitted to Planning Commission and Village Solicitor. Such provisions shall include mandatory membership of all property owners in any association designed for maintenance of the common area. Utilities are required to be underground whenever possible.

1256.06 COVENANTS REQUIRED.

Any parcels of land subject to a Planned Unit Development shall contain deed restrictions approved by the Village Solicitor binding any current or future owners to comply with the requirements of the approved site plan. In the event that the Planned Unit Development notation is removed from the zoning map, the covenants shall be removed by the Village.

1256.07 INITIATION OF THE PUD PROCESS.

Parties Entitled to Seek PUD Approval. The owner of property, or any person having a legal or equitable interest in a property, may apply for a PUD pursuant to this Chapter.

Voluntary PUD Application. A PUD application for a commercial, industrial, office, or mixed use PUD may be initiated for any property which meets the qualifying conditions for the respective PUD type in Sections 1256.02 through 1256.05.

PUD Application Required. On property designated on the zoning map as an area where a mixed use PUD is to occur in the future, a commercial, office, industrial, or mixed use PUD application must be submitted upon the occurrence of the following:

- (1) Significant change occurs upon development or re-development of the parcel, defined as the following:
 - (i) Where an existing use is proposed to be changed, in whole or in part; and
 - (ii) Where in conjunction with that change in use, a new principal structure is built or an existing principal structure is materially altered; or
- (2) Where as part of new development, one or more parcels are proposed to be split into two or more parcels.

1256.08 STANDARDS FOR REVIEW.

When reviewing any stage of a PUD submittal, the Building, Planning, & Zoning Manager, Planning Commission, and Village Council shall consider and weigh the following standards:

- (a) The Planned Unit Development's consistency with the Comprehensive Master Plan.
- (b) Whether the applicant has used creative approaches in the development of commercial, industrial, and office areas, especially through the mixture of several uses in one development;
- (c) Whether the proposed PUD provides for desirable shopping and working environments while continuing to preserve the natural character of the land;
- (d) Whether the PUD proposal, if incomplete, is designed in such a manner to practically allow phased construction with the knowledge that subsequent phases shall be approved by the Village; and
- (e) Whether the proposed PUD preserves adequate land areas for parks, open spaces, and other public uses where beneficial and practical.

1256.09 CONCEPT PLAN.

Before submitting an application for a PUD, the applicant shall meet with the Building, Planning, & Zoning Manager to obtain information regarding land development regulations, the most current Comprehensive Master Plan adopted by the Village, and the application process. At these meetings, the applicant must present a general concept for the proposed PUD containing both maps and written statements. All maps must show enough of the surrounding area to demonstrate the relationship of the Planned Unit Development to adjacent uses, both existing and planned. After reviewing the concept plan for clarity and completeness, the Building, Planning, & Zoning Manager may recommend that the applicant pursue Planning Commission review of a preliminary development plan of the proposed PUD, or may recommend that applicant provide more information.

The proposed concept plan shall include the following information:

- (a) Approximate boundary limits of the proposed Planned Unit Development site;
- (b) Location of existing roads.
- (c) A list of adjacent property owners and their addresses;
- (d) A statement indicating that the applicant has sufficient control over the proposed PUD to affect the proposed plan.
- (e) An estimated development schedule;
- (f) A statement of the proposed uses, their intensity and the character of the Planned Unit Development; and
- (g) A diagram or alternative diagrams indicating approximate location of uses and vehicular and pedestrian circulation patterns.

1256.10 PRELIMINARY DEVELOPMENT PLAN.

Upon recommendation by the Building, Planning, & Zoning Manager, the applicant will prepare a preliminary development plan and detailed PUD proposal for review by Planning Commission.

- (a) Preliminary Development Plan Application. Following the pre-application conference and concept site plan submittal, the applicant must submit a request and a minimum required number of copies as determined by Village staff of a proposed preliminary development plan for the Planned Unit Development. The proposed preliminary development plan shall include the following information:
- (1) An existing conditions survey of the site to be developed showing the following:
 - A. Existing zoning;
 - B. Existing topography of the site;
 - C. Existing traffic patterns, both pedestrian and vehicular;
 - D. Existing public use areas including parks, open space or other public uses;
 - E. Existing floodplains, bodies of water and other unbuildable areas;
 - F. Existing stands of trees and individual trees with a caliper of three inches or more.
 - G. A list of adjacent property owners within 300 feet of the proposed Planned Unit Development.
 - H. Existing easements, drainage, utilities, and any other potential encumbrances to construction.
 - (2) The written statements which are a part of the proposed site plan shall contain the following:
 - A. An explanation of the character of the Planned Unit Development.
 - B. The manner in which the Planned Unit Development reflects the purpose and qualifying conditions as stated in this Chapter;
 - C. The Planned Unit Development's conformance to the Village Comprehensive Plan;
 - D. A statement of ownership or an option to purchase all land within a proposed Planned Unit Development;
 - (3) The renderings, surveys and other architectural and engineering drawings which are part of the proposed site plan shall contain the following:
 - A. Proposed land uses and their approximate locations.
 - B. Sketch and building footprints of all proposed buildings, or alterations to existing buildings;
 - C. A grade plan showing all proposed changes to existing topography;
 - D. A drainage plan showing the proposed drainage system for all inlets in the Planned Unit Development;
 - E. All proposed utilities, streets, drives, rail service, and parking lots for the proposed Planned Unit Development;
 - F. Proposed public use areas including areas for parks, open space or other public uses; and
 - G. A landscape plan.
 - (4) A material sample board that represents the materials, including the colors, textures, and quality, envisioned for the exteriors of the structures and attendant accessory structures within the PUD.
 - (5) Proposed traffic patterns, both pedestrian and vehicular and a traffic impact study that includes the following:
 - A. Proposed parking areas;
 - B. Site circulation;
 - C. Ingress/egress for public road(s);
 - D. Levels of service; and

- (6) The development schedule that outlines:
 - A. The approximate start date for construction;
 - B. The stages in which the project will be built, along with the expected start and completion dates for each stage;
 - C. The size and location of open space areas along with the availability date of each; and
 - D. Any agreements or other covenants which will govern the use, maintenance, and continued protection of the Planned Unit Development and any of its common use and open space areas.
 - (7) Public improvements proposed, including:
 - A. Roads and sidewalks;
 - B. Traffic signals;
 - C. Utilities; and
 - D. Signage.
 - (8) Lighting plan
 - A. Location(s);
 - B. Type of light(s); and
 - C. Intensity of light.
 - (9) Signage package, including:
 - A. Sign location(s);
 - B. Sign drawings w/specifications; and
 - C. Any manner in which the PUD signage requirements are to vary from what is required by Chapter 1262, Signs.
 - (10) Zoning requirements and variance requests, including:
 - A. An explanation of the applicability of the Evendale Zoning Code base zoning requirements to the Planned Unit Development;
 - B. Any variances necessary from the requirements of this chapter; and
 - C. Proposed zoning language specific to the Planned Unit Development for any requirements which will vary from the respective base zoning requirements.
 - (11) Proposed covenants and restrictions to be placed on the property.
- (b) Public Hearing and Review before Planning Commission. The Planning Commission will hold a public hearing on and review the proposed preliminary development plan. The Planning Commission shall determine the conformance of the preliminary plan with the provisions of this chapter and the Village Comprehensive Plan. Notice of the public hearing shall be given a minimum of 14 days before a public hearing in accordance with the following requirements:
- (1) Notification of the public hearing will be published in a newspaper of general circulation within the Village per the requirements of Published Notice, § 1278.02(b)(2).
 - (2) In addition to the published notice requirements of Published Notice, § 1278.02(b)(2), property owners and tenants of buildings whose lot lines are within 300 feet of a boundary line of a proposed PUD shall be notified per the requirements of Mailed Notice, § 1278.02(b)(1).

- (3) The Notification shall contain the following information:
 - A. A description of the nature of the Planned Unit Development and the property on which the Planned Unit Development will be located;
 - B. A statement of the date, time and place of the public hearing; and
 - C. An indication of when and where written comments will be received concerning the application.
- (c) Planning Commission Action on Preliminary Development Plan.
 - (1) After the public hearing and review by the Planning Commission, the Planning Commission may require certain conditions or modifications to the Planned Unit Development before the application can be recommended for approval and referred to the Village Council.
 - (2) The Planning Commission shall make a determination of whether the preliminary plan application contains all necessary information and meets all criteria established by this chapter, and accordingly make a motion with respect to the preliminary plan to recommend approval, denial or approval with conditions or modifications.
 - (3) After the Planning Commission has made a recommendation, the proposed Planned Unit Development site plan and application will be referred to Council.
- (d) Council Action on Preliminary Development Plan or any Amendments to a Previously Approved Preliminary Development Plan.
 - (1) The Village Council will be presented with the application, preliminary development plan, development schedule and the Planning Commission recommendations.
 - (2) Council may take any of the following actions:
 - A. Approve the application and any Planning Commission recommendations, through a majority vote;
 - B. Deny the application and any Planning Commission recommendations through a majority vote;
 - C. Approve the application that has any variation whatsoever from the Planning Commission recommendation through the concurring vote of at least five members of Council; or
 - D. Refer the application back to Planning Commission.
- (e) Notation on a Zoning Map. After approval of the Planned Unit Development by the Village Council, the Village shall establish the proposed Planned Unit Development District, either PUD or PUD, whichever applies, on the zoning map concurrent with the requirements of Chapter 1244.

1256.11 FINAL DEVELOPMENT PLAN.

Upon approval of the Preliminary Development Plan PUD application by Village Council, the applicant will prepare a Final Development Plan for review and approval by Planning Commission. The final development plan submittal may be submitted in phases, so long as all phases of the Final Development Plan are consistent with the Preliminary Development Plan as it was approved by Council. The Final Development Plan submittal must include the following:

- (a) Site Plan. A site plan showing:
 - (1) The location and arrangement of all existing and proposed structures;
 - (2) The proposed internal and external traffic circulation pattern;
 - (3) The areas to be developed for parking;

- (4) The relationship of abutting land uses and zoning districts;
 - (5) Proposed lot lines
 - (6) Proposed building setbacks; and
 - (7) Proposed sidewalks and pedestrian walkways and proposed public or common open space or other public facilities.
- (b) Building Elevations. Architectural drawings showing building elevations for all sides of the structure.
 - (c) Material Sample Board. A material sample board containing samples of all proposed exterior building materials.
 - (d) Compliance with Subdivision Regulations. Where the provisions of the subdivision regulations (Ch.1222) apply, the applicant shall submit the information required by those regulations;
 - (e) Engineering Drawings. Engineering drawings, including:
 - (1) Site grading;
 - (2) Street improvements;
 - (3) Drainage and stormwater management;
 - (4) Lighting;
 - (5) Traffic plan including ingress and egress; and
 - (6) Public improvements
 - (f) Open Space. A plan of the proposed passive and active open space along with a statement including its proposed use and character, gross density and net density.
 - (g) Landscape Plans. Landscaping plans showing the placement of trees, shrubs, ground cover and associated structures and improvements, including specifications, species and quantities.
 - (h) Phase Schedule. A schedule for the development of such phases must be submitted when a development is to be constructed in phases.
 - (i) Ownership. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.
 - (j) Future Ownership and Control. Statement on the present and future ownership and control of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, drives, parking areas, utilities, common areas and common facilities.
 - (k) Restrictive Covenants. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Unit Development.
 - (l) Other Information. Any other information requested by the Building, Planning, & Zoning Manager or Planning Commission as deemed necessary.

1256.12 SUBSEQUENT VILLAGE ACTIONS

Following the final approval of a PUD, the following actions may occur as part of the ongoing maintenance and enforcement of the Planned Unit Development regulations:

- (a) Execution of Necessary Legal Documents. The solicitor will prepare legal documents that involve the Village of Evendale, and are required as a result of the conditions contained in the final site plan; and

- (b) Execution of Contracts with Village. The Mayor will execute any contracts to which the Village of Evendale is a party and make certain that all deed or subdivision restrictions are properly recorded.

1256.13 CONCURRENT APPROVAL OF PRELIMINARY AND FINAL DEVELOPMENT PLANS

The Village Planning Commission may review and approve the Preliminary Development Plan and Final Development Plan concurrently, provided that the applicant meets the submission requirements of both the Preliminary Development Plan and Final Development Plan. The Planning Commission's approval of the Final Development Plan in this instance is contingent upon applicant subsequently obtaining Council's approval of the Preliminary Plan without changes.

1256.14 COMPLIANCE WITH TIME SCHEDULE.

The Building, Planning, & Zoning Manager will regularly inspect the area subject to the PUD for compliance with the approved development schedule. If the Building, Planning, & Zoning Manager finds that the PUD development has not adhered to the approved development schedule and is more than three months behind on the schedule, the following shall occur:

- (a) Undue Delay. If the Planned Unit Development has commenced with substantial construction but is unduly delayed, applicant must submit a new time schedule to Village Council.
- (1) Notice for such hearing before the Council must be posted according to the requirements of Chapter 1278. The notice must state that the Planned Unit Development will be considered at the next regularly scheduled Village Council meeting occurring more than 30 days after the notice is sent.
 - (2) At that meeting, the applicant may submit a new time schedule and state the reasons for delay. The Village Council may extend, modify, or reject the proposed new time schedule by majority vote.
- (b) Failure to Commence Construction. If no substantial construction on the Planned Unit Development has commenced within 12 months of the approval of the preliminary plan by Council, the applicant must come before Planning Commission and Council to propose a revised time schedule.
- (c) If Village Council rejects the proposed new time schedule or the applicant fails to follow it with respect to PUD's upon which no construction has commenced, the PUD shall revert to the underlying zoning. If a Council's approval of a PUD included the concurrent approval of a zone change to the underlying zoning district, the PUD shall revert to the zoning that existed prior to the concurrent zone change.

1256.15 AMENDMENTS TO THE APPROVED FINAL DEVELOPMENT PLAN.

- (a) Minor Amendments. The Building, Planning, & Zoning Manager may authorize minor adjustments in the final development plan that was approved by Planning Commission in circumstances where it becomes necessary because of field conditions, detailed engineering data, topography or other critical design criteria. More specifically, the Building, Planning, & Zoning Manager may approve these minor adjustments to revise size and location of drainage ways, sewers, roadways, retaining walls or similar features and to substitute landscape materials in light of technical or engineering considerations. The Building, Planning, & Zoning Manager may also authorize structural dimensional changes provided that

they do not change building heights by more five percent (5%) of the approved height, do not change gross floor areas by more than five percent (5%) of the approved area, decrease the number of parking stalls by more than five percent (5%) below the approved quantity; and that do not allow buildings any closer whatsoever to perimeter property lines that what was approved by Planning Commission.

- (b) All Other Amendments. Amendments to any Final Development Plan, other than minor amendments that are authorized per § 1256.15(a), may be approved only by the Village Planning Commission, provided, however, that the Village Planning Commission determines that such adjustments do not alter the concept or intent of the Preliminary Plan as approved by Village Council. Amendments that change the uses or materially change the development are considered amendments to the Preliminary Development Plan, and thus require approval of Planning Commission and Council pursuant to § 1256.10.

1256.16 CERTIFICATE OF OCCUPANCY.

No Certificate of Occupancy shall be issued for any part of a PUD unless it is built in accordance with the final site plan approved by Village Council.

1256.17 CONTROL IN THE EVENT OF INVALIDITY.

Planned Unit Development: In the event that either the Planned Unit Development provisions of the Zoning Code, or an ordinance adopting a PUD, are found to be invalid or unconstitutional, in whole or in part, then the use district regulations for the use district in which the Planned Unit Development lies shall be controlling.

1256.18 VIOLATION OF PLANNED UNIT DEVELOPMENT REGULATIONS.

Any violation of this chapter is a violation of this Zoning Code subject to the penalties and violations provisions of Chapter 1272.

1256.19 INNOVATION DISTRICT PUD. *(ORD. 18-48, 19-15)*

- (a) Purpose. The purpose of the Innovation District PUD is to develop a district that consists of high-tech industrial, advanced manufacturing, research and development, and similar uses along with supportive and ancillary uses that will benefit the district. The district should be designed to promote a campus-like setting with an emphasis on walkability, shared facilities and amenities, usable open space, and modern building designs.
- (b) Qualifying Conditions. Any application for an Innovation District PUD shall meet the following conditions:
- (1) The PUD district shall be five or more acres in area.
 - (2) An Innovation District PUD shall have at least one direct access onto an arterial or thoroughfare.
- (c) Permitted Uses. The following uses shall be permitted within an Innovation District PUD:
- (1) Advanced and Additive manufacturing using 3D printing or similar computer-integrated technologies.
 - (2) Education training facilities, indoor.
 - (3) Research and development facilities or laboratories for product or process development using prototyping, test stands, computer-aided design or similar technologies.

- (4) Professional offices.
 - (5) Greenbelt areas and open spaces.
 - (6) Parking lots or garages but only in conjunction with another permitted use.
 - (7) Other similar uses as approved by the Evendale Planning Commission.
- (d) Conditional Uses. The following uses may be permitted as conditional uses subject to the review and approval process outlined in Zoning Code Section 1282. Conditional uses shall be located completely within buildings containing principal uses unless stipulated below. Conditional uses are not permitted within a 300 ft. radius of the southeast corner of the intersection of Glendale-Milford Road and AeroHub Boulevard.
- (1) Assembly halls, meeting facilities, and conference centers.
 - (2) Business services.
 - (3) Communication facilities if in conformance with Chapter 1263.
 - (4) Data processing and computer centers.
 - (5) Day care centers, adult and child.
 - (6) Recreational facilities.
 - (7) Warehousing, wholesaling, and distribution.
 - (8) Personal instruction and personal services.
 - (9) Hotels, a stand-alone use.
- (e) Temporary Uses. The following uses shall be permitted on a temporary basis within an Innovation District PUD:
- (1) Food trucks.
 - (2) Other uses deemed appropriate by the Planning Commission.
- (f) Development Requirements.
- (1) Minimum lot area and widths. Lots shall comply with the Subdivision Regulations of Chapter 1222 and shall otherwise be evaluated for their safety, utility and efficiency of use within the Innovation District PUD.
 - A. Multiple structures are permitted on a single lot if approved by the Planning Commission.
 - (2) Height and setback requirements.
 - A. Within AeroHub North only, stand-alone Professional Offices must be a minimum of two functional stories in height. For Advanced Manufacturing, R&D and other permitted uses that include professional offices in their facility, and which are located in AeroHub North, the office use cannot exceed 25% of the first floor.
 - B. There shall be no minimum building heights, interior setbacks or minimum distances between structures within the district. Setbacks, heights and distances between structures shall be evaluated and determined based on; 1) the type and nature of each use and for their safety, utility, and compatibility with surrounding property and structures; 2) proposed building elevations and structural elements; 3) visual impacts on site lines; 4) land topography; connectivity and proximity to common, open or public spaces, and 5) overall efficiency of use within the district, except as regulated in (3).

- (3) Perimeter Setback Requirements. All buildings, parking, and streets along the perimeter of the PUD district shall adhere to the following:

Proposed Use	If adjacent to a residential district or use	If adjacent to a non-residential district or use	If adjacent to a right-of-way
Innovation District PUD Use	75'	20'	50'

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

- (4) Circulation and parking.
 - A. Streets, building locations, lights, parking areas, pedestrian ways, and utility easements shall be designed to promote the public safety, minimize friction between such elements, and to provide for safe, efficient, and convenient circulation and access to and between buildings for pedestrians, bicycles, and vehicular traffic.
 - B. Private streets may serve circulation and parking if fire and police protection, rubbish collection, and lighting are adequately provided for.
 - C. Adequate access shall be allowed on site for fire and other emergency vehicles.
 - D. Parking required for the PUD shall equal the sum of the parking requirements for all proposed uses. However, if it can be demonstrated certain factors, such as different hours of operation, affect the overall parking needs, the total parking requirements may be reduced by Planning Commission. In such case, the applicant shall give legal notice requesting the reduction. Shared and structured parking is preferred to reduce paved surfaces.
 - E. Driveways and circulation roadways shall be designed to minimize traffic, congestion and safely integrate with pedestrian circulation while minimizing the amount of paved areas.
 - F. Access points should align wherever possible with access points on the opposite side of the street.
 - G. Curb cuts shall be minimized and shared access is encouraged wherever possible.
 - H. Parking structures are preferred for the district. Where parking structures are not feasible, surface parking is preferred in the rear yard
- (5) Maintenance and utilities. For any areas to be held under common ownership, a document showing the future maintenance provisions shall be submitted to Planning Commission and the Law Director. Such provisions shall include mandatory membership of all property owners in any association designed for maintenance of a common area.
- (6) Building materials and design.
 - A. Building designs and materials should demonstrate compatibility with the mission, vision, principles and standards set forth in the AeroHub Master Plan
 - B. Buildings are encouraged to be LEED certified and/or include other energy efficient elements such as solar panels, wind turbines, and green infrastructure.
 - C. Buildings should be constructed out of masonry, brick, architectural metal paneling, decorative block, glass, wood, and other natural and complimentary materials. A combination of materials is encouraged.

- D. Natural colors are encouraged for the primary building façade. Stronger accent colors are acceptable for highlighting building elements such as entrances and feature materials.
- E. Buildings should be designed for the pedestrian with articulated first floor entranceways, architectural shades, and building transparency.
- F. Accessory structures, fences, and related uses shall comply with Chapter 1266.
- G. Outdoor storage is not permitted within the district.
- H. Utilities are required to be underground whenever possible.

Examples of Preferred Building Materials and Design Elements



Atricare, Mason, Ohio.
<http://www.bayerbecker.com/projects/ohio/9317-atricure-headquarters>



Keystone Properties, Cincinnati, Ohio.
<http://www.bayerbecker.com/projects/ohio/hamilton/131-keystone-parke>



Metro State, University of Denver, Denver, Colorado
<http://www.saundersci.com/portfolio/education---higher/MetroState-StudentSuccess.html>



Colorado State University, Lory Student Center, Ft. Collins, CO
<http://www.saundersci.com/portfolio/education---higher>



Professional Office/Greenspace/Walking Path, The Yard, Grandview Heights, Ohio.



Kangan Batman Institute

- (7) The PUD shall provide areas of common open space that promotes both active and passive recreation opportunities; shall include appropriate landscape buffers and screens to minimize the impact of the development to adjacent uses; and shall include landscaping around buildings and parking areas to soften the appearance of building masses and reduce the impact of large paved areas. A landscape plan shall be submitted with each PUD application that meets the following:
 - A. All open space, landscaping, and buffering shall be in conformity with an approved master plan to be included as a condition of the PUD.
 - B. Common open space shall comprise at least 20 percent of the PUD district, unless approved otherwise by the Planning Commission.
 - C. Landscape and buffer plans shall be in conformance with Chapter 1260 of this Zoning Code.
 - D. No invasive plant species shall be permitted within the Innovation District PUD.
- (8) Signs. Signs are permitted per the Evendale Sign Ordinance as set forth in Chapter 1262, unless a uniform sign system is proposed by the Planning Commission and approved by Council for the entire Planned Unit Development. Signs in the Innovation District PUD shall adhere to the following:
 - A. Signs shall be landscaped in accordance with Section 1260.06.
 - B. Electronic message boards and pole signs shall be prohibited within the district.
 - C. Exposed bulbs and string lights shall be prohibited other than holiday decorations.
 - D. The district is encouraged to have a common sign design or theme for wayfinding signs, identification signs, subdivision entrance signs, and other similar signage needs.
- (9) Lighting.
 - A. All parking lot and exterior building lighting shall be cut-off fixtures that are oriented downward.
 - B. Poles shall be black or powder coated metal poles.

- C. A photometric plan shall be required as a condition of approval for any site within the PUD. The maximum footcandles at the perimeter of the PUD shall be 1.0.

(10) Mechanical and Waste Screening.

- A. Dumpsters and trash containers shall be located in the side or rear yards of a property and shall be screened on all sides by a durable material consistent with the building materials used on the principal structure. The screen walls shall be six feet in height or at least one foot above the height of the dumpster, whichever is taller. The fourth side of the dumpster enclosure shall be screened with an opaque gate that is the same height as the screen walls. Bollards shall be installed at the enclosure opening to prevent damage to the screen walls and gate. Chain link fences are not permitted as screening materials for dumpster enclosures. Dumpsters shall be located on an impervious, durable surface such as concrete.
- B. Mechanical equipment, electrical equipment, and communication equipment, including both ground-mounted and roof-mounted equipment shall be screened from view from adjacent public rights-of-way and from all property zoned or used for residential purposes.
- C. Wall mounted mechanical equipment, electrical equipment, communication equipment, downspouts, gutters, service doors, and other building-mounted utility fixtures shall be painted and maintained to match the building or be screened from view.

CHAPTER 1258 OFF-STREET PARKING AND LOADING**1258.01 PURPOSE.**

The purpose of this Chapter is to prevent or alleviate the congestion of the public streets, to minimize any detrimental effects of vehicular use areas on adjacent properties, to enhance vehicular use areas with landscape elements for improved traffic circulation and visual amenities and to promote the safety and welfare of the public by establishing minimum requirements specifically for off-street parking, loading areas, and accessory and service structures in accordance with the standards set forth in this Chapter.

1258.02 SCOPE OF APPLICATION.**(a) New and Expanded Uses.**

- (1) The off-street parking and loading requirements of this Chapter shall apply to any application for a permit for the erection of a new structure, or for an alteration, addition or change of use of an existing building, or for the alteration, development or change of use of a land use that requires more parking, or for the modification of an existing parking area or structure. The requirements of this Chapter shall apply only to such new and expanded uses, alterations, and changes of use and shall not apply to existing use conditions.
- (2) If any of the modifications in § 1258.02(a)(1) occur and the existing parking or loading stalls exceed the requirements of this Chapter, the parking stall quantity in excess of the minimum requirements may be applied to future modifications where applicable.

(b) Existing Uses. The off-street parking and loading requirements of this Chapter shall not apply to buildings and land uses legally in existence on the effective date of this Code, provided that any parking or loading facilities now serving such buildings or uses shall not in the future be reduced below these requirements.

(c) Vehicle Storage. See regulations for vehicle storage in Chapter 1266, Accessory uses and structures.

(d) All traffic control markings and signage shall meet the provisions of the Ohio Manual of Uniform Traffic Control Devices (OMUTCD), latest edition. These provisions shall apply to both public and private roadways used for public use. (Ord. 16-64)

1258.03 PLAN REVIEW.

For any off-street parking area required under this Chapter, and for any other proposed parking area for five (5) or more vehicles, a plan shall be submitted with the application for a Zoning Certificate to the Village to review for compliance with these regulations and for any other applicable regulations. Any such parking plan shall show the following:

- (a) The number of parking stalls;
- (b) The arrangement of parking aisles;
- (c) The location of driveway entrances;
- (d) Provisions for vehicular and pedestrian circulation;

- (e) Provisions for all parking stalls, signage and pavement markings proposed for ADA-accessibility;
- (f) The location of designated loading or delivery areas, whether or not a loading dock is necessary;
- (g) The location of sidewalks, wheel stops, lighting and curbs on or adjacent to the property;
- (h) The location of utilities, barriers, shelters, and signs;
- (i) The location of bike racks, if proposed;
- (j) The location of landscaped areas and the types and location of vegetation to be planted in them;
- (k) Typical cross sections of pavement, storm water drainage facilities; and
- (l) Any other relevant information requested by the Village.

1258.04 REQUIRED OFF-STREET PARKING SPACES.

Except as otherwise provided in this Section, off-street parking stalls for each newly established principal use on a parcel shall be provided according to the units of measurements indicated for that use in Schedule 1258.04, Off-Street Parking Stall Requirements.

- (a) Computation of Required Stalls. The following provision shall govern the computation of the number of off-street parking stalls required.
 - (1) If more than one distinct use exists on any one parcel or in one structure, the parking requirements for each will be calculated separately, unless otherwise indicated as a single use within this Code.
 - (2) When the calculation of minimum required parking stalls for a particular use results in a fractional number, any fraction up to $\frac{1}{2}$ shall be disregarded, and any fraction of $\frac{1}{2}$ or more shall be rounded up to the next consecutive whole number.
 - (3) In any places of assembly in which the seats in the auditorium or assembly area consist of benches, pews or other similar seating facilities, and the number of seats is a factor in the calculation of the minimum required parking stalls, for the purpose of determining the minimum number of required parking stalls, each twenty inches (20") of such seating facilities shall be counted as one seat.
 - (4) In any places of assembly in which there is no fixed seating, and the number of seats is a factor in the calculation of the minimum required parking stalls, for the purposes of calculations the minimum number of required parking stalls, the number of seats in the assembly area shall be determined by the fire code capacity.
 - (5) When parking stall requirements are calculated on the number of faculty, staff, students or employees, the maximum number likely to be present at any one time shall govern.
 - (6) For uses not expressly listed in Schedule 1258.04 Off-Street Parking Stall Requirements, parking stalls shall be provided on the same basis as required for the most similar use as determined by the Village Council pursuant to Chapter 1280.
 - (7) For the purposes of Schedule 1258.04, unless indicated otherwise, a reference to floor area in the parking stall quantity calculations means the floor area within the principal structure devoted to the use.
- (b) Spaces for the Handicapped. Handicapped-accessible parking stalls shall be provided in accordance with the provisions of the Ohio Building Code and may be counted as part of the minimum parking stall requirements of this Chapter.

(c) Shared Parking.

- (1) Joint use of up to fifty percent (50%) of required parking stalls may be permitted for two or more uses located on the same parcel or adjacent parcels provided that:
 - A. There is no street between the two lots;
 - B. Pedestrian access is available from the shared parking stalls to the use they are intended to serve;
 - C. The shared parking stalls are located no more than three hundred feet (300') from the uses they are intended to serve; and
 - D. The applicant can demonstrate to the Village that the uses will not substantially overlap in hours of operation or in demand for the shared stalls.
- (2) Written Confirmation of Arrangement. The shared parking arrangement shall be guaranteed by a written agreement from the owner or between the owners involved and all future owners or assigns which shall be submitted with the required plan.
- (3) Method of Measurement for Purposes of Shared Parking Arrangements. The maximum three hundred-foot (300 ft.) distance permitted pursuant to 1258.04(c)(1)(C) between shared parking stalls and the use they are intended to serve shall be calculated by determining the shortest traversable pedestrian path from the nearest shared parking stall to the closest entrance to the use intended to be served. This shall include sidewalks and off-street parking areas, but shall exclude public vehicular right-of-way, landscaped areas without pedestrian paths, and other areas not intended for pedestrian travel.

SCHEDULE 1258.04 FORMULA FOR MINIMUM PARKING STALLS REQUIRED

USE		FORMULA FOR MINIMUM PARKING STALLS REQUIRED
RESIDENTIAL AND AGRICULTURAL <i>(Ord. 14-16)</i>		
Detached, Single-family dwelling	Two stalls per dwelling unit; spaces shall be provided in a garage.	
Adult Family Home	No additional parking required; see single-family dwelling requirement.	
Family Daycare Home, Type-B	No additional parking required; see single-family dwelling requirement.	
Foster Home	No additional parking required; see single-family dwelling requirement.	
General Farming	One stall per two staff.	
Group Homes	No additional parking required; see single-family dwelling requirement.	
INSTITUTIONAL/PUBLIC/SEMIPUBLIC USES		
Cemetery	One stall per employee.	

USE	FORMULA FOR MINIMUM PARKING STALLS REQUIRED
Day Care Center, Adult or Child	One stall per employee, plus one stall for drop-off and pick-up for every eight individuals enrolled.
Educational Institution - K-9th Grades	One stall per employee plus four stalls for visitors or one stall per every three seats in auditorium, whichever is greater.
Educational Institution - Senior High School	One stall per employee plus one stall per six students plus 12 stalls for visitors or one stalls per every three seats in auditorium, whichever is greater.
Educational Institution - Vocational, Professional School	One stall per employee plus stall per two registered student capacity or one stall per every three seats in auditorium, whichever is greater.
Government Building	Four stalls per 1,000 square feet gross floor area.
Museum	Two stalls per 1,000 feet of gross floor area.
Places of Worship	One stall per four seats in main sanctuary.
Public Library	Two stalls per 1,000 square feet of gross floor area.
UTILITIES/COMMUNICATIONS	
Communications Facilities	One stall for service vehicle; any additional structure area used for occupancy by persons shall be calculated according to the requirements for professional offices.
Public Utilities	One stall for service vehicle; any additional structure area used for occupancy by persons shall be calculated according to the requirements for professional offices.
RECREATION/ENTERTAINMENT	
Recreation	One stall per 15,000 square feet of lot area plus one stall per every five seats in a theater, amphitheater, arena, or other stadium- or auditorium-style seating, and one stall per every 1,000 square feet of gross floor area for indoor facilities, where applicable.
Indoor Recreation Facilities	Two stalls per 1,000 square feet of gross floor area.
COMMERCIAL	
Animal Hospital, Veterinary Care, and Other Related Services	One stall per employee, plus one stall per 100 square feet of client waiting room floor area plus one stall per exam room.
Art Gallery	Two stalls per 1,000 square feet of gross floor area.

USE	FORMULA FOR MINIMUM PARKING STALLS REQUIRED
Assembly Hall or Meeting Facility	One stall per three seats plus one stall per every two employees.
Automotive Service Stations and Garages	One stall per employee plus three stalls per service bay.
Banks and Financial Institutions	Four stalls per 1,000 square feet gross floor area.
Building Materials Sales and Hardware Supply Sales, Services and Rental	One stall per 400 square feet of gross floor area for retail display and sales, plus one stall per 1,000 square feet of gross warehouse and shop floor area, plus one stall for every facility vehicle stored on the lot.
Business Services	Four stalls per 1,000 square feet gross floor area.
Data Processing and Computer Centers	Four spaces per 1,000 square feet gross floor area.
Funeral Home	One stall per four seats in parlor plus one stall per two employees plus one stall per vehicle used in connection with the business.
Fuel Sales, Automotive or Other	N/A - See parking requirements for the use occurring in conjunction with the fuel sales. Area adjacent to fuel pump does not count as a parking stall.
Garden Nurseries and Supply	Four stalls per 1,000 square feet of gross indoor sales floor area, plus one stall per 1,000 square feet of greenhouse or net outdoor sales and customer display area, plus one stall per every 1½ employees, plus one stall for every facility vehicle stored on the lot.
Heavy Truck and Equipment Services	One stall per employee plus three stalls per service bay.
Hospital	One stall per two beds plus one and 1½ stalls per one emergency room bed plus one stall-per employee.
Indoor Educational Training Facility	One stall per employee plus one stall per two registered student capacity or one stall per every three seats in auditorium, whichever is greater.
Laboratories	One stall per employee, plus one visitor parking stall per 1,000 square feet of gross floor area to a maximum of six visitor stalls, and one stall per vehicle stored on the lot.

USE	FORMULA FOR MINIMUM PARKING STALLS REQUIRED
Light Truck and Equipment Services	One stall per employee plus three stalls per service bay.
Maintenance and Repair Services	One stall per employee plus one stall for every vehicle stored on site.
Medical Services and Clinics	Five stalls per 1,000 square feet of gross floor area.
Microbrewery	Four (4) stalls per 1,000 square feet of gross floor area in the designated dining and beverage service area; and One (1) stall per 1.5 employees plus one (1) stall for every facility vehicle stored on the lot. <i>(Ord. 17-36)</i>
Personal Instruction	Five stalls per 1,000 square feet of gross floor area.
Personal Services	Five stalls per 1,000 square feet of gross floor area.
Professional Offices	Four stalls per 1,000 square feet of gross floor area.
Restaurant, Traditional, Sit-Down, Fast-Casual or Fast-Food	One space per 100 feet of gross floor area, including outdoor dining areas.
Retail Sales	Four stalls per 1,000 square feet of gross floor area.
Sales, Leasing and Rental of New or Used Automobiles, Trucks, Recreational Vehicles and Service Equipment	Six spaces per 1,000 square feet of gross showroom floor area, plus one space per employee.
INDUSTRIAL / DISTRIBUTION / WAREHOUSE / MANUFACTURING USES	
Manufacturing	One stall per 1½ employees plus one stall for every facility vehicle stored on the lot.
Storage Elevators, Grain or Cement	One stall per every employee plus one stall for every facility vehicle stored on the lot.
Truck Terminals	One stall per every employee.
Warehousing, Wholesaling or Distribution	One stall per 2,000 square feet of gross floor area for the first 100,000 square feet, plus one stall per 4,000 square feet of gross floor area above 100,000 square feet.

USE	FORMULA FOR MINIMUM PARKING STALLS REQUIRED
Waste Transfer Station	One space per employee, plus four spaces per acre, plus one space for every operative facility vehicle stored on the lot which is used in the conduct of the business but not to include salvage vehicles in inventory.
MISCELLANEOUS AND ACCESSORY USES	
Drive-Through	See § 1266.09(k).
Home Occupation	See § 1266.09(g).
Outdoor Dining	Area of outdoor dining area is to be included in square footage used to calculate minimum required parking for a traditional, fast food, or fast casual restaurant.
Outdoor Display and Sales	No additional parking required.
Outdoor Storage	No additional parking required.
Sexually Oriented Business	One space per every two employees and one space per 300 square feet of gross floor area.
Temporary Use or Structure	See § 1268.05(g).

1258.05 LOCATION OF REQUIRED PARKING STALLS.

Parking stalls required by this Chapter shall be located on the same zoning lot as the use to which they are accessory, except where these regulations allow shared parking between uses on different lots pursuant to § 1258.04.

1258.06 LIMITATION ON USE OF OFF-STREET PARKING AREAS.

- (a) No off-street parking area, lot, or garage shall be used for any purpose other than the parking of motor vehicles related to the premises. The sale or repair of vehicles within required parking areas is prohibited. The use of required off-street parking area for a temporary use or structure is prohibited without a temporary use permit secured pursuant to Chapter 1268, Temporary Uses and Structures.
- (b) Storage of vehicles in required parking areas is prohibited.
- (c) Storage of Inoperable Vehicles. No vehicle incapable of being lawfully driven or used for the purpose or use for which it was designed shall be parked in any parking lot or parking area in the Village.
 - (1) Exception: Vehicles awaiting parts or timely repair at an automotive service station or garage, light truck and equipment repair service, or heavy truck and equipment repair service, may be parked for up to fourteen days.

- (d) Parking of Vehicles in Garages. Vehicles may be parked in a completely enclosed garage provided that said garage complies with all applicable provisions of this Code.
- (e) General Regulations and Standards. The following additional standards and regulations shall apply to the parking of vehicles.
 - (1) Permanent Location Prohibited. No vehicle shall have its wheels removed or be affixed to the ground so as to prevent its ready removal.
 - (2) Residential Use Prohibited. No vehicle shall be used for living, sleeping, or housekeeping purposes.
 - (3) Utility Hookups. No vehicle shall be connected to any public utility except for required servicing.
 - (4) Unsafe Conditions. No vehicle shall be parked so as to create a dangerous or unsafe condition. The ground under or surrounding the location wherein a vehicle is stored shall be free of noxious weeds, debris, and combustible material.
 - (5) Commercial Identification Prohibited. Not more than one vehicle with any exterior marking in excess of one square foot in area identifying or advertising a commercial enterprise shall be parked in any parking area on any lot in the Residential District nor shall any such vehicle be parked in any required front or corner side yard of a Residential District.

1258.07 DESIGN AND MAINTENANCE IN NON-RESIDENTIAL USES.

The following shall apply to all off-street parking areas except those serving residential uses:

- (a) Parking Stalls. Each designated parking stall shall meet the minimum dimensional requirements set out in Schedule 1258.07(A), the Schedule of Parking Stall and Aisle Dimensions, which is illustrated in Figure 1258.07(A).
- (b) Handicapped Parking Stalls. The dimension of parking stalls serving handicapped persons shall conform to the requirements of the Ohio Building Code.
- (c) Aisles. Each required parking stall shall have direct and unrestricted access to an aisle of the minimum width set out in Schedule 1258.07(A), the Schedule of Parking Stall and Aisle Dimensions, which is illustrated in Figure 1258.07(A), the Parking Stall and Aisle Layout Diagram following the Schedule.
- (d) Access. All parking stalls shall be accessed only along designated parking stall aisles arranged perpendicular to access drives wherever possible. No parking shall be permitted along entry drives within thirty feet (30') of the right-of-way or easement line and at greater distances as may be required by the Village depending on the traffic generation and parking lot size.
- (e) Maneuverability Areas. In order to promote adequate maneuverability, the following provisions shall be followed:
 - (1) Turn-Around Area. Where more than three (3) parking stalls are served by a single driveway, a turnaround area shall be provided, or other provision shall be made, to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.
 - (2) Back-Up Area. Each parking stall shall be provided with a sufficient back-up area to permit egress in one maneuver, consisting of one backward and one forward movement.
- (f) Surface and Drainage. Every off-street parking lot shall be surfaced with an asphaltic or portland cement binder pavement providing an all-weather, durable, and dustless surface. Individual stalls shall be graded

to drain so as to dispose of all surface water within the parking area. No surface water from parking areas shall accumulate or drain over a public sidewalk.

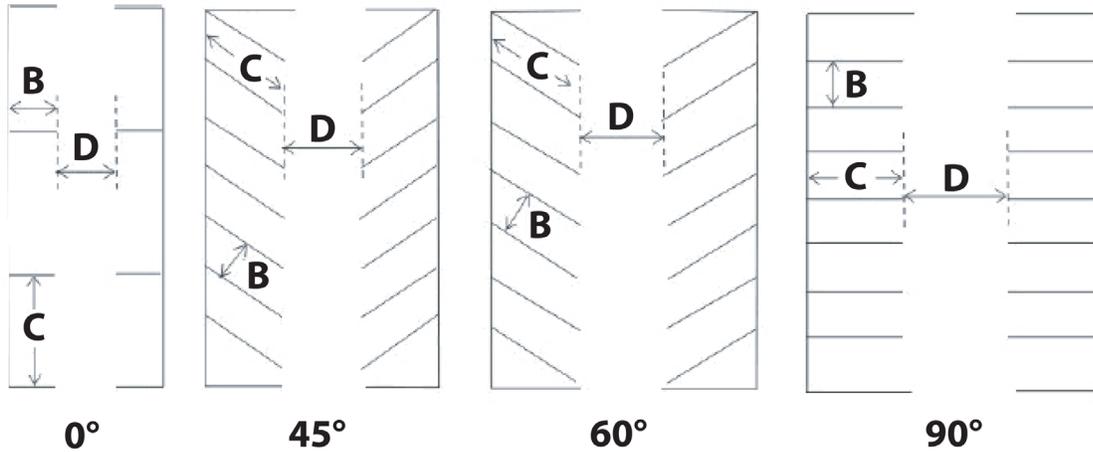
- (g) Outdoor Lighting. Fixed lighting shall comply with the provisions for outdoor lighting contained in Chapter 1266, Accessory uses and structures.
- (h) Landscaping. Landscaping in parking areas shall be provided as required by Chapter 1260.
- (i) Markings. Individual parking stalls on lots shall be denoted by solid painted lines.
- (j) Barriers. Parking lots and access drives shall be surrounded by continuous curbs. Planning Commission may allow alternative barriers for drainage considerations.

SCHEDULE 1258.07(A) PARKING STALL AND AISLE DIMENSIONS

STANDARD CARS							
A	B	C	D		E	F	
PARKING ANGLE	STALL WIDTH	LENGTH OF STALL	AISLE WIDTH		WIDTH OF ACCESS DRIVE	BAY WIDTH (CENTER TO CENTER WIDTH OF TWO ROW BAY W/AISLE BETWEEN)	
			ONE WAY	TWO WAY		ONE WAY	TWO WAY
0°	9 ft.	25 ft.	12 ft.	22 ft.	22 ft.	24 ft.	44 ft.
30°	9 ft.	37 ft.	11 ft.	20 ft.	22 ft.	41 ft.	50 ft.
45°	9 ft.	30 ft.	13 ft.	22 ft.	22 ft.	51 ft.	60 ft.
60°	9 ft.	25 ft.	18 ft.	23 ft.	22 ft.	58 ft.	63 ft.
90°	9 ft.	18 ft.	22 ft.	24 ft.	22 ft.	60 ft.	62 ft.

FIGURE 1258.07(A) PARKING STALL AND AISLE LAYOUT

FIGURE 1258.07-A: PARKING STALL & AISLE LAYOUT



1258.08 OFF-STREET LOADING REQUIREMENTS.

- (a) Scope of Application. Subject to the limitations of this § 1258.08, off-street loading is permitted as an accessory use in all districts. Nothing herein shall be construed to limit the right of any person to provide off-street loading in excess of the requirements herein established, but all such loading shall comply with the standards of this Section. The application of the loading regulations established by this Section shall be limited to the same scope as defined in § 1258.02 of this Chapter.
- (b) General Standards. Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below.
 - (1) Location of Loading Spaces. Loading spaces shall:
 - A. Not conflict with or overlap with the area used for parking.
 - B. Be located on the same lot as the building or structure to which they are accessory.
 - C. Not be located in any required front yard, and;
 - D. Shall not permit any vehicle to extend into any front yard or across any lot line of a more restrictive district while being loaded or unloaded.
- (c) Access. Loading spaces shall be designed and arranged to provide access to a street in a manner that will create the least possible interference with traffic movement and parking lot circulation. Access to and from loading spaces shall be approved by the Village.
- (d) Screening. Except for parcels located within industrial districts, if there is a loading dock associated with the loading area of an establishment, and it is visible from a public street, then Planning Commission may require that all operations, materials, and vehicles within any loading space shall be screened in conformance with Chapter 1260, Landscaping.

CHAPTER 1260 LANDSCAPING**1260.01 PURPOSE.**

The landscaping and buffer requirements specified in this Chapter are intended to foster development that will preserve and enhance the appearance and character of the Village. These regulations are intended to increase the compatibility of adjacent uses, and, in so doing, promote the public health, safety and welfare by minimizing the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by adjoining or nearby uses.

These regulations are also intended to enhance the appearance along major thoroughfares of the Village in order to protect surrounding residential neighborhoods and to make the Village an attractive physical environment for business development.

1260.02 SCOPE OF APPLICATION.

The requirements of this chapter shall not apply to existing use conditions. The standards contained in this Chapter shall apply to the following:

- (a) Landscaping Requirements for Non-Residential Uses. All new and expanded structures and alterations to structures shall comply with the landscaping requirements in § 1260.03 Landscaping Requirements for Non-Residential Uses.
- (b) Buffer Yards. All new and expanded structures, and alterations shall comply with the requirements for buffer yards where applicable. The instances where lots must comply with such buffer yards are as follows:
 - (1) Thoroughfare Buffers. Development along thoroughfare Types A through D, as defined in § 1242.04 of this Code, shall comply with the “Thoroughfare Buffer” requirements set forth in 1260.04.
 - (2) Greenbelt and Residential District Boundary Buffer. This type of landscaped buffer shall occur on all parcels in a commercial district that abut the Residential District, and shall comply with the boundary buffer requirements set forth in 1260.04.
- (c) Off-Street Parking and Loading Areas. Off-Street parking and loading areas that are required to comply with this Code per the requirements of § 1258.02 Scope of Application for Off-Street Parking and Loading Areas, are also subject to the requirements of § 1260.05, Off-Street Parking and Loading Landscaping Requirements.
- (d) Signage Landscaping. Signage that is required to comply with this Code per the requirements of § 1262.02 Scope, is also subject to the requirements of § 1260.06, Signage Landscaping Requirements.

1260.03 LANDSCAPING REQUIREMENTS FOR NON-RESIDENTIAL USES

The Planning Commission may require additional landscaping to soften the appearance of building masses and reduce the impact of large paved areas of any non-residential property in any zoning district where those building masses or large paved areas are visible from adjacent roads or properties.

1260.04 BUFFER REQUIREMENTS, THOROUGHFARES AND DISTRICT BOUNDARIES

- (a) Buffer Plan Required. For any landscaped buffer required by this Chapter a plan shall be submitted to the Planning Commission to review for compliance with these regulations and any other application regulations. The plan shall show the location of driveway entrances, provisions for vehicular and pedestrian circulation, the location of sidewalks on or adjacent to the property, the location of utilities, barriers, shelters and signs, the location of landscaped areas and the types and location of vegetation to be planted in them and any other relevant information requested by the Planning Commission.
- (b) Types of Buffers. The following types of landscaped buffers shall be required, as applicable, in accordance with the provisions of this Chapter.
 - (1) Thoroughfare Buffer.
 - A. Purpose. The purpose of a thoroughfare buffer is to shield or enhance views into a parking lot, establish coordination among diverse buildings, setbacks and uses, to retain the quality of the environment by providing appropriate vertical mass in keeping with dimensions of horizontal voids, and to diminish the presence of wires/poles, lights and other clutter along the public right-of-way.
 - B. Thoroughfare Buffer Requirements. All parcels with frontage on a thoroughfare as defined in 1242.04 shall provide a landscaped buffer along the property line abutting the right-of-way of the public road when developed or redeveloped.
 - i. General Provisions.
 - a. The thoroughfare buffer shall have a depth of ten feet (10') or greater, shall be located adjacent to the right-of-way and shall extend along the entire road frontage.
 - b. No parking or pavement shall be allowed in the thoroughfare buffer except for intersecting drives or required walkways.
 - c. Landscape material shall be required in accordance with Figure 1260.04(A)
 - d. The thoroughfare buffer is subject to the limitations in § 1260.08 regarding clear sight triangle distance.
 - ii. Determination of Thoroughfare Buffer Requirements. To determine the required landscape materials the following procedure shall be followed:
 - a. Determine Width of Buffer. Although the width of the buffer is typically measured parallel to the property line, design variations are allowed. The options for landscape material minimum quantity requirements as found in Figure 1260.04(A) are given as minimum number of plants required per one hundred (100) linear feet.

- b. Determine the Length of a Required Thoroughfare buffer. Measure the length along the street right-of-way that requires the buffer and subtract any length covered by a clear sight triangle under § 1260.08.
 - c. Determine Thoroughfare Landscape Material Quantity Requirements. Divide the length of the required thoroughfare buffer by one hundred (100). Multiply the result by the number of plants for the required thoroughfare buffer shown in Figure 1260.04(A)
 - d. All thoroughfare landscape material quantity requirements shall remain within the designated area and shall otherwise meet the standards of the thoroughfare buffer.
- iii. Thoroughfare Buffers. The minimum landscaping in thoroughfare buffers shall be provided in accordance with Figure 1260.04(A).

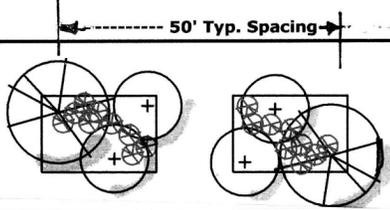
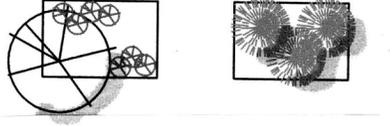
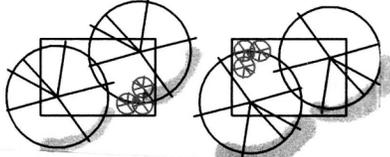
FIGURE 1260.04(A) THOROUGHFARE BUFFER REQUIREMENTS

TABLE OF THOROUGHFARE BUFFER REQUIREMENTS			
Per every 100 lineal feet, the buffer shall have:		MINIMUM WIDTH OF BUFFER	LANDSCAPE MATERIAL MINIMUM REQUIREMENTS
		10 ft.	Two canopy trees and 20 shrubs.
OR			
		20 ft. average (range 10 ft. to 30 ft.)	Four canopy trees or existing woodland area.
<p>Notes:</p> <p>1. Berms shall be a minimum of 3 feet in height.</p> <p>2. All landscape material required for the buffer shall be confined to within the required landscaped area.</p>			

- (2) Greenbelt/District Boundary Buffer. The Greenbelt/District Boundary Buffer shall comply with the following requirements: (Ord. 18-07)
- A. Purpose. The greenbelt/boundary buffer is for the purpose of reducing the potential conflicts between residential uses and nonresidential uses.
 - B. Requirements of the Greenbelt and District Boundary Buffer.
 - i. Rear Yard Buffer Yard. Where a parcel in the OR, GC or HC district abuts the R Residential District on its rear lot line, that parcel is required to have a minimum 60-foot deep rear setback.

- ii. Side Yard Buffer Yard. Where a parcel in the OR, GC or HC district abuts the R Residential District on its side lot line, that parcel is required to have a minimum 60-foot deep side setback.
- iii. Obstruction Prohibited. Structures, pavement, signage, and all other site improvements are prohibited within the required greenbelt/boundary buffer yard.
- iv. Minimum Landscaping Materials. The greenbelt/boundary buffer yard shall be landscaped with at least the minimum number of plantings as indicated in Figure 1260.04(B). Existing trees and shrubs may be counted toward the requirements if they meet the standards established in § 1260.07.

FIGURE 1260.04(B) GREENBELT/BOUNDARY BUFFER LANDSCAPING REQUIREMENTS

TABLE OF GREENBELT/BOUNDARY BUFFER LANDSCAPING REQUIREMENTS			
ILLUSTRATION		STANDARD PLANT UNIT ALTERNATIVE	LANDSCAPE MATERIAL REQUIREMENTS ³
	10' wide Typ. Planting area.	UNIT A	Two 3" caliper canopy trees ¹ ; and four 1-1/2" caliper understory trees; and eighteen 3' high shrubs ² .
	10' wide Typ. Planting area.	UNIT B	One 3" caliper tree ¹ ; and seven 3' high shrubs ² ; and three 5' high evergreen trees.
	10' wide Typ. Planting area.	UNIT C	Four 3" caliper canopy trees ¹ ; and six 3' high shrubs ² .
<p>Notes:</p> <p>1. 1.5 understory trees or 1 evergreen tree may be substituted for 1 canopy tree for up to 50% of the total required trees.</p> <p>2. Berms (minimum 3 ft. height) may be used and can be substituted for 25% of shrub requirements.</p> <p>3. All landscape material required for the greenbelt or buffer shall be confined to within the greenbelt or boundary buffer.</p>			

- C. Additional Standards for Relief. In addition to the relief that Planning Commission is authorized to give per the criteria in 1260.10, Planning Commission may also consider the following factors in reducing or eliminating the Greenbelt buffer.
 - i. The presence of considerable changes in topography on either the residential or commercial properties that provide for a natural buffer between the uses;

- ii. The R-zoned parcel or parcels which the subject property abuts consist of Village-owned park, farm, or conservation land; and
 - iii. Where the applicant of the subject property donates a portion of the parcel as greenbelt to the Village in accordance with the requirements of the following §1260.04(b)(2)(D).
- D. Procedure for Granting a Reduction in Minimum Greenbelt/District Boundary Buffer Area in Connection with a Donation of Greenbelt Land to Village.
- i. The applicant of the subject property shall submit a site plan to the body from whom the greenbelt reduction is granted that shows the proposed lot split of the greenbelt parcel from the subject property.
 - ii. The body from whom the applicant is seeking the reduction in greenbelt depth may condition the reduction or variance upon the successful subdivision and transfer of the greenbelt parcel to the Village.
 - iii. When so conditioned, no certificate of occupancy of any type may be transferred until the applicant obtains approval of the lot split or subdivision from the Planning Commission and the Village has received the title to the greenbelt parcel.
- (c) General Standards Applicable To All Landscaped Buffers.
- (1) Containment of Landscaped Areas. All landscaped buffers located adjacent to a parking area or lot or adjacent to any public right-of-way shall be designed to properly contain all landscaping materials and to prevent encroachment by vehicles through the use of curbs, ties, depressed construction, or similar techniques.
 - (2) Artificial Materials Prohibited. No artificial materials shall be used to satisfy the requirements of this Chapter.
 - (3) Location of Landscaping Materials. Plant materials shall be selected, planted, and maintained so that such materials, at maturity, shall not interfere with utility facilities or public rights-of-way and related facilities.
 - (4) Maintenance Requirements. Except for accessory uses expressly permitted to be located in required yards, all yards and open space between and around structures and off-street parking and loading areas and lots shall be landscaped and kept free of accumulations of garbage, trash, refuse, debris, and other unsightly or nuisance creating materials. All landscaping shall be continually maintained by the owner or other person responsible for maintenance of the premises, and all planting areas shall be kept free of weeds and debris. Undeveloped areas shall be mowed and kept free of accumulations of garbage, trash, refuse, debris, and other unsightly or nuisance creating materials until developed.

1260.05 OFF-STREET PARKING AND LOADING LANDSCAPING REQUIREMENTS.

All off-street parking within the General Commercial, Heavy Commercial, and Office/Research Districts shall comply with the following landscaping requirements:

- (a) Landscaping for Off-Street Parking Areas.
 - (1) Applicability. This section applies to all parking lots in the General Commercial, Heavy Commercial, and Office/Research Districts.

- A. Exemption.
 - i. Vehicular use areas containing less than twenty (20) parking spaces shall be exempt from the requirements of this Section.
 - ii. Where the total parking provided is located in more than one location on a site and each location contains less than twenty (20) parking spaces, each such area shall be exempt from this § 1260.05 if separated on all sides by at least twenty feet (20') of non-paved area.
 - B. Alteration or Expansion. Where a vehicular use area is altered or expanded and thereby contains twenty (20) or more contiguous parking spaces, landscaping for the entire area shall be provided and not merely to the extent of its expansion.
- (2) Perimeter Landscaping. Perimeter landscaping shall be located in a perimeter strip which shall surround the entire parking lot except where adjacent to the main building and as provided in 1260.05(a)(1)(A). The edge of the parking lot shall be the edge of the perimeter strip. The landscape perimeter strip shall have a minimum width of ten feet (10'). No parking or pavement is allowed in the perimeter strip except for intersecting drives and required walkways. One tree is required for 50 linear feet of perimeter. If a perimeter area coincides with a buffer area, Buffer requirements shall control landscaping requirements.
- (3) Landscaping Standards in Parking Lots. Interior landscaping shall comply with the following standards:
- A. Design. Landscape areas should be peninsular or island types.
 - B. Maximum Spacing. The maximum distance between landscape areas shall be one hundred eighty feet (180').
 - C. Minimum Landscape Area Requirement. The minimum square feet of landscaped area required for the interior of the entire parking area is one square foot per one parking stall or one hundred (100) square feet, whichever is less.
 - D. Determination of Minimum Required Interior Landscape Materials. The interior landscape requirements shall be computed as follows:
 - i. Planting Requirements. See Figure 1260.05(B).
 - ii. Credit for Existing Vegetation. Existing trees and shrubs may be counted toward the requirements if they meet the standards established in § 1260.07.
 - E. Distribution. Interior landscape areas shall be evenly distributed through the interior of the parking lot.
 - F. Surface. Any landscape area provided under this Section shall not contain bare soil. Any ground area shall be covered with stones, mulch, vegetative ground cover, or other surface permeable by water.
 - G. Minimum Width. Interior landscaped areas between parking aisles and stalls shall have a minimum dimension of 2.5' pervious overhang area adjacent to stalls or 2.5' wheel stop clearance adjacent to stalls, and a planting area that is at least 6 feet in width, as shown in Figure 1260.05(A).
 - H. Traffic Visibility. No landscaping shall obscure visibility at vehicular intersections with the parking area or other areas where clear visibility is necessary to assure safe circulation. Where safe visibility is impaired, canopy trees shall have branches removed from the trunk at least five feet (5') above the ground and shrubs or groundcover shall not exceed two feet (2') in height.

Evergreen trees and understory trees that would impair visibility for safe circulation shall not be planted in these areas.

FIGURE 1260.05(A) MINIMUM DIMENSIONS FOR INTERIOR PARKING ISLANDS WITH LANDSCAPING

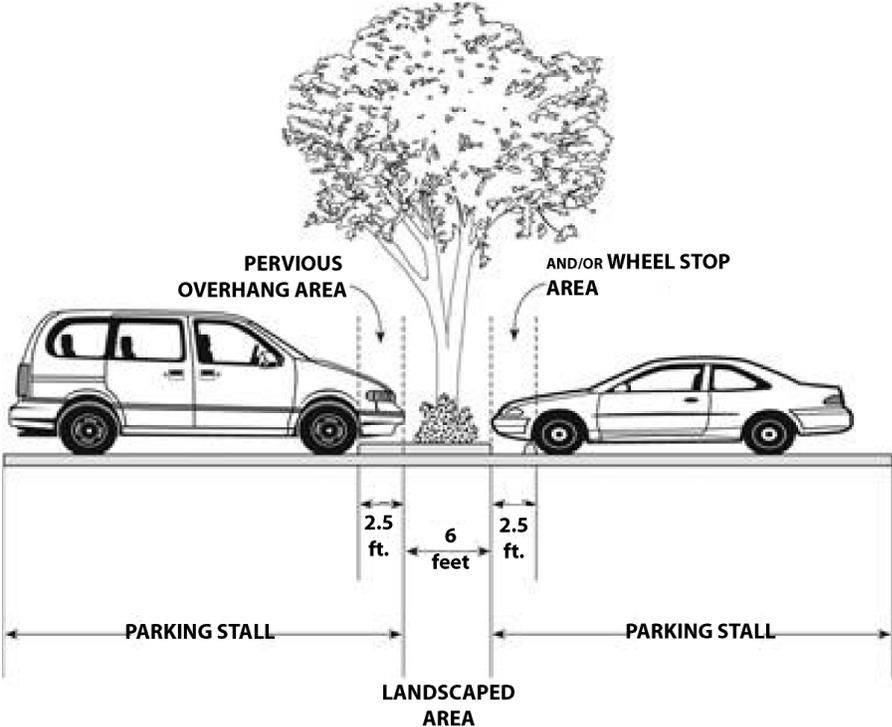
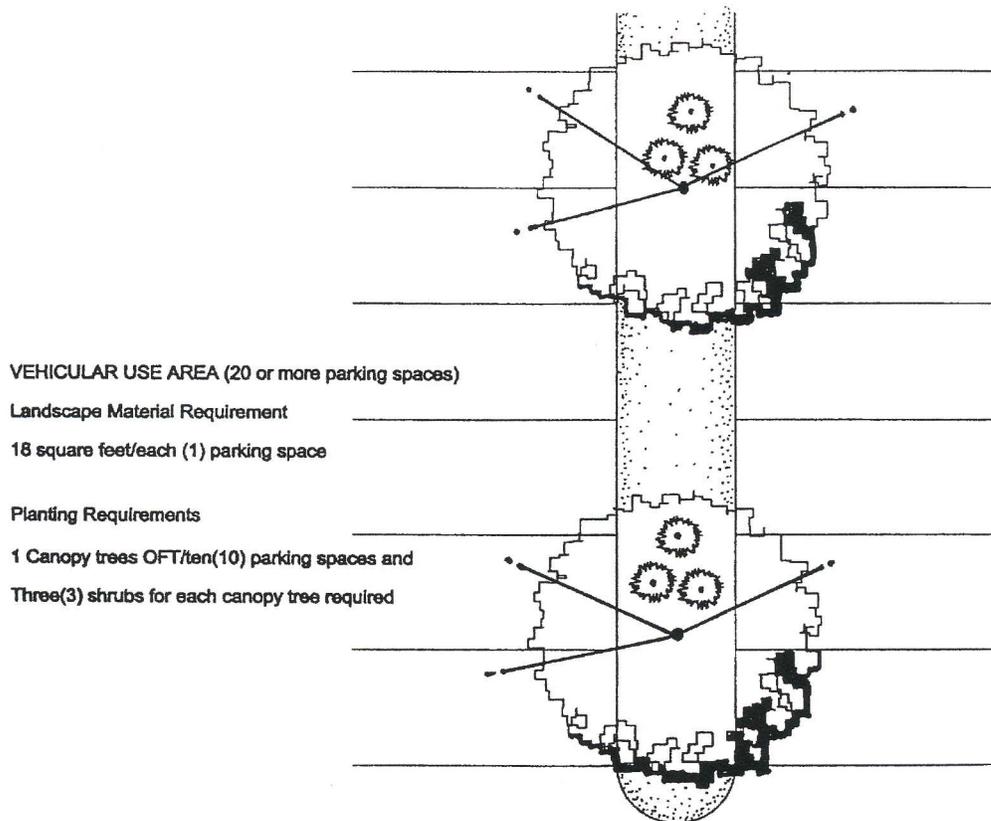


FIGURE 1260.05(B) INTERIOR LANDSCAPING FOR VEHICULAR USE AREAS



NOTES:

1. OFT means "or fraction thereof". Trees and shrubs do not have to be equally spaced, but may be grouped.
2. 1 Canopy tree may substitute for 3 shrubs.

* The two and one half foot(2'-6") pervious overhang area may be counted in satisfying this landscape requirement.

(b) Landscaping for Off-Street Loading Areas.

- (1) Screening of Loading Areas. Except for parcels located within industrial districts, if a there is a dock associated with the loading area of an establishment, and it is visible from a public street, then Planning Commission may require that all operations, materials, and vehicles within any loading space shall be screened.
- (2) Screening of Loading Space. The screening material shall be at least six feet (6') in height, one hundred percent opaque, and must meet the following requirements:
 - A. Planting Requirements. To be counted towards screening requirements, evergreen trees and evergreen shrubs shall be planted in accordance with the following spacing guidelines:
 - i. Evergreen trees should be planted 15' on center.
 - ii. Evergreen shrubs should be planted not more than 5' on center.

- B. Combination of materials. Plant material may be used in conjunction with fences, walls and berms but the overall effect shall be a continuous 100% opaque screen at maturity. Plants must be planted in rows or be staggered, but the overall effect shall be an 100% opaque screen at maturity.

1260.06 SIGNAGE LANDSCAPING REQUIREMENTS

- (a) Districts. A ground, monument, or pole sign that is required to comply with this Code per § 1262.02 Scope, must also be landscaped if it is located in one of the following districts:
- (1) Residential District (R);
 - (2) Public Facilities District (PF);
 - (3) Industrial Flex-1 District (IF-1) along Medallion Drive and South Medallion Drive only;
 - (4) General Commercial District (GC);
 - (5) Heavy Commercial District (HC); or
 - (6) Office-Research District (OR)
- (b) Minimum Landscaped Area. The signage landscaped area shall surround the base of the sign and be no less than 3 feet in width around the entire perimeter of the base of the sign.
- (c) Review and Approval. If the proposed sign is part of a site plan that is to be reviewed by the Planning Commission, the landscaping plan shall be approved by the Planning Commission. If a proposed sign does not require any review or approval other than those required from the Building, Planning, & Zoning Manager, such signage landscaping shall be approved by the Building, Planning, & Zoning Manager.
- (d) Reduction of Signage Landscaping Requirements. Planning Commission may reduce the landscaping requirement by up to 100% in instances where the orientation of the sign impedes compliance with these signage landscaping requirements and where the applicant has otherwise substantially complied with the requirements of this chapter.

1260.07 CREDIT FOR EXISTING PLANT MATERIALS.

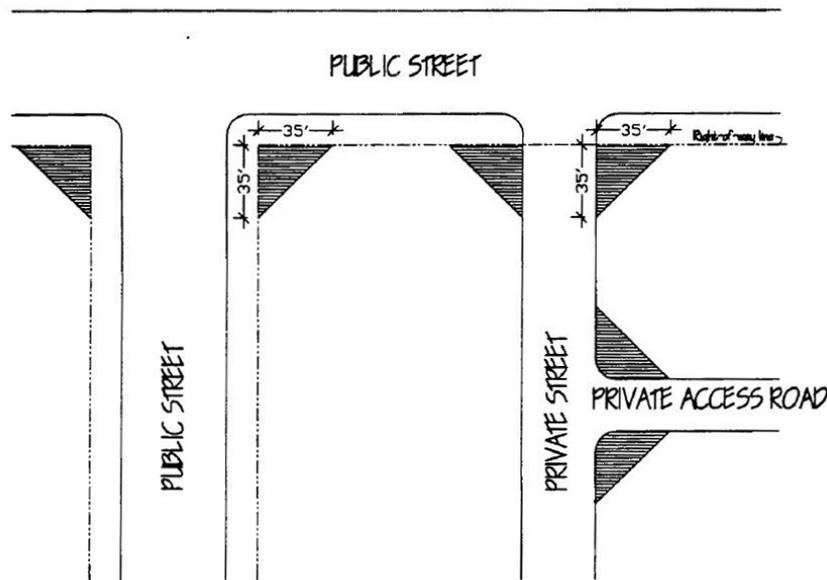
Every three existing trees per 100 feet having a diameter at breast height of at least four inches shall be counted as one standard plant unit as required within any buffer or landscaping area; provided, however, that such trees must be located within the area of the required buffer or landscaped yard. Every smaller tree may be counted as one required plant within a standard plant unit; provided, however, that no tree shorter than six feet in height may be counted.

1260.08 CLEAR SIGHT DISTANCE AT STREET AND ACCESS ROAD INTERSECTIONS.

- (a) Purpose. To insure that landscape materials do not constitute a driving hazard, a "clear sight triangle" will be observed at all street intersections or intersections of driveways with streets.
- (b) Definition. A clear sight triangle is the triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the edge of an access road), each point being 35 feet from the intersection, and the two intersecting right-of-way lines (or a right-of-way line and an access road). See Figure 1260.08(A).

- (c) Design. The entire area of the clear sight triangle should be designed as illustrated in Figure 1260.08(A) to provide the driver of the vehicle entering the intersection with an unobstructed view to all points nine (9) feet above the roadway along the centerline. The recommended distance depends upon the design speed of the higher-order street and therefore is greater for arterial streets than for collectors.
- (d) Restrictions Within Clear Sight Triangles. Within the sight triangle no landscape material with a height greater than twelve inches (12") shall be permitted with the exception of trees which conform to the following standards. Trees shall be permitted within the sight triangles as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the ground and nine (9) feet above the ground, or otherwise does not present a traffic visibility hazard. Restrictions shall not apply to the following:
 - (1) Existing natural grades which, by reason of natural topography, rise twelve (12) or more inches above the level of the center of the adjacent intersection;
 - (2) Fire hydrants, public utility poles, street markers, governmental signs, and traffic control devices.

FIGURE 1260.08(A) CLEAR SIGHT TRIANGLE



1260.09 OVERLAP OF LANDSCAPE REQUIREMENTS

When this Chapter subjects any portion of the parcel to more than one type of landscaping requirement, the more stringent requirement shall control. The more stringent requirement is that which requires the highest fence, wall or screen or, if no fence, wall or screen is required, the requirement with the greatest quantity of landscaping.

1260.10 MODIFICATIONS TO LANDSCAPED AREAS AND BUFFER YARDS.

In order to protect landscaping features or natural growth areas that the Planning Commission determines to be in the best interest of the Village to preserve, the Planning Commission may reduce any landscaped area required by Chapter 1260 by no more than ten percent (10%), unless a greater reduction is otherwise authorized by this Chapter.

1260.11 RECOMMENDED PLANT MATERIALS LIST

The following is a list of trees that the Village either recommends or discourages within landscaped areas and buffers within the Village. Regardless of its listing herein, any plant species recognized as invasive by the State of Ohio is strictly prohibited. (*Ord. 20-69*)

SCHEDULE 1260.11(A) ACCEPTABLE CANOPY TREES

Botanical Name	Common Name
Acer platanoides, cvs.	Norway Maple
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Aesculus x carnea	Red Horsechestnut
Alnus glutinosa	Black Alder
Betula nigra	River Birch
Carpinus betulus 'Fastigiata'	Upright European Hornbeam
Cercidiphyllum Japonicum	Katsura Tree
Cladrastis lutea	American Yellowwood
Corylus colurna**	Turkish Filbert
Eucommia ulmoides	Hardy Rubber Tree
Ginkgo biloba** (Male only)	Gingko
Gleditsia triacanthos inermis**	Thornless Honeylocust
Gymnocladus dioicus**	Kentucky Coffeetree
Koelreuteria paniculata**	Goldenraintree
Larix decidua	European Larch

Botanical Name	Common Name
Phellodendron amurense 'Macho'	Amur Cork Tree
Platanus x acerifolia**	London Planetree
Prunus sargentii	Sargent Cherry
Quercus acutissima	Sawtooth Oak
** Plants acceptable for urban situations (i.e. small planting areas and high levels of pollution)	

SCHEDULE 1260.11(B) ACCEPTABLE UNDERSTORY TREES

Botanical Name	Common Name
Crataegus viridis 'Winter King'**	Winter King Hawthorn
Hamamelis virginiana	Witch Hazel
Magnolia soulangiana	Saucer Magnolia
Magnolia stellata	Star Magnolia
Magnolia virginiana	Sweetbay Magnolia
Malus spp. Centurion, Indian Magic, Prairiefire, Beverly, Centennial, Donald Wyman, Sugar Tyme, Winter Gold	Crabapples
Ostrya virginiana	Hophornbeam
Oxydendrum arboretum	Sourwood
Syringa reticulata 'Ivory Silk'	Ivory Silk Lilac
Viburnum prunifolium	Blackhaw Viburnum
** Plants acceptable for urban situations (i.e. small planting areas and high levels of pollution)	

 SCHEDULE 1260.11(C) UNACCEPTABLE STREET TREES

Botanical Name	Common Name
Acer Nugundo	Box Elder
Acer saccharinum	Silver Maple
Aesculus sp.	Buckeye, Horsechestnut
Ailanthus altissima	Tree of Heaven
Betula papyrifera	Paper Birch
Betula pendula	European White Birch
Catalpa speciosa	Northern Catalpa
Gingko biloba (Female)	Gingko (Female)
Maniura pornifera	Osage-orange
Malus pumila	Apple
Morus sp.	Mulberry
Populus sp.	Poplar
Pyrus calleryana	Pear, All Varieties
Quercus robur 'fastigiata'	Upright English Oak
Robinia pseudoacacia	Black Locust
Salix sp.	Willow
Sorbus aucuparia	European Mountain Ash
Ulmus americana	American Elm
Ulmus pumila	Siberian Elm
Fraxinus sp.	Ash

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CHAPTER 1262 SIGNS

1262.01 PURPOSE.

The regulation of signs by this Chapter is intended to promote and protect the public health, safety, and welfare by minimizing the depreciation of property values caused by signs that are incompatible with surrounding land uses; by creating a more attractive economic and business climate within the commercial, office/research and industrial districts; by enhancing and protecting the physical appearance of all areas of the Village; by protecting signs from obstruction by other signs; and by reducing the distractions, obstructions and hazards to pedestrian and auto traffic caused by the indiscriminate placement and use of signs.

1262.02 SCOPE.

The regulations of this Chapter govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of all signs within the Village visible from any street, sidewalk, or public or private common open space. Any sign not expressly permitted by these regulations is prohibited. The regulations of this Chapter shall be in addition to any other Village Code provisions applicable to the construction and maintenance of signs.

1262.03 DEFINITIONS OF TERMS.

For the purposes of this Chapter, signs and their features and characteristics shall be defined and classified as set forth in the following Schedule.

SCHEDULE 1262.03 SIGNS: DEFINITION OF TERMS

Signage Term	Definition
A-frame Sign	A movable sign not secured or attached to the ground which is constructed with two (2) sides attached at the top so as to allow the sign to stand in an upright position.
Alteration	A change or rearrangement in the structural parts of the design of a sign, whether by extending on a side, by increasing in area or height, or the moving from one location or position to another.
Animated Sign	A sign which involves motion or rotation of any part by mechanical or artificial means or which displays flashing or intermittent lights, excluding an electronic changeable copy sign.

Signage Term	Definition
Awning	A structure constructed of fabric or metal placed so as to extend outward from the building, providing a protective shield for doors, windows and other openings, with supports extending back to the building, supported entirely by the building. Also a "Canopy".
Awning Sign	A sign that is painted or otherwise made part of the awning material. (See Figure 1262A). Also a "Canopy Sign".
Backlit Awning Sign	An awning sign made of opaque material with translucent letters and illuminated from behind.
Balloon	An inflated nonporous object filled with air or other gas affixed to a building or lot for the purpose of attracting attention.
Banner	A sign intended to be hung on a frame, possessing characters, letters, illustrations or ornamentations applied to plastic or fabric of any kind, excluding official flags or emblems of political, religious or educational organizations.
Billboard (<i>Outdoor Advertising Sign</i>)	A type of off-premises sign, classified as a business use generally, but not limited to, a rigidly assembled sign, display, or device, usually freestanding, that is affixed to the ground or to a building. The primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" or "poster panels" are generally designed so that the copy or poster on the sign can be changed and the advertising space may be leased. (See Figure 1262A).
Bulletin Board	See "Kiosk".
Building or House Numbers Sign	A flat sign which identifies the address of the property.
Building Plaque Sign	A plaque designating names of buildings, occupants and/or date of erection and other items such as architect, contractor or others involved in the building's creation, cut into or attached to a building surface and measuring no more than 4 square feet in area.
Building Security Sign	A sign indicating the presence of an electronic security system on the premises.
Building Sign	A sign attached to a building and which is not supported by any structure placed in or upon the ground surface.

Signage Term	Definition
Canopy	A structure constructed of fabric or other material placed so as to extend outward from the building, providing a protective shield for doors, windows, and other openings, supported by the building and supports extending to the ground directly under the canopy. Also an "Awning".
Canopy Sign	A sign that is painted or otherwise made part of the canopy material. Also an "Awning Sign".
Clear Sight Triangle	The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the edge of an access road), each point being 35 feet from the intersection, and the two intersecting right-of-way lines (or a right-of-way line and an access road). See Chapter 1260, § 1260.08.
Clearance (of a Sign)	The smallest vertical distance between the surface grade beneath the sign and the lowest point of any sign, including framework and embellishments, extending over that grade.
Construction Sign	A sign erected on the premises on which construction, alteration, or repair is taking place, during the period of construction, displaying only the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interests with respect to the structure or project.
Directional Sign	A permanent sign designed to guide vehicular and/or pedestrian traffic by using words such as "Entrance", "Exit", "Parking", "One-Way" or similar directional instruction.
Directory Sign	A secondary sign on which the names and locations of occupants or the use of a building or property are identified.
Electronic Changeable Copy Sign	A sign containing a computer generated message such as public service time, temperature and date sign, message center or reader board, where different copy changes of a public service or commercial nature are shown on the same lamp bank or message facility. For the purposes of this Chapter 1262, the term "electronic changeable copy sign" shall not be defined as a type of "animated sign".
Festive Device Signs	Balloons, umbrellas, and similar devices.
Flashing Sign	A sign that uses intermittent, moving or flashing light source to attract attention.

Signage Term	Definition
Flat Sign	A sign erected parallel to and attached to the outside wall or window of a building and extending not more than twenty-four (24) inches from such wall, with messages or copy on the face side only (See Figure 1262A).
Gas Pump Sign	Informational matter appearing on a gasoline pump as purchased or installed.
Gas Tube Signs and Neon Signs	An illuminated sign affected by a light source consisting of a neon or gas tube that is bent to form letters, symbols, or other shapes.
Government Sign	Any temporary or permanent sign erected and maintained for any official governmental purpose.
Grand Opening Sign	Any exterior "temporary sign" used to promote the one-time promotional event opening of a business.
Ground Sign	A freestanding sign whose face extends to the ground or to a base. (See Figure 1262A).
Height (<i>of a Sign</i>)	The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the surface grade beneath the sign. (Compare: " <i>Clearance</i> ")
Historical Marker	A type of memorial sign limited in content to the identification of an historical building or structure or the site of an historical event.
Illuminated Sign	A sign which has characters, letters, figures, designs or outlines illuminated by electric lights, luminous tubes or other means as a part of the sign proper.
Informational Sign	An on-premises sign which identifies the building or use but may not include an advertising message.
Institutional Bulletin Board or Kiosk	A bulletin board or kiosk maintained on a premises owned by a unit of government, church or place of worship, a not-for-profit organization or recreation center; includes any paper notices affixed thereto.
Interior Sign	A sign located within the building so as to be visible only from within the building in which the sign is located.
Kiosk	A structure which is used for the posting of temporary signs.
Logo	A business trademark or symbol.
Marquee	A permanent, roofed structure attached to and supported by the building and projecting over public property.
Marquee Sign	A sign attached to a marquee.
Memorial Sign	A sign memorializing a person, place, event or structure.

Signage Term	Definition
Monument Sign	A freestanding sign whose face extends to the ground or a base and is supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
Moving or Animated Sign	Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement or rotation.
Nameplate Sign	A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises.
New Development Sign	An impermanent sign used to attract attention to a new development.
Nonconforming Sign	Any sign or sign structure or portion thereof which is lawfully erected in compliance with applicable regulations of the Village and maintained prior to the effective date of this Zoning Code, and which fails to conform to all applicable standards and restrictions of this Code.
Now Hiring Sign (<i>Ord. 17-38</i>)	A temporary sign used solely for the purpose of advertising a new employee search/hiring period at a business, organization or other establishment which is located on the site upon which the "Now Hiring" sign is displayed.
Off-Premises Directional Sign	A sign designed to guide vehicular and/or pedestrian traffic to institutional uses and facilities and limited in content to the name of the institution and symbols or text indicating the distance and/or direction to such institution use.
Off-Premises (Off-Site) Sign	A sign which directs attention to a business, commodity, service, entertainment or attraction sold or offered at a location other than the premises on which the sign is erected.
Official Flag or Emblem	A flag or emblem of a government or of a membership organization.
On-Premises (On-Site) Sign	A sign which directs attention to a business, commodity, service, entertainment or attraction sold or offered on the premises on which the sign is erected.
Outdoor Advertising Sign	<i>See Billboard.</i>
Pennant	A series of geometric shaped flags, with or without a logo, which are made of cloth, fabric, vinyl, or other lightweight material, and are fastened to a stringer that is secured or tethered to the ground and/or structure.
Permanent Sign	A sign that is designed, constructed, and intended for more than short term use.

Signage Term	Definition
Pole Sign	A freestanding sign other than a ground sign, erected and maintained on a mast(s) or pole(s) and not attached to any building.
Political Sign	An impermanent sign identifying support for a particular political issue, political party, election issue, or candidate.
Portable Sign	A sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer, vehicle (where primary purpose is to advertise) or frame capable of being moved from place to place. Includes "vehicular signs".
Premises	A contiguous parcel of land with its appurtenances and buildings that function as a unit.
Projecting Building Sign	A sign attached to a building or other structure whose sign face is displayed perpendicular to the building wall.
Public Safety Sign	A sign informing the public of any danger or hazard existing on or adjacent to the premises.
Real Estate Sign	A sign used solely for the purpose of offering the property on which it is displayed, for sale, rent, or lease.
Short-Term Signs	Short-Term Signs include the following: Real Estate Signs, New Development Signs, and Construction Signs. Short-Term Signs do not include signs that are permanent in nature, nor signs that are categorized in this Chapter as "Temporary Signs," "Political Signs," "A-Frame Signs," or "Pennants, streamers, balloons, festive device signs or similar moving devices or air activated graphics."
Snipe Sign	A sign for which a permit has not been obtained which is attached to a public utility pole, service pole or supports for another sign.
Stake	Wood, metal, plastic, or other post which is less than 3 1/2 inches in width or depth, driven into the ground, and used to support any sign.
Street Mailbox Sign	An informational sign which is affixed to a street mailbox.
Subdivision Entry Sign	A permanent on-premises sign identifying a vehicular entrance to a residential subdivision.
Temporary Use Sign	A sign which is accessory to any "Permitted Temporary Uses" found in § 1268.03 of this Code. "Temporary Use Signs" are subject to the provisions of § 1268.05(f) of this Code.

Signage Term	Definition
Temporary Sign, Exterior	Any exterior sign that is not intended for permanent display, which is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, which and is erected on stakes, wire, plastic, or cord, including banners, and excluding the following: new development signs, real estate signs, construction signs, temporary use signs, and political signs.
Vehicular Sign (See also, "Portable Sign")	A sign on a parked vehicle which is visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this Code, a vehicular sign shall not include any business logo, identification or advertising on vehicles primarily used for other business purposes.
Vending Machine Sign	A sign fastened to or painted on a vending machine which directly relates to the product contained in the machine.
Visible	Capable of being seen, whether or not legible, without visible aid by a person of normal acuity.
Wall Sign	A sign that is painted on a building wall.
Warning Sign	A sign limited in content to messages conveying warning, caution or danger.
Window Sign	A sign attached to the inside of a transparent glazed surface (window or door).

1262.03 SIGN PERMITS AND FEES

- (a) Sign Permit Required. Unless expressly exempted pursuant to § 1262.05 below, no sign shall be erected, enlarged, expanded, altered, relocated or maintained on private or public property unless a Sign Permit evidencing the compliance of such sign with the provisions of this Chapter shall have first been issued by the Building, Planning, & Zoning Manager.
- (b) Electrical Permit Required. Signs in which electrical wiring and connections are to be used shall be subject to the provisions of the National Electric Code.
- (c) State Permit. In addition to the Sign Zoning Certificate and permits required pursuant to this § 1262.04, a state permit issued by the State Director of Transportation may also be required for outdoor advertising signs located within 600 feet of roadways that are part of the interstate or primary highway systems.
- (d) Sign Permit Fee Required. The owner or other person having charge or control of any sign as described and authorized by this Chapter shall pay a fee for such sign based upon the Fee Schedule established by the Village Council.

1262.05 SIGNS EXEMPT FROM PERMIT AND PERMIT FEE REQUIREMENTS.

The following signs and sign-related activities shall be exempt from the provisions of this Chapter to the extent indicated below and shall not require a sign permit:

- (a) Routine Maintenance of Signs. Routine Sign maintenance or changing of lettering of parts of signs designed to be regularly changed, e.g., reader boards.
- (b) Gas Pump Signs. Signs permanently affixed to or painted directly onto a gasoline pump.
- (c) Official Flags and Emblems. Government flags and emblems displayed on flag poles or in the form of a wall sign.
- (d) Building Security Signs. Building security signs shall be limited to no more than 1 square foot in area, and shall be limited to no more than 4 signs per each two acres.
- (e) Building or House Number Signs. Building or house numbers shall be limited to no more than 1 wall or freestanding sign per occupancy. In no event shall building numbers be more than 2 square feet in area and house numbers more than 1 square foot in area. No freestanding sign shall be higher than 4 feet or closer to any lot line than 6 feet.
- (f) Vending Machine Signs. Signs permanently affixed to or painted onto a vending machine.
- (g) Interior Signs. Any sign in the interior of a building.
- (h) Directory Signs. Any directory sign not greater than 3 square feet in area.
- (i) Incidental Residential Signs. Incidental residential signs may be less than 1 square foot, and each residential property may have up to a maximum of three (3) such signs.
- (j) Street Mailbox Signs. Signs on street mailboxes mounted 42 to 49 inches above the ground and 12 inches from the curb that identify the name and postal address only in letters up to a maximum of 3 inches in height.

1262.06 SIGNS EXEMPT FROM PERMIT FEE.

The following types of signs are exempt from the Sign Permit fee. However, the erection or placement of such signs does require the prior issuance of a Sign Permit.

- (a) Institutional Bulletin Boards or Kiosks. Bulletin boards or kiosks no greater than eighteen (18) square feet per sign face, maintained on premises owned by a unit of government, church or place of worship, a not-for-profit organization or recreation center and any paper notices affixed thereto.
- (b) Building Plaque Signs. Building plaque signs shall be limited to no more than one (1) per zoning lot; shall be made of durable materials, including, but not limited to, bronze, stone, or concrete; and shall not exceed four (4) square feet in area.
- (c) Historical Markers. Historical markers shall be limited to no more than one (1) flat or freestanding sign per zoning lot; shall be made of durable materials, including, but not limited to, bronze, stone, or concrete; and shall not exceed eight (8) square feet in area. No freestanding historical marker shall be higher than six (6) feet.
- (d) New Development Sign. New Development signs as permitted pursuant to Sections 1262.10 through 1262.14.

1262.07 SIGNS PERMITTED IN ANY ZONING DISTRICT WITHOUT PERMIT OR FEE.

Except as expressly prohibited in this Section, and notwithstanding any other contrary provisions of this Code, the following signs may be erected and maintained in any zoning district without obtaining a Sign Permit or paying the fee required for such permit, subject to the following limitations, as applicable:

- (a) Nameplate Signs. Such building signs shall be limited to no more than one wall, memorial, or monument sign per occupancy, shall be no more than one square foot in area and shall not be illuminated.
- (b) Informational Signs. Such on-premises signs shall be located at least fifteen (15) feet from right of way and ten (10) feet from property lines.
- (c) Residential District Real Estate Signs. Such signs shall be limited to one (1) single- or double-faced, non-illuminated sign having no more than six (6) square feet per sign face. This section shall not authorize the placement of real estate “sold by” signs.
- (d) Directional Signs. On-premises directional or informational signs directing and guiding vehicular or pedestrian traffic are permitted subject to the following limitations:
 - (1) The information on the sign shall direct the public to the entrance, parking, or other pertinent public feature of the facility and may include identification of the building and uses served by the parking areas and regulations pertaining to the parking areas;
 - (2) The sign shall contain no advertising or promotional content;
 - (3) The sign surface area of any such directional sign shall not exceed nine (9) square feet per sign face;
 - (4) The height of any such sign shall not exceed eight (8) feet;
 - (5) If located at the driveway entrance to the site, there shall be no more than one (1) such sign per driveway; and
 - (6) Such accessory signs shall not be located in or overhang any public right-of-way.
- (e) Public Safety Signs.
- (f) Political Signs.
- (g) Single-Family Residential Construction Signs.
- (h) Temporary Signs which are posted on Single-Family Residential Property.
- (i) Government Signs.
- (j) Window Signs on non-residential property. (*Ord. 20-69*)
- (k) Now Hiring Signs on non-residential property. (*Ord. 20-69*)

1262.08 SIGNS SPECIFICALLY PROHIBITED IN ALL DISTRICTS.

The following signs, as well as all other signs not expressly permitted by this Chapter, are prohibited in all districts and shall not be erected, maintained or, except as a nonconforming sign, permitted to continue in any district:

- (a) Portable Signs, except when approved in connection with temporary uses.
- (b) Projecting Building Signs.
- (c) Roof Signs.

- (d) Any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located. Such signs shall be removed within 30 days following cessation of the relevant activity.
- (e) Any sign on a tree, utility pole or public bench, whether on public or private property, except house numbers on private property.
- (f) Any sign on public property, except governmental signs authorized in this Chapter.
- (g) Any sign using reflective paint or tape, other than governmental sign or warning sign.
- (h) Signs which incorporate in any manner any flashing or moving lights, except electronic message boards.
- (i) Signs which are painted on or attached to any trees, telephone poles, public benches or street lights.
- (j) Search lights.
- (k) Any Unauthorized Warning Signs which make use of words such as "Stop," "Look," "Danger," or any other words, phrases, symbols or characters which might interfere with, mislead or confuse traffic.
- (l) Any signs or other advertising structures containing any obscene matter.
- (m) Marquee Signs.
- (n) Gas Tube and Neon Signs.

1262.09 GENERAL STANDARDS.

The following general standards shall apply to all outdoor signs unless expressly stated otherwise in this Chapter:

- (a) Illumination.
 - (1) Location and Design of Light Source. Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as to not be directly visible from any public street or private residence. No receptacle or device housing a permitted light source shall protrude more than 18 inches from the face of the sign or building to which it is attached.
 - (2) Level of Illumination. In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed 50 foot candles when measured with a standard light meter held perpendicular to the sign face at a distance equal to the narrowest dimension of such face. All artificial illumination shall be so designed, located, shielded, and directed as to illuminate only the sign face or faces and to prevent the casting of glare or direct light upon adjacent property or streets.
 - (3) Signs Adjacent to Residential Areas. Any illuminated sign located on a lot abutting or across a street from, and visible from, any residentially zoned area, shall not be illuminated from the hours of 10:00 p.m. to 7 a.m. except that such sign may remain illuminated during such time as the activity to which the sign pertains is open for business so long as such sign is not a public or private nuisance.
 - (4) Flashing Lights Prohibited. Except for public service signs when expressly permitted by this Section, no flashing, blinking, or intermittent lights shall be permitted.
- (b) Structural Elements. The construction and structural components of all signs shall be in accordance with the standards and regulations of the Village Building Code.

- (c) **Minimum Height of Certain Signs.** The bottom of every awning, canopy, flat sign and wall sign shall be elevated at least eight (8) feet above grade. Wall signs on the same façade shall maintain the same top and bottom elevations above grade.
- (d) **Minimum Setback.** Except as otherwise provided, no sign shall be closer than ten (10) feet to a right-of-way or six (6) feet from a side lot line.
- (e) **Obstruction of Access Ways.** No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window, or other required access way.
- (f) **Traffic Safety.**
 - (1) **Confusion with Traffic Signals.** No sign shall be maintained at any location whereby 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, signal, or device or where it may interfere with, mislead, or confuse traffic.
 - (2) **Obstruction of Sight Triangles Prohibited.** No sign, nor any part of a sign other than a supporting pole or brace no greater than 18 inches in width or diameter, shall be located lower than eight feet from grade within the area of any sight triangle as defined in Section 1262.03 of this Chapter in districts where pole signs are allowed.
- (g) **Signs in Rights-of-Way.** No sign, except governmental signs, shall be placed in or extend into or over any public property or public right-of-way.
- (h) **Sign Maintenance.** The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in compliance with this Code and applicable laws, in a safe and secure condition, and in neat and orderly condition and good-working order at all times, and to prevent the development of rust, corrosion, rotting, or other deterioration in the physical appearance or safety of such sign. The premises around monument and pole signs shall be kept clean and free of rubbish and weeds. No sign or sign structure shall be maintained which, in the opinion of the Building Commissioner, is structurally unsafe or constitutes a hazard to safety, health, and welfare by reason of inadequate construction, maintenance, dilapidation or abandonment.
- (i) **Sign Measurement.**
 - (1) **Determination of Sign Face Area.** The area of a sign shall be determined by computing the entire area within a single polygon that completely enclosed the sign face (i.e., the extreme limits of lettering, representations, emblems or other figures, together with all surrounding material, color, lighting, trim or ornamentation forming an integral part of the display or used to differentiate the sign from the background from which it is placed) and in which polygon no interior angle is greater than 180 degrees. (See Figure 1262A).
 - (2) **Area of Sign with More Than One Exterior Face.** The area of the sign designed with more than one exterior face shall be computed as including one hundred percent (100%) of all sign face areas as defined above that are visible from any ground position. A V-shaped sign whose interior angle is 90 degrees or less shall be counted as two sign faces.
 - (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 entire wall or fence shall not be computed in determining the maximum sign area.

- (j) Signs on Lots with Multiple Users. When more than one user occupies a zoning lot, the owner of that lot shall be responsible for allocating permitted signage among such users.
- (k) Sign Spacing. No sign shall be nearer than two (2) feet to any other sign or structure, other than a structure to which it is lawfully attached.
- (l) General Safety. Notwithstanding any other provision of this section, no sign shall be constructed or maintained in any area or in any manner so as to create a nuisance or a threat to the public safety or welfare.
- (m) Electronic Changeable Copy Signs. Electronic Copy Signs are permitted provided that movement is limited to scrolling, or flashing copy with a minimum two second delay. Animations are prohibited.
- (n) Nonconforming Signs. Nonconforming signs are subject to the provisions of § 1264.07(d).
- (o) Temporary Signs. (*Ord. 17-38*)
 - (1) All Temporary Signs, excluding Now Hiring Signs, Banners, Political Signs, A-Frame Signs, Grand Opening Signs, and Pennants, streamers, balloons, festive device signs, or similar moving devices or air activated graphics, may be displayed for a period not to exceed 30 days for a maximum of four times a year for every calendar year with a minimum of 30 days between installations.
 - (2) All Temporary Signs must be located on the same zoning lot as the use to which they are accessory.
 - (3) All temporary signs in Planned Business Districts may be permitted as authorized by these regulations.
 - (4) Banners.
 - A. One (1) banner may be displayed for a maximum of two (2) time(s) per year for a period not to exceed 14 days in the Commercial, Public Facilities, and Office Research Districts, and for a maximum of six (6) time(s) per year for a period not to exceed 14 days in the Industrial Districts.
 - B. All banners shall be securely fastened.
 - (5) Grand Opening Signs.
 - A. Grand Opening signs are limited to one (1) sign per street front.
 - B. Grand Opening signage shall be erected for a period not to exceed fourteen (14) days.
 - C. Permits for Grand Opening Signs shall be issued only if a valid Certificate of Occupancy has been issued for the use in question within the previous 6 months.
 - (6) Political Signs.
 - A. Political Signs must have a minimum setback of ten (10) feet in all districts.
 - (7) A-Frame Signs.
 - A. A-Frame Signs may be displayed up to 180 days a year.
 - B. A-Frame Signs must be placed indoors at the close of each business day, or no later than 10:00 p.m.
 - C. A-Frame signs must be located on the same parcel as the structure or activity to which they are accessory, and within 15 feet of the use or activity on the lot to which they are accessory. The "use" in this case may be any lawfully placed principal, accessory, or temporary structure located on the lot.
 - (8) Pennants, streamers, balloons, festive device signs, or similar moving devices or air activated graphics.
 - A. One (1) pennant, streamer, balloon, festive device sign, or similar moving device or air activated graphic may be displayed per use.

- B. The pennant, streamer, balloon, festive device sign, or similar moving device or air activated graphic shall be erected for a maximum of two (2) time(s) per year for a period not to exceed 14 days in the Commercial and Public Facilities Districts, and for a maximum of four (4) time(s) per year for a period not to exceed 14 days in the Industrial Districts.
 - C. The pennant, streamer, balloon, festive device sign, or similar moving device or air activated graphic shall be securely fastened.
- (9) Now-Hiring Signs. "Now Hiring Signs" which are ground mounted shall be made out of a rigid frame with a rigid sign face or faces. *(Ord. 17-38)*
- (p) Location of Signs. Signs shall be located on the same zoning lot as the use to which they are accessory. *(Ord. 17-37)*
- (q) Signs on Multiple Building Frontages. For single-tenant buildings in all non-residential districts, one (1) additional flat or wall sign may be placed on the side(s) of the building facing a secondary public right-of-way in accordance with the sign size and location regulations applicable to the underlying zoning district. *(Ord. 20-69)*
- (r) Window Signs. No more than 25% of the window glazing on an exterior wall may be covered by window signs. A permit is not required. *(Ord. 20-69)*

1262.10 SIGN REGULATION FOR THE RESIDENTIAL DISTRICT.

The following regulations shall apply to those properties located in the Residential District. Any sign not expressly permitted by these regulations is prohibited. *(Ord. 20-69)*

- (a) Purpose. Signage in the Residential District should be used for purposes typically accessory to single family residential use and which do not impact neighboring residences. The sign regulations of this district are intended to limit the type, number, size and duration of signage permitted in the Residential District in order to prevent the creation of nuisances and impacts on the use and enjoyment of surrounding residential property.

SCHEDULE 1262.10 SIGN TYPE, SIZE AND HEIGHT STANDARDS FOR THE RESIDENTIAL DISTRICT

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft.	Maximum Height in Feet	Minimum Setback	Time Limit
Permanent Signs					
Subdivision Entry Sign	(b)	(b)	(b)	(b)	n.a.
Monument Sign	1 per vehicular entrance ^(d)	60 sq. ft.	8 ft.	20 ft.	n.a.

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft.	Maximum Height in Feet	Minimum Setback	Time Limit
Short-Term Signs					
Construction Sign	1 per lot	9 sq. ft.	4 ft. ^(a)	0 ft.	May only be posted during the period of construction.
New Development Sign	(b)	(b)	(b)	0 ft.	May only be posted for a development that is proposed and/or in its construction period.
Real Estate Sign	1 per lot	6 sq. ft.	6 ft.	0 ft.	May only be posted while property is for sale, rent, or lease.
Temporary Signs					
Temporary Sign as defined in § 1262.09(o)	1 per 20 linear feet of frontage on right of way	9 sq. ft.	4 ft.	0 ft.	Four 30-day periods per year, min. 30 days between installations.
Other					
Political Signs	n.a.	16 s.f. ^(c)	n.a.	0 ft.	n.a.
Temporary Use or Structure Sign	See § 1268.05(f), Sign Limitations for Temporary Uses and Structures.				

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft.	Maximum Height in Feet	Minimum Setback	Time Limit
<p>Notes:</p> <ul style="list-style-type: none"> (a) Applies only to ground mounted signs. No restrictions on building mounted signs. (b) Subject to approval by Planning Commission. (c) Political Signs are limited to a cumulative sign area of 32 s.f. per parcel. (d) Only permitted in connection with a lot containing a non-residential principle use. 					

(b) Supplementary Regulations.

- (1) Total Number of Signs. The total number of signs permitted on a residential lot shall not exceed three (3), with a limit of one sign per sign type, exclusive of nameplates, public safety signs, and subdivision entry signs.
- (2) Illumination. Signs for residential uses shall not be illuminated, except for new development signs and subdivision entry signs.

1262.11 SIGN REGULATION FOR THE COMMERCIAL DISTRICTS.

The following regulations shall apply to those properties located in the Commercial Districts. Any sign not expressly permitted by these regulations is prohibited. *(Ord. 20-69)*

- (a) Purpose. Signage in the Commercial Districts should be used for lot by lot commercial development on parcels which generate either large volumes of consumer traffic or larger vehicle traffic from suppliers. The sign regulations for these districts are intended to: (i) promote traffic safety by enhancing visual clarity for passing motorists; (ii) enhance the aesthetics of business areas within the Commercial Districts; (iii) coordinate signage and landscape requirements of the Commercial Districts; and (iv) relate the physical dimensions of signs to the scale of buildings and lots within the district.
- (b) Applicability. These regulations shall apply to all lots within the “GC” General Commercial and “HC” Heavy Commercial Districts.

SCHEDULE 1262.11 SIGN TYPE, SIZE AND HEIGHT STANDARDS FOR THE GC AND HC DISTRICTS

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft	Maximum Height in Feet	Minimum Setback	Time Limit
Permanent Signs					
Canopy/Awning Sign	1 per canopy	.5 sq. ft. per linear ft. of store front; building total not to exceed 40 sq. ft.	No Limit	10 ft.	n.a.
Flat or Wall Sign	1 per tenant	The smaller of (a) 1/8 total sq.ft. of one wall area; (b) 1 sq.ft. of sign area for each foot of wall width on which sign is located; or (c) 300 sq.ft.	Roof or parapet line	N.A.	n.a.
Ground or Monument Sign	1 per lot	60 sq. ft.	8 ft.	20 ft.	n.a.
Short-Term Signs					
Construction Sign	1 per lot	60 sq. ft.	12 ft. ^(a)	0 ft.	May only be posted during the period of construction.
New Development Sign	1 per lot	(b)	(b)	0 ft.	May only be posted for a development that is proposed and/or in its construction period.

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft	Maximum Height in Feet	Minimum Setback	Time Limit
Real Estate Sign	1 per lot	32 sq. ft.	8 ft. ^(a)	0 ft.	May only be posted while property is for sale, rent, or lease.
Temporary Signs					
A-Frame Sign	1 per tenant	6 sq. ft. with a maximum width of 2 ft.	3 ft.	0 ft.	Up to 180 days per year.
Banners	1 per tenant	May not exceed 12 feet in any direction.	Roof or parapet line	0 ft.	Two 14-day periods per year.
Festive Device Sign (including pennants, streamers, balloon, or similar moving devices or air activated graphics)	1 per tenant	N.A.	Roof or parapet line	0 ft.	Two 14-day periods per year.
“Now Hiring” Sign <i>(Ord. 17-38)</i>	1 per tenant	Ground Mounted: 32 sq. ft.; Building Mounted: 9 sq. ft.	Ground Mounted: 8 ft.; Building Mounted: Roof or parapet line	Ground Mounted: 0 ft.; Building Mounted: N/A	May be posted no more than ninety (90) consecutive days; Shall have at least thirty (30) day gap between 90-day postings.
Temporary Sign as defined in § 1262.09(o)	1 per 30 linear feet of frontage on right of way	9 sq. ft.	4 ft.	0 ft.	Four 30-day periods per year, min. 30 days between installations.

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft	Maximum Height in Feet	Minimum Setback	Time Limit
Other					
Temporary Use or Structure Sign	See § 1268.05(f), Sign Limitations for Temporary Uses and Structures.				
Political Signs	n.a.	16 s.f. ^(c)	n.a.	0 ft.	n.a.
Notes:					
(a) Applies only to ground mounted signs. No restrictions on building mounted signs.					
(b) Subject to approval by Planning Commission.					
(c) Political Signs are limited to a cumulative sign area of 32 s.f. per parcel.					

(c) Supplementary Regulations.

- (1) Total Number of Signs. One (1) flat sign or wall sign is permitted per tenant, or as an alternative, canopy/awning signs are permitted as provided in Schedule 1262.11 above. One (1) monument sign is permitted. Temporary signs are permitted as provided in § 1262.09(o) and Schedule 1262.11 above. Two (2) additional signs, limit one per sign type, shall be permitted for each building from the following sign types: construction sign, real estate sign, and new development sign.
- (2) Illumination. Illuminated signs shall be limited to flat signs, monument signs, and pole signs.
- (3) Items of Information. Monument signs, flat signs, awning and canopy signs and wall signs shall be limited to the name of the business and one other item of information.

1262.12 SIGN REGULATION FOR THE OFFICE/RESEARCH DISTRICT.

The following regulations shall apply to those properties located in the Office/Research District. Any sign not expressly permitted by these regulations is prohibited. *(Ord. 20-69)*

- (a) Purpose. Signage in the Office/Research District should respond to the campus-like setting promoted by this district, with signage functioning principally to identify building occupants. Freestanding signs should accent the landscape and building signs should accent the buildings.
- (b) Applicability. These regulations shall apply to all lots within the Office/Research District.

SCHEDULE 1262.12 SIGN TYPE, SIZE AND HEIGHT STANDARDS FOR THE OFFICE/RESEARCH DISTRICT

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft.	Maximum Height in Feet	Minimum Setback	Time Limit
Permanent Signs					
Flat Sign or Wall Sign	1 per building	The smaller of (a) 1/8 total sq. ft. of one wall area; (b) 1 sq. ft. of sign area for each foot of wall width on which sign is located; or (c) 300 sq. ft.	Roof or parapet line	N.A.	n.a.
Ground or Monument Sign	1 per lot	60 sq. ft.	8 ft.	20 ft.	n.a.
Short-Term Signs					
Construction Sign	1 per lot	16 sq. ft.	12 ft. ^(a)	0 ft.	May only be posted during the period of construction.
New Development Sign	(b)	(b)	(b)	0 ft.	May only be posted for a development that is proposed and/or in its construction period.
Real Estate Sign	1 per lot	32 sq. ft.	8 ft. ^(a)	0 ft.	May only be posted while property is for sale, rent, or lease.

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft.	Maximum Height in Feet	Minimum Setback	Time Limit
Temporary Signs					
Banners	1 per tenant	May not exceed 12 feet in any direction.	Roof or parapet line	0 ft.	Two 14-day periods per year.
“Now Hiring” Sign <i>(Ord. 17-38)</i>	1 per tenant	Ground Mounted: 32 sq. ft.; Building Mounted: 9 sq. ft.	Ground Mounted: 8 ft.; Building Mounted: Roof or parapet line	Ground Mounted: 0 ft.; Building Mounted: N/A	May be posted no more than ninety (90) consecutive days; Shall have at least thirty (30) day gap between 90-day postings.
Temporary Sign as defined in § 1262.09(o)	1 per 50 linear feet of frontage on right of way	16 sq. ft.	6 ft.	0 ft.	Four 30-day periods per year, min. 30 days between installations.
Other					
Political Signs	n.a.	16 s.f. ^(c)	n.a.	0 ft.	n.a.
Temporary Use or Structure Sign	See § 1268.05(f), Sign Limitations for Temporary Uses and Structures.				
Notes:					
(a) Applies only to ground mounted signs. No restrictions on building mounted signs.					
(b) Subject to approval by Planning Commission.					
(c) Political Signs are limited to a cumulative sign area of 32 s.f. per parcel.					

(c) Supplementary Regulations.

- (1) Total Number of Signs. Two (2) signs, one per type of sign, are permitted from the following sign types: flat or wall sign and monument sign. Two (2) new development signs are permitted. Temporary signs and banners are permitted as provided in § 1262.09(o) and the Schedule 1262.12 above. Two

additional signs, one per type of sign, shall be permitted from the following sign types: construction sign, and real estate sign.

- (2) Illumination. Illuminated signs shall be limited to flat signs, monument signs, and new development signs.
- (3) Items of Information. Monument signs and flat or wall signs shall be limited to the name of the business or use.

1262.13 SIGN REGULATION FOR THE PUBLIC FACILITIES USE DISTRICT.

The following regulations shall apply to those properties located in the Public Facilities Use District. Any sign not expressly permitted by these regulations is prohibited. *(Ord. 20-69)*

- (a) Purpose. Signage in the Public Facilities Use District should be appropriate for small scale commercial uses and institutional uses. The sign regulations for this district are intended to permit signage that is appropriate for commercial and institutional uses, with minimum impacts on any nearby residential uses.
- (b) Applicability. These regulations shall apply to all lots within the Public Facilities Use District.

SCHEDULE 1262.13 SIGN TYPE, SIZE AND HEIGHT STANDARDS FOR THE PUBLIC FACILITIES USE DISTRICT

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft.	Maximum Height in Feet	Minimum Setback	Time Limit
Permanent Signs					
Awning Sign	1 per canopy	0.5 sq. ft. per linear ft. of store front; building total not to exceed 40 sq. ft.	No Limit	10 ft.	n.a.
Flat Sign or Wall Sign	1 per tenant	The smaller of (a) 1/8 total sq. ft. of one wall area; (b) 1 sq. ft. of sign area for each foot of wall width on which sign is located; or (c) 300 sq. ft.	Roof or parapet line	N.A.	n.a.
Ground or Monument Sign	1 per vehicular entrance	60 sq. ft.	8 ft.	20 ft.	n.a.

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft.	Maximum Height in Feet	Minimum Setback	Time Limit
Short-Term Signs					
Construction Sign	1 per lot	16 sq. ft.	12 ft. ^(a)	0 ft. ^(b)	May only be posted during the period of construction.
New Development Sign	(c)	(c)	(c)	0 ft.	May only be posted for a development that is proposed and/or in its construction period.
Real Estate Sign	1 per lot	32 sq. ft.	8 ft. ^(a)	0 ft. ^(b)	May only be posted while property is for sale, rent, or lease.
Temporary Signs					
Banners	1 per tenant	May not exceed 12 feet in any direction.	Roof or parapet line	0 ft.	Two 14-day periods per year.
Festive Device Sign (including pennants, streamers, balloon, or similar moving devices or air activated graphics)	1 per tenant	N.A.	Roof or parapet line	0 ft.	Two 14-day periods per year.
“Now Hiring” Sign (<i>Ord. 17-38</i>)	1 per tenant	Ground Mounted: 32 sq. ft.; Building Mounted: 9 sq. ft.	Ground Mounted: 8 ft.; Building Mounted: Roof or parapet line	Ground Mounted: 0 ft.; Building Mounted: N/A	May be posted no more than ninety (90) consecutive days; Shall have at least thirty (30) day gap between 90-day postings.

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft.	Maximum Height in Feet	Minimum Setback	Time Limit
Temporary Sign as defined in § 1262.09(o)	1 per 30 linear feet of frontage on right of way	16 sq. ft.	6 ft.	0 ft.	Four 30-day periods per year, min. 30 days between installations.
Other					
Political Signs	n.a.	16 s.f. ^(d)	n.a.	0 ft.	n.a.
Temporary Use or Structure Sign	See § 1268.05(f), Sign Limitations for Temporary Uses and Structures.				
Notes:					
(a) Applies only to ground mounted signs. No restrictions on building mounted signs.					
(b) Does not apply if sign is mounted as a flat sign.					
(c) Subject to approval by Planning Commission.					
(d) Political Signs are limited to a cumulative sign area of 32 s.f. per parcel.					

(c) Supplementary Regulations.

- (1) Total Number of Signs. Two (2) signs, one per type of sign, are permitted from the following sign types: wall sign or flat sign, and monument sign, or as an alternative, awning signs are permitted as provided in the Schedule 1262.13 above. Temporary signs are permitted as provided in § 1262.09(o) and Schedule 1262.13 above. Two (2) additional signs, one per type of sign, shall be permitted from the following sign types: construction sign, real estate sign and new development sign.
- (2) Illumination. Illuminated signs shall be limited to flat signs and monument signs.

1262.14 SIGN REGULATION FOR THE IF-1, IF-2, GI AND ITC INDUSTRIAL DISTRICTS.

The following regulations shall apply to those properties located in the Industrial Flex-1, Industrial Flex-2, General Industrial and Industrial Truck Center Districts. Any sign not expressly permitted by these regulations is prohibited. (Ord. 20-69)

- (a) Purpose. Sign regulations for the GI and ITC Industrial Districts are intended to provide for appropriate identification of industrial and manufacturing uses.
- (b) Applicability. These regulations shall apply to all lots within the GI and ITC Industrial Districts.

SCHEDULE 1262.14 SIGN. TYPE, SIZE AND HEIGHT STANDARDS FOR THE IF-1, IF-2, GI AND ITC INDUSTRIAL DISTRICTS.

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft.	Maximum Height in Feet	Minimum Setback	Time Limit
Permanent Signs					
Flat Sign or Wall Sign	1 per tenant	The smaller of: (a) 1/8 total sq. ft. one wall area; (b) 1 sq. ft. of sign area for each foot of wall width on which sign is located; or (c) 300 sq. ft.	Roof or parapet line.	N.A.	n.a.
Ground or Monument Sign	1 per lot	60 sq. ft.	8 ft.	20 ft.	n.a.
Pole Sign	1 per lot in front yard; and if applicable, one additional pole sign in lot frontage abutting I-75 right-of-way ^(a) .	.5 sq. ft. per linear ft. of lot frontage; not to exceed 200 sq. ft.	35 ft.	25 ft.	n.a.
Short-Term Signs					
Construction Sign	1 per lot	16 sq. ft.	12 ft. ^(b)	0 ft.	May only be posted during the period of construction.

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft.	Maximum Height in Feet	Minimum Setback	Time Limit
New Development Sign	1 per lot	(c)	(c)	0 ft.	May only be posted for a development that is proposed and/or in its construction period.
Real Estate Sign	1 per lot	32 sq. ft.	8 ft. ^(b)	0 ft.	May only be posted while property is for sale, rent, or lease.
Temporary Signs					
Banners	1 per tenant	May not exceed 12 feet in any direction.	Roof or parapet line	0 ft.	Six 14-day periods per year.
Festive Device Sign (including pennants, streamers, balloon, or similar moving devices or air activated graphics)	1 per tenant	N.A.	Roof or parapet line	0 ft.	Four 14-day periods per year.
“Now Hiring” Sign (Ord. 17-38)	1 per tenant	Ground Mounted: 32 sq. ft.; Building Mounted: 9 sq. ft.	Ground Mounted: 8 ft.; Building Mounted: Roof or parapet line	Ground Mounted: 0 ft.; Building Mounted: N/A	May be posted no more than ninety (90) consecutive days; Shall have at least thirty (30) day gap between 90-day postings.

Types of Signs Permitted	Number of Signs Permitted	Maximum Area Per Sign Face in Sq. Ft.	Maximum Height in Feet	Minimum Setback	Time Limit
Temporary Sign as defined in § 1262.09(o)	1 per 40 feet of linear frontage on right of way	16 sq. ft.	6 ft.	0 ft.	Four 30-day periods per year, min. 30 days between installations.
Other					
Political Signs	n.a.	16 s.f. ^(d)	n.a.	0 ft.	n.a.
Temporary Use or Structure Sign	See § 1268.05(f), Sign Limitations for Temporary Uses and Structures.				
Notes:					
(a) If lot frontage abutting I-75 right-of-way is greater than one-half-mile, one additional pole sign may be permitted for each additional complete linear half-mile of lot frontage on I-75 right-of-way. (b) Applies only to ground mounted signs. No restrictions on building mounted signs. (c) Subject to the approval of the Planning Commission. (d) Political Signs are limited to a cumulative sign area of 32 s.f. per parcel.					

(c) Supplementary Regulations. (Ord. 20-69)

- (1) Total Number of Signs. One (1) flat sign or wall sign is permitted per tenant. One (1) pole sign or monument sign is permitted in the front yard, with additional pole signs permitted along Interstate-75 in accordance with the regulations in Schedule 1262.14. Temporary signs are permitted as provided in § 1262.09(o) and Schedule 1262.14 above. Two (2) additional signs, one per type of sign, shall be permitted per lot from the following sign types: construction sign, real estate sign, and new development sign.
- (2) Illumination. Illuminated signs shall be limited to flat signs, monument signs and pole signs.
- (3) Items of Information. Monument signs, pole signs, flat signs and wall signs shall be limited to the name of the business and one other item of information.

1262.15 INSPECTION AND ENFORCEMENT

(a) Violations and Penalties.

- (1) Written Notice of Violation.
 - A. Notice for all Sign Violations excluding Temporary Signs. The Building, Planning, & Zoning Manager or his/her designated representative will issue a written notice of violation by registered mail to the person or entity having charge or control or benefit of any sign, including Permanent Signs and Short-Term Signs and excluding Temporary Signs, found by the Zoning Administrator to be unsafe

- or dangerous, or in violation of these Sign Regulations or of any other Village ordinance, and where the Village is contemplating removal of the sign.
- B. Notice for all Temporary Sign Violations. The Building, Planning, & Zoning Manager or his/her designated representative will issue a written notice of violation by hand delivery to the person or entity having charge or control or benefit of any Temporary Sign found by the Zoning Administrator to be unsafe or dangerous, or in violation of these Sign Regulations or of any other Village ordinance, and where the Village is contemplating removal of the sign.
- C. Time Limit and Options. After receipt of a Written Notice of Violation, the person or entity having charge, control or benefit of the noncompliant sign must take the following actions:
- i. For all signs except Temporary Signs:
 - a. Abatement of the violation within thirty (30) days; or
 - b. An application for appeal to the Board of Zoning Appeals may be filed no later than 14 days after receipt of the Written Notice of Violation being appealed, and in accordance with the requirements of Chapter 1276.
 - ii. For Temporary Signs, the following action:
 - a. For the first violation, abatement of the violation must occur within one business day (24 hours). For any violations thereafter which occur within one (1) year of the first violation or any subsequent violation, citations will be issued immediately, and no abatement period shall be granted; and
 - b. An application for appeal to the Board of Zoning Appeals of the penalties imposed pursuant to § 1262.15(a)(1)(C) may be filed no later than 14 days after receipt of the Written Notice of Violation being appealed, and in accordance with the requirements of Chapter 1276.
 - c. An application for appeal to the Board of Zoning Appeals of the order to remove any Temporary Sign pursuant to this Chapter may be filed no later than one business day (24 hours) after receipt of the Written Notice of Violation being appealed, and in accordance with the requirements of Chapter 1276.
- D. Citation.
- i. If the violation has not been abated nor an appeal filed within thirty (30) days of the issuance of the Written Notice of Violation for all signs except Temporary Signs, a citation will be issued.
 - ii. In the case of Temporary Signs, a citation will be issued for the first violation within a 12-month period if the violation has not been abated within one business day (24 hours) of receipt of the Written Notice of Violation. For any further violation within 12 months of the first or any subsequent violation, citations will be issued immediately and concurrently with the Written Notice of Violation.
- E. Continuing Violations. Each day following the issuance of a citation that the violation continues shall be deemed a separate offense. The penalty amount designated in Schedule 1262.15 for the applicable citation (first citation, second citation, and so forth) shall apply to each separate day that the violation continues.

SCHEDULE 1262.15 PENALTIES FOR VIOLATIONS

Penalties - Cost Per Day		
1st Citation*	2nd Citation*	3rd Citation* and so forth
\$50.00	\$75.00	each \$150.00
<p>Notes: * Citations accumulate when issued repeatedly on the same parcel to the same person or entity to who other citations were issued previously or simultaneously.</p>		

- (b) Non-maintained or Abandoned Signs. The Building, Planning, & Zoning Manager shall require each non-maintained or abandoned sign to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of non-maintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure.
- (c) Unsafe or Dangerous Signs. If an unsafe or dangerous sign is not repaired or made safe within five (5) working days after the Building Commissioner gives notice pursuant to § 1262.15(a), and shall at once abate and remove the sign, and the person having charge, control or benefit of any such sign shall pay to the Village the costs incurred in such removal within thirty (30) calendar days after written notice is mailed to such a person.
- (d) Illegal Signs. If an illegal sign is not made conforming within thirty (30) working days after the Building, Planning, & Zoning Manager gives notice pursuant to § 1262.15(a), the Building, Planning, & Zoning Manager shall at once abate and remove the sign, and the owner, person having charge, control or benefit of any such sign shall pay to the Village the costs incurred, including, but not limited to, village employee time, sign storage fees, etcetera, in such removal within thirty (30) calendar days after written notice is mailed to such person.
- (e) Confiscation of Signs. The Building, Planning, & Zoning Manager shall immediately confiscate any sign located on public property or in the public right of way in violation of these Sign Regulations or any other Village ordinances. Confiscated signs shall be stored at a location determined by the building official for a period of thirty (30) days, during which time the owner or person having charge, control or benefit of the confiscated sign may redeem the sign after payment of enforcement cost to the Village as set forth in the Schedule of Fees established by the Village Council. Payment of costs to the Village shall be held harmless for and damages incurred to signs as a result of confiscation. In addition to enforcement costs, sign owners and person having charge control and benefit of any sign erected in violation of this chapter shall be liable for any damages caused to public property, public facilities or public utilities by reason of the placement, attachment and/or removal of such unlawful signs. Signs not redeemed within thirty (30) days shall be destroyed.

1262.16 NONCONFORMING SIGNS.

See § 1264.07(d).

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CHAPTER 1263 WIRELESS COMMUNICATION TOWERS AND SYSTEM**1263.01 PURPOSE**

- (a) It is the purpose of the provisions of this chapter, known as " Wireless Communication Towers and Systems," to:
- (1) Accommodate the need for wireless communications towers and facilities for the provision of personal wireless services while regulating their location and number in the Village;
 - (2) Minimize adverse visual effects of communications towers and support structures through proper siting, design and screening;
 - (3) Avoid potential damage to persons and adjacent properties from failure of communications towers and support structure or other hazards;
 - (4) Encourage the joint use of any new and existing communications towers and support structures to reduce the number of such structures needed in the future; and
 - (5) Apply to all areas within each zoning district of the Village, including, but not limited to, public facilities, highways, rights-of-way and areas lawfully not in conformity with the current zoning regulations. (*Ord. 18-16*)
- (b) This chapter is applicable to commercial operators and operations, and is not applicable to a licensed amateur operator (ham operator) of a single amateur radio station.

1263.02 DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) **COMMUNICATION SERVICES:** means communications accessed by means of equipment and services.
- (b) **WIRELESS COMMUNICATIONS ANTENNA:** shall mean any structure or device used to receive or transmit electromagnetic waves between phones, pagers, commercial mobile services, wireless services and ground-wired communications systems, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve communication services.
- (c) **WIRELESS COMMUNICATIONS SITE:** shall mean a tract, lot or parcel of land that contains the wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to wireless communications transmission.
- (d) **WIRELESS COMMUNICATIONS SUPPORT STRUCTURE:** shall mean any building or structure, including equipment, shelter, guy wire anchors, accessory to but necessary for the proper functioning of the wireless communications antenna or tower.
- (e) **WIRELESS COMMUNICATIONS TOWER:** shall mean a free-standing structure used to support a wireless communications antenna. Such tower may be constructed as a "monopole," meaning one cylindrical column in the air, or, subject to the provisions of this chapter, as a "lattice tower," meaning three or more vertical legs trussed together, or a "guyed tower," meaning a structure that, because it is less substantial, is secured to the ground by wires, cables or similar material.

- (f) WIRELESS COMMUNICATIONS TOWER, HEIGHT OF: shall mean the height from the base of the structure, at grade, to its top or to the top of any antenna located thereon, whichever is greater. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.
- (g) CO-LOCATION: means that more than one wireless communications provider mounts equipment on a single support structure.
- (h) FENCE: shall mean a barrier intended to enclose or restrict access to an area or to mark a boundary, constructed of wood, wire or other material, supported on posts.
- (i) MICRO ANTENNAS: shall mean any wireless communication antennas which consist solely of the antenna and which do not have any supporting structures other than brackets, including micro cells.
- (j) RESIDENTIAL USE: means any parcel of land that includes a single-family dwelling intended primarily for use as a residence, or any vacant parcel platted for one single-family dwelling. For the purposes of this Chapter, distance from a “residential use” is measured from the nearest boundary line of the parcel containing the residential use.
- (k) SMALL CELL FACILITY: shall mean a structure or device typically used to supplement the service of a larger communication tower. These facilities are generally between twenty (20) and fifty (50) feet in height, including the distributed antenna systems equipment associated with transmission. (*Ord. 18-16*)
- (l) TALL STRUCTURES: shall mean any structure or building, including but not limited to smoke stacks, water towers, buildings over 35 feet in height, antenna support structures of other wireless communication companies, and other communication towers.
- (m) WIRELESS SERVICES: means commercial mobile services, unlicensed wireless services and common carrier exchange access services.

1263.03 APPLICATION PROCEDURE.

- (a) Any person or company intending to apply for the placement or operation of a wireless communications antenna or site within the Village shall first schedule a pre-application conference with the Village Building, Planning, & Zoning Manager or his or her assignee. At this conference, the prospective applicant must present to the Village Building, Planning, & Zoning Manager or his or her assignee any proposed locations for the equipment or site, also demonstrating the need for a tower and that all alternatives to the construction of a new tower, such as co-location, have been exhausted. This information should identify the area within which the tower may be located, the maximum height of the proposed tower, and identify any possible users that may co-locate at the site. The purpose of the pre-application conference will be to evaluate the impact on adjacent areas and neighborhoods, and to discuss possibilities of co-location, and other suitable sites.
- (b) Upon completion of the pre-application conference, an application may be filed with the office of the Village Building, Planning, & Zoning Manager. The application shall be in compliance with the provisions of this chapter, and in compliance with all applicable provisions of the Village Zoning Code except those in conflict with this chapter, and in such form as approved by the Village Building, Planning, & Zoning Manager. If the application does not conform with said provisions, the Village Building, Planning, & Zoning

Manager shall notify the applicant and no further consideration of the application shall occur until it is in compliance with the terms of this chapter.

(c) Application Fee.

- (1) Proposed Location. The application fee for a wireless communication system, tower, antenna, or site shall be a base application fee of two thousand five hundred dollars (\$2,500) for each proposed location. Additionally, the Village shall be reimbursed by applicant for any additional costs above and beyond \$2,500 that the Village incurs through the use of professional services outside of Village employees that are necessitated in order to effectively process the application. The building permit for a proposed wireless communications system, tower, antenna or site shall be withheld by the Building, Planning, & Zoning Manager until such time that the applicant reimburses the Village for such additional costs.
- (2) Proposed Co-Locator. The application fee for a wireless communication system co-locator shall be \$500 for each new user proposing to co-locate.
- (3) Upon compliance with the above application requirements:
 - A. For any wireless communication tower or any new wireless communication support structure to be built specifically for the installation of wireless communication antenna, the Planning Commission shall conduct a public hearing, giving 14 days' notice by first class U.S. mail to all property owners of parcels adjacent to or across the street from the parcel on which the tower or structure is proposed to be located, and following the public hearing, the Planning Commission shall determine if the terms of this chapter have been complied with and direct the Building, Planning, & Zoning Manager to grant or deny the application based upon that compliance.
 - B. For any wireless communications antenna or micro antennas proposed to be located on existing structures, the Building, Planning, & Zoning Manager shall grant or deny the application based on its compliance with the terms of this chapter.

1263.04 USE REGULATIONS.

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

- (a) A wireless communications site, provided such wireless communication otherwise complies with this chapter, may be permitted as co-locations on any existing cell towers, or in the following districts and locations:
 - (1) Industrial Truck Center (ITC)
 - (2) General Industrial (GI)
 - (3) Industrial Flex-1 (IF-1)
 - (4) Industrial Flex-2 (IF-2)
 - (5) Industrial PUD
 - (6) Mixed-Use PUD
 - (7) Heavy Commercial (HC)
 - (8) Commercial or Office PUD – West of Reading Road
 - (9) Office/Research (O/R)

- (10)Public Facilities (PF)
- (11)Residential (R) – Non-Residential Lots
- (12)Residential (R) – Residential Lots
- (13)Commercial or Office PUD – East of Reading Road
- (14)General Commercial (GC)

- (b) The listing above indicates the order in which the carrier must attempt to locate the tower. It is the responsibility of the carrier to prove that a particular zone is not acceptable, prior to locating in the next district. The carrier shall provide all technical data and statements to support their claim.
- (c) Wireless communications sites in a zoning district or area where such use is permitted shall not be located any closer to any residential use than as follows:
 - (1) If a wireless communication tower is 100 feet or less in height, the site shall be located no closer than 500 feet to any residential use.
 - (2) For any wireless communication tower exceeding 100 feet in height, the site may not be located closer to any residential use than a distance equal to 500 feet plus two feet for each foot of height that the tower exceeds 100 feet.
- (d) A wireless communications antenna may be mounted within steeples or similar structures or to an existing structure, such as a wireless communications tower, smoke stack, water tower or other tall structures in any zoning district or area where a wireless communication site is permitted. wireless communication antennas may only be placed on the top of buildings that are greater than 35 feet in height.
- (e) Micro antennas may be placed on any buildings in a zoning district or area where a wireless communication site is permitted. A micro antenna shall not be subject to the setback requirements of other wireless communication towers, provided it is placed on the roof of an existing building.
- (f) All other uses accessory to the wireless communications antenna and towers, including but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the wireless communications antenna and/or tower is located.

1263.05 STANDARDS FOR LOCATION.

- (a) The following standards shall apply to all wireless communications antennas and towers:
 - (1) The wireless communications company shall demonstrate, using the latest technological evidence, why the antenna or tower must be placed in a proposed location in order to serve its necessary function in the company's grid system. Part of this demonstration shall include a drawing showing the boundaries of the area around the proposed location which would probably also permit the antenna to function properly in the company's grid system. This area shall be considered the allowable zone.
 - (2) If the communications company proposes to build a wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of any nearby tall structures within the allowable district or area, asked for permission to install the communications antenna on those structures, and was denied for either non-economic reasons or that a clearly unreasonable economic demand was made by the owner, based on prevailing market values.

- (b) The Village may deny the application to construct a new wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

1263.06 STANDARDS FOR APPROVAL.

- (a) Antenna/tower height. The applicant shall demonstrate that the planned height of a wireless communications tower is no higher than necessary to function satisfactorily and to accommodate the co-location requirements as set out in division (f) of this section. No tower that is taller than the necessary height shall be approved, and the height of any tower to be greater than 200 feet must first be approved by the Planning Commission. Towers shall be monopole construction unless it is demonstrated upon application that another type of tower is required for safety purposes and it has been approved by the Planning Commission.
- (b) Setbacks from the base of the tower. If a new wireless communications tower is to be constructed in an industrial zoning district, the minimum distance between the base of the tower, or if so supported, between any guy wire anchors supporting the tower, and any property line which abuts a zoning district other than a residential district shall be no closer to that district than the greater of 50% of the tower height or 50 feet.
- (c) Incidental Equipment Housing and Structures. Any structures used to house equipment that is incidental to the tower shall comply with the accessory structure regulations of the district in which the tower is located to the extent practicable.
- (d) Wireless communications tower safety.
- (1) All wireless communications towers shall be fitted with anti-climbing devices as approved by the manufacturers. Furthermore, the applicant shall demonstrate that the proposed wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. However, if a specific safety issue in question is determined to be regulated by either FCC Regulations or applicable Building Code Regulations, and the operation or construction is in compliance with such regulations, then this requirement for safety shall be deemed to have been met.
 - (2) Subsequent to the installation of a wireless communications tower site, if it is determined by the Village Council, upon presentation of proper and sufficient documentation, and after a public hearing, that the operation of a wireless communications tower is inherently dangerous or is a demonstrable health hazard, the wireless communication tower shall be declared to be a nuisance and all operation shall cease. The tower or antenna shall also be removed as provided under § 1263.08. However, no order of removal shall be made if it is inconsistent with any provisions herein or with any existing FCC Regulations.
- (e) Screening. A solid masonry wall or solid fence, not less nor more than six feet in height, shall be required around the wireless communications tower and its support structure(s), unless the antenna is mounted on an existing structure.
- (f) Landscaping. Landscaping in compliance with a plan approved by the Planning Commission shall be provided to screen as much of the support structure and ground level features as is possible. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

- (g) Limiting the number of wireless communications towers.
- (1) In order to reduce the number of antenna support structures needed in the Village, the owner of an existing wireless communications tower shall not unreasonably deny a request to accommodate other users, including other wireless communications companies, and the antennas of local or joint police, fire, ambulance and other emergency services. Nothing contained herein is intended to prevent the owner of the existing wireless communications tower from receiving reasonable compensation for the use of its tower by commercial users.
 - (2) Unless waived for good cause by the Planning Commission to minimize impact on adjoining property, for the purposes of encouraging co-location of wireless antenna and other users, wireless communication towers shall be designed, engineered, and constructed as follows:
 - A. Towers less than 75 feet tall shall be designed, engineered and constructed to support antennas installed by at least two wireless communication service users;
 - B. Towers more than 75 feet in height, but less than 150 feet shall be designed, engineered and constructed to support antennas installed by at least three wireless communication service users; and
 - C. Towers 150 feet in height or taller shall be designed, engineered and constructed to support antennas installed by at least four wireless communication service users.
 - (3) As used in divisions (g)(2)A. through (g)(2)C., the term "users" shall include the antennas of police, fire and ambulance departments. In addition, an applicant must demonstrate that the area acquired by lease or otherwise acquired for the use and construction of the tower and accessory structures is sufficient in size to accommodate any additional structures that may be required if additional users are added to the tower.
- (h) Licensing. The communications company must demonstrate to the Village that it is licensed by the Federal Communications Commission (FCC). The owner of the tower must also annually provide to the Village no later than January 31 of each year, and at such time as a new user is added, a list of all users of the tower and each user shall provide the Village with a copy of that user's license with the FCC. No approval will be granted to any applicant or user unless proof of a current FCC license for the proposed use of the tower is provided.
- (i) Access/required parking. Access to the wireless communications site shall be paved with concrete or asphalt, and the perimeter of the access drive and parking lot shall be curbed. A parking space shall be provided for maintenance workers.
- (j) Appearance. Wireless communications towers under 200 feet in height shall be painted silver or have a galvanized finish retained, or be finished with a neutral color matching its background in order to reduce visual impact. The applicant shall demonstrate that the proposed wireless communication tower is the least aesthetically intrusive facility for the neighborhood and function. It is further recommended, that all buildings and structures be architecturally compatible with the architecture of the adjacent buildings and structures. Wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. Wireless communications towers may be artificially lighted when required by the FAA. Furthermore, no wireless communication tower or antenna and accessory buildings and structures shall

contain any signage except safety signage. All utility lines serving the towers shall be underground, unless there is a demonstrated safety hazard created by underground installation.

- (k) Site plan and documentation required. A full site plan shall be required for all proposed wireless communications sites, except antennas to be placed on existing structures, at a reasonable scale, but not smaller than 1 inch to 20 feet (1 inch = 20 feet), indicating the following:
- (1) The total area of the site and the identity of the owners(s).
 - (2) The existing zoning of the property in question and existing zoning and ownership of all adjacent properties.
 - (3) All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
 - (4) Existing topography with a maximum of five-foot contour intervals.
 - (5) The proposed finished grade of the development shown by contours not exceeding five-foot intervals.
 - (6) The location of all existing buildings and structures and the proposed location of the wireless communications tower and all wireless communications support structures, including dimensions, heights, and, where applicable, the gross floor area of the buildings.
 - (7) The locations and dimensions of all curb cuts, driving lanes, off-street parking and loading areas, including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility.
 - (8) All existing and proposed sidewalks and open areas on the site.
 - (9) The location of all proposed fences, screening and walls and a landscaping plan.
 - (10) The location of all existing and proposed streets.
 - (11) All existing and proposed utilities, including types and grades.
 - (12) The schedule of any phasing of the project.
 - (13) Documentation which shows all buildings and structures on adjacent lots and any additional lot which has a lot line within 500 feet of the lot on which the tower is proposed to be located, and the identity of the owner(s). The approximate elevation of the highest point of each building or structure shall be noted. Applicant may identify any additional features in the area (such as existing screening, fences and topography) which may be helpful in considering the impact of the proposed tower on nearby property.
 - (14) A report for all proposed wireless communication sites, except antennas to be placed on existing structures, to include: a description of the tower with technical reasons for its design; documentation establishing the structural integrity for the tower's proposed uses; the general capacity of the tower, and information necessary to assure that ANSI standards are met; a statement of intent on whether excess space on the tower will be leased; proof of ownership of the proposed site or authorization to utilize it; and a visual study depicting where within the Village limits any portion of the proposed tower could be seen.
 - (15) Any other information as may be required to determine the conformance with this chapter and any applicable provisions of the Building and Zoning Codes.
- (l) Notwithstanding division (j) of this section, for wireless communications antennas to be placed on an existing structure, with no new tower to be erected, the applicant need submit to the Village Building,

Planning, & Zoning Manager only such information as is required to ensure compliance with the applicable provisions of this chapter and the Building and Zoning Codes, including but not limited to, FCC licensing, safety provisions as to the antenna and authorization to utilize the site.

1263.07 MAINTENANCE.

Owners or persons in charge of property used as a wireless communications site must comply with the following requirements to remain in lawful compliance with this Chapter:

- (a) Any owner or person in charge of property used as a wireless communications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris, and the Village Building, Planning, & Zoning Manager or his or her designee may inspect the property at any reasonable time to assure that such property is properly maintained.
- (b) Any owner of a wireless communications tower shall submit to the Building, Planning, & Zoning Manager on an annual basis a statement regarding whether such tower is still in operation and the status of co-locators on the tower, if any. Such statement shall be submitted to the Building, Planning, & Zoning Manager no later than January 31 of each year.
- (c) Any owner of a wireless communications tower shall, at least 30 days in advance, notify the Village Building, Planning, & Zoning Manager in writing of its intent to discontinue operation or service, or transfer of ownership.

1263.08 REMOVAL.

- (a) Any wireless communications tower that has discontinued its service for a period of six continuous months or more may be determined to be a nuisance. A tower declared to be a nuisance, must be removed, along with all accessory structures related thereto, and the property restored to its former condition. "Discontinued" shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, is unused or has ceased the daily activities or operations that had occurred.
- (b) Whenever a wireless communications tower or site has been abandoned or its use discontinued for a period of six consecutive months, the Village Building, Planning, & Zoning Manager or a designated representative shall notify, either by personal delivery or by certified mail, the owner or person in charge of the property on which the tower is located that the tower must be taken down and removed. The Village Building, Planning, & Zoning Manager or a designated representative, in addition to any other citations, notices, penalties or remedies provided by law or ordinance, is authorized to proceed in a manner consistent with and pursuant to Ohio R.C. 715.26 and 715.261 to maintain the public health, safety and welfare, and to recover costs as appropriate.
- (c) If the owner or person in charge of the property referred to in division (b) of this section fails to comply with the notice from the Village Building, Planning, & Zoning Manager or his or her designated representative, the Village Building, Planning, & Zoning Manager may cause the tower to be taken down and removed, and when this has been accomplished, a statement of the cost therefore shall be mailed to the owner or person in charge by certified mail, return receipt requested. Upon failure of the owner or

person in charge to pay within 30 days the amount of the statement provided, the Village Clerk may certify the total costs, together with a proper description of the lands, to the county auditor who shall place the costs upon the tax list and duplicate as an assessment for taking down and removing the tower, and it shall be a lien upon such owner's land from and after the date of entry, and shall be collected as other taxes and returned to the Village with the general fund settlements.

1263.09 PROHIBITIONS.

- (a) No wireless communications tower shall be permitted on any lot on which any nonconforming building or structure is located or on which any nonconforming use or activity is occurring without first obtaining approval, or approval with conditions, from the Village Board of Zoning Appeals. The Village Board of Zoning Appeals must find:
 - (1) That the erection of a wireless communications tower as proposed would not compound the adverse impacts resulting from any nonconformities currently existing on the site; and
 - (2) The proposed wireless tower does not itself require any variances or create any new nonconformities.
- (b) No wireless communications tower shall be constructed, replaced, or altered without first obtaining an applicable building permit.
- (c) A wireless communication antenna or communication site shall not be placed, operated, constructed, affixed or otherwise located within the Village except as allowed and permitted by this chapter.
- (d) The Board of Zoning Appeals shall have the power to authorize on appeal in specific cases any variances from the terms of this chapter as will not be contrary to the public interest.

1263.10 SMALL CELL FACILITIES.

- (a) Small Cell Facility Requirements. Small cell facilities shall be subject to regulations and procedures of Chapter 1263, except for 1263.06(b), 1263.06(e), and 1263.06(f), including all application procedures, unless specifically stated otherwise below. In addition, all final approvals of any small cell facility shall fall within the jurisdiction of the Village Planning Commission.
- (b) Location.
 - (1) Every attempt shall be made to mount a small cell facility to an existing structure, such as a communications tower (whether said tower is for cellular or wireless purposes or not), smoke stack, water tower, or other tall structure in any zoning district. Small cell facilities may only be placed on top of buildings that are no less than 35 feet in height, for so long as the structure of building remains.
 - (2) Small cell facilities may be attached to existing monopoles or a pole belonging to a public utility under the following conditions:
 - A. A small cell antenna structure may not exceed 7 feet above the highest point of the support structure and the combination of the height of the support structure and antenna extension shall not exceed fifty (50) feet.
 - B. Applicant will provide the Village documentation that will allow for the small cell facility to be located on the pole from the existing public facility or utility.

- C. Pole extensions for antenna must be in accordance with the regulations of the public utility and shall at a minimum be in accordance with applicable engineering standards for extensions of utility poles.
 - D. No guy wires or other support wires shall be used in connection with the small cell structure unless an existing guy wire already exists on the pole.
 - E. Other than warning or notification signs required by federal law or regulations, a Small Cell Antenna shall not have signs installed.
- (3) If an existing structure of pole is not available, a small cell facility may be located within the public right of way or on private property within a utility easement in all districts with the exception of residential under the conditions listed below. All small cell facilities located within any right of way shall be designed with breakaway style poles.
- (4) A small cell facility shall not be located within the residential zoning district, or within 100 feet of a property that contains a residential use. However, small cell facilities may be installed either on the property or right of way adjacent to any valid conforming non-residential use that is located within the residential zoning district. Distance is to be measured from the base of the small facility to the nearest property line of the use.
- (c) Quantity. No small cell facilities may be located within 2,000 feet from another small cell facility or cellular or wireless communication tower, unless such facility is co-located as defined within this chapter.
- (d) Height. Small cell facilities shall no exceed fifty (50) feet in height, unless such a facility is co-located as defined within this chapter.
- (e) Appearance.
- (1) All small cell facilities shall be designed to be consistent and complimentary with the surrounding environment in terms of height, materials, color, scale and design.
 - (2) Small cell facilities shall be painted, anodized or constructed out of materials that are colored grey or black. Galvanized material may not be used in construction of small cell facility unless it can be painted or otherwise coated as required in this section.
 - (3) All related equipment, including but not limited to, electrical boxes, conduit, wiring, and mounting equipment shall be placed underground or be wholly contained within an enclosure as not to be visible. Further, all electrical and communications connections shall run underground to the facility.
- (f) Co-location. Small cell facilities shall consist of not more than one small cell antenna per wireless communications user and shall be capable of providing for the operation of two or more wireless communications service users.
- (g) Footprint. Small cell facilities shall no exceed twenty-four (24) inches in diameter with the exception of the foundation, which said foundation shall not exceed 6" above grade.
- (h) Application for a small cell facility.
- (1) Application fee. The application fee for any small cell facility, co-location will be \$250 per each proposed location.
 - (2) Site plan and documentation. The site plan shall be in conformance with provisions of Chapter 1263.03(k)(1-12). (*Ord. 18-16*)

1263.11 PENALTY.

- (a) Any person, firm or corporation who constructs a wireless communications support structure or a wireless communications tower in violation of any provisions of this chapter or the Zoning Code shall be fined not more than ten thousand dollars (\$10,000).
- (b) Except as otherwise provided herein, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any provision of this chapter, shall be guilty of a misdemeanor of the first degree for each offense or violation. Each and every day that an offense or violation continues shall constitute a separate offense.

CHAPTER 1264 NONCONFORMING USES AND STRUCTURES**1264.01 PURPOSE.**

The purpose of this Chapter is to regulate:

- (a) Principal and accessory uses established prior to the effective date of this Code which do not conform to the use regulations of this Code in the zoning districts in which such uses are located. (Such uses are hereafter referred to as nonconforming uses); and
- (b) Principal and accessory structures constructed prior to the effective date of this Code that do not conform to the applicable bulk regulations of this Code in the zoning districts in which such structures are located. (Such structures are hereafter referred to as nonconforming structures).

1264.02 GENERAL PROVISIONS.

- (a) General Scope of Regulations. These regulations apply to the following categories of nonconformities:
 - (1) Nonconforming principal or accessory uses; and
 - (2) Nonconforming principal and accessory structures.
- (b) Nonconforming Uses in Nonconforming Structures. Any lawfully existing nonconforming use of a nonconforming structure shall be governed by the provisions of § 1264.05.
- (c) Exception for Repairs Pursuant to Public Order. Nothing in this Chapter 1264 is intended to prevent the strengthening or restoration to a safe condition of a nonconforming building or structure for purposes of the public health and safety.
- (d) Burden of Establishing Legality of Nonconformity. The burden of establishing the legality of a nonconformity that is existing under the provisions of this Code is upon the property owner of the nonconformity and not upon the Village.

1264.03 VARIANCES PREVIOUSLY GRANTED FOR USES AND STRUCTURES.

Any use or structure that becomes nonconforming upon the effective date of this Code and for which a variance was previously granted, shall remain subject to any conditions that were imposed pursuant to the grant of such variance.

1264.04 CONDITIONAL USES PREVIOUSLY GRANTED FOR USES AND STRUCTURES.

Any use or structure that becomes nonconforming the effective date of this Code and for which a conditional use permit was previously granted shall remain subject to any conditions that were imposed pursuant to the grant of such conditional use.

1264.05 NONCONFORMING PRINCIPAL AND ACCESSORY USES.

- (a) Authority to Continue. Except as provided in § 1264.05(h), any lawfully existing nonconforming use may be continued so long as it remains lawful, subject to the regulations contained in Sections 1264.05(b) through 1264.05(h).
- (b) Ordinary Repair and Maintenance. Normal maintenance and incidental repair, replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing may be performed on any structure that is accessory to a nonconforming use of land or that is devoted in whole or in part to a nonconforming use. However, this § 1264.05(b) shall not be deemed to authorize any violation of Sections 1264.05(c) through 1264.05(h).
- (c) Enlargement of Structure. No structure that is devoted in whole or in part to a nonconforming use, shall be enlarged or added to in any manner, including the interior addition of floor area, unless the use of such structure shall thereafter conform to the use regulations of the district in which it is located. No such enlargement shall create any new parking, loading, bulk, yard or area nonconformity or increase the degree of nonconformity with any existing parking, loading, bulk, yard or area requirement for such structure.
- (d) Expansion of Use. A nonconforming use shall not be expanded, extended, enlarged or increased in intensity. Such prohibited activity shall include, without being limited to:
 - (1) An expansion of such nonconforming use, including its accessory uses, to any structure or land area other than that occupied by the nonconforming use on the effective date of this Code;
 - (2) An expansion of such nonconforming use, including its accessory uses, within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Code or any change thereto that causes such use to become nonconforming; or
 - (3) Any change to such nonconforming use, including its accessory uses, within § 1264.05(d)(1) and (2) above, that causes the use to become nonconforming.
- (e) Moving.
 - (1) No structure that is devoted in whole or in part to a nonconforming use, or that is accessory to a nonconforming use, shall be, moved in whole or in part for a distance whatsoever, to any other location on the same or any other lot, unless both the structure and the use thereof shall thereafter comply and conform to all regulations of the zoning district in which it is located after being so moved; and
 - (2) No nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
- (f) Change in Use. A nonconforming use shall not be changed to or replaced with, in whole or in part, any use other than a use permitted in the zoning district in which the use or structure is located. When such a nonconforming use or portion thereof has been changed to a permitted use, it shall not thereafter be changed back to any nonconforming use.

- (g) Damage or Destruction of a Structure Housing a Nonconforming Use.
- (1) Damage to Conforming Structure Housing Nonconforming Use – 50% or Greater. Any structure that houses a nonconforming use and that is damaged or destroyed, by any means, to the extent of fifty percent (50%) or greater of the cost of replacement of such structure new, the conforming structure may be reestablished in conformance with this Code, but the previously existing nonconforming use shall not be restored unless it shall conform to all regulations of the zoning district in which it is located.
 - (2) Damage to Nonconforming Structure – 50% or Greater. Any structure that houses a nonconforming use and that is damaged or destroyed, by any means, to the extent of fifty percent (50%) or greater of the cost of replacement of such structure new, the conforming structure may be reestablished in conformance with this Code, but the previously existing nonconforming use shall not be restored unless it shall conform to all regulations of the zoning district in which it is located.
 - (3) Damage to Structure of Less than 50% - Time Frame. If a structure that is nonconforming or houses a nonconforming use is damaged or destroyed by any means not within the control of the owner thereof, to the extent of less than 50% of the cost of replacement of such structure new, a building permit shall be applied for within six (6) months of the damage, and the structure may be repaired or restored; provided, however, that no repair or restoration shall be made that would create any new noncompliance not existing prior to such damage or destruction, nor shall any repair or restoration except in compliance with the applicable district regulations be made.
 - (4) Determination of Extent of Damage. Replacement cost applicable to Sections 1264.05(g)(1) and (2) above shall be determined by the Building, Planning, & Zoning Manager of the Village of Evendale.
- (h) Termination by Discontinuance of Nonconforming Use.
- (1) When a nonconforming use of a structure, in whole or in part, is discontinued for a period of six (6) months or more, regardless of any intent to resume such use, such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such land or structure is located.
 - (2) Any period of such discontinuance caused by government action, strikes, material shortages or acts of God and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this § 1264.05(h).

1264.06 NONCONFORMING PRINCIPAL AND ACCESSORY STRUCTURES.

- (a) Authority to Continue. Any nonconforming structure that is devoted to a lawful nonconforming use or a use that is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in Sections 1264.06(b) through 1264.06(d).
- (b) Repair, Maintenance, Alteration and Enlargement. Any nonconforming structure may be repaired, maintained, altered or enlarged; provided, however, that no such repair, maintenance, alteration or enlargement shall either create any new nonconformity or increase the degree of the existing noncompliance of all or any part of such structure.
- (c) Moving. A nonconformity structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located.

- (d) Damage or Destruction.
- (1) Any nonconforming structure that is damaged or destroyed, by any means, to the extent of fifty percent (50%) or greater of the cost of replacement of such structure new, shall not be restored unless it shall conform to all regulations of the zoning district in which it is located.
 - (2) If a nonconforming structure that is damaged or destroyed, by any means not within the control of the owner thereof, to the extent of less than 50% of the cost of replacement of such structure new, a building permit shall be applied for within six (6) months of the damage, and the structure may be repaired or restored; provided, however, that no repair or restoration shall be made that would create any new noncompliance not existing prior to such damage or destruction, nor shall any repair or restoration except in compliance with the applicable district regulations be made.
 - (3) Replacement cost applicable to Sections 1264.06(d)(1) and (2) above shall be determined by the Building, Planning, & Zoning Manager of the Village of Evendale.

1264.07 NONCONFORMING PARKING, LANDSCAPING, SIGNS AND CURB CUTS.

When any change made to an existing building, structure or lot occurs on a property that does not conform to the parking, landscaping, curb cut or signage requirements of this Code, the following regulations shall apply:

- (a) Parking. If the seating capacity or square footage occupied by the building increases, or if the use changes so that more parking is required, then all parking requirements of this Chapter 1258, Off-Street Parking and Loading, shall be met.
- (b) Landscaping. If the landscaping requirements are not met, the owner of the lot involved shall submit a landscaping plan for the completion of all landscaping. The owner may do one of the following:
 - (1) Devote an amount of not less than 5% of the cost of the expansion or new construction toward meeting the landscaping requirements of this Code; or
 - (2) Complete all required landscaping required by this Code over a period not to exceed three (3) years with one third of the plan to be implemented each year. No new building permits will be issued until the landscaping plan is fully complied with.
- (c) Curb Cuts. If the existing curb cuts are not in compliance with those required by this Code, then all nonconforming curb cuts shall either be eliminated or brought into compliance.
- (d) Nonconforming Signs. A legal nonconforming sign may be continued as long as it is kept in good repair and maintained in safe condition. A legal nonconforming sign shall immediately lose its legal nonconforming status and shall be brought into compliance with the regulations of Chapter 1262, Signs, or be removed if:
 - (1) The sign is altered in any way in structure or size; or
 - (2) The sign is relocated; or
 - (3) The sign is replaced; or
 - (4) The sign pertaining to an establishment that discontinues its operations for a period of 90 consecutive days; or
 - (5) The sign is damaged to the extent of more than fifty percent (50%) of the cost of replacement of such sign new.

CHAPTER 1266 ACCESSORY USES AND STRUCTURES**1266.01 GENERAL AUTHORIZATION**

Except as otherwise expressly provided or limited in this Chapter, accessory uses and structures as defined in Chapter 1242, Definitions, are permitted in any zoning district in connection with any principal use lawfully existing within the district provided that such accessory uses and structures conform to all applicable requirements of this Code. Any accessory use or structure permitted by this Code may be approved in conjunction with the approval of the principal use. All accessory uses and structures must be directly and solely related to the principal use to which they are accessory.

1266.02 ZONING CERTIFICATE REQUIRED.

No accessory use or structure shall be established or constructed unless a Zoning Certificate evidencing compliance of the proposed use or structure with the provisions of this Chapter and all other applicable regulations of this Code has first been issued in accordance with Chapter 1274.

1266.03 GENERAL ACCESSORY USE AND STRUCTURE REGULATIONS AND LIMITATIONS.

Any accessory structure or use not expressly provided for in this chapter is prohibited. In addition to the applicable use limitations of the district in which it is located, no accessory use or structure shall be permitted unless it complies with the following restrictions:

- (a) No accessory use or structure shall be approved, established or constructed before the principal use is approved in accordance with these regulations.
- (b) No sign, except as expressly authorized by this Chapter or by Chapter 1262, Signs, shall be maintained in connection with an accessory use or structure.
- (c) No accessory use or structure shall be permitted if it would have significant negative impact, including aesthetic impact, on any adjacent property or on the area as a whole.

1266.04 DISTRICT-SPECIFIC ACCESSORY USE AND REGULATIONS AND LIMITATIONS.

Every accessory structure and use shall comply with the use, lot, structure height, area, and setback regulations made applicable to them by the regulations within this Chapter. The following limitations by district shall apply to accessory uses and structures per the district in which the use or structure is located in addition to the regulations in § 1266.09, which shall apply to accessory uses and structures in all districts.

SCHEDULE 1266.04(A) RESIDENTIAL DISTRICT ACCESSORY USE AND STRUCTURE LIMITATIONS

The following regulations apply to specified accessory uses and structures within the Residential “R” District in addition to any applicable regulations for the listed use or structure as found in § 1266.09, Supplemental accessory use and structure regulations. (Ord. 20-69)

RESIDENTIAL DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET ^(b)			MAXIMUM HEIGHT IN FEET ^(f)
			Front	Side	Rear	
Detached garages ^{(a),(c)}	Limited to 800 square feet in gross floor area or 30% of rear yard area, whichever is less.	REAR ONLY	n/a	5	5	14
Detached storage sheds, play equipment, and other similar structures ^(a)	Limited to 250 square feet in gross floor area.	REAR ONLY	n/a	5	5	12
Outdoor Lighting ^(e)	n/a	ALL	none	none	none	8 ft.
Swimming Pools in conjunction with a residential use, in- and above-ground, ^{(a),(k)} including any accessory structures other than fences used in conjunction with the pool.	n/a	REAR ONLY	n/a	15	15	12
Tennis Courts or similar recreational courts in conjunction with a residential use. ^{(a),(k)}	n/a	REAR ONLY	n/a	5	5	n/a
Satellite Dish or Antenna, Ground Mounted ^(g)	One per lot for residential uses; otherwise, n/a.	REAR ONLY	n/a	10	10	12

RESIDENTIAL DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET ^(b)			MAXIMUM HEIGHT IN FEET ^(f)
			Front	Side	Rear	
Home Occupations ^(h)	600 s.f. ⁽ⁱ⁾	REAR ONLY	See regulations for type of accessory structure in which home occupation occurs.			
Fences						
Perimeter Fences ^(d)	n/a	SIDE AND REAR ^(j)	none	none	none	4 ft. if within 10 ft. of a lot line; otherwise, 6 ft.
Fences for Swimming Pools in conjunction with a residential use.	n/a	REAR ONLY	All other requirements for fences enclosing swimming pools are found in 1266.09(h)(1)(B).			
Fences for Tennis Courts or similar Recreational Courts in conjunction with a residential use.	n/a	REAR ONLY	n/a	15	15	To be approved by Planning Commission

RESIDENTIAL DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET ^(b)			MAXIMUM HEIGHT IN FEET ^(f)
			Front	Side	Rear	
NOTES:						
<p>(a) Overall limit of two (2) accessory structures including detached garages, detached storage sheds or similar structures, play equipment, swimming pools, tennis courts or similar recreational courts, and limited to one (1) detached garage per lot.</p> <p>(b) Accessory structures to all uses in the Residential District other than residential single-family dwellings shall be located 30 feet or more from any lot line and 75 feet or more from any public right-of-way.</p> <p>(c) Shall have a setback of at least ten feet from the principal structure.</p> <p>(d) Does not apply to fence or wall barriers surrounding swimming pools, tennis courts or other similar recreational courts, or refuse containers.</p> <p>(e) Applies only to outdoor lighting in conjunction with single-family residential; all non-residential outdoor lighting in residential districts shall be subject to the requirements of outdoor lighting in the General Commercial District.</p> <p>(f) If the principle structure to which a structure is accessory is less than twelve feet in height, the accessory structure shall be no taller than the principle structure.</p> <p>(g) Applies to any satellite dish or antenna that is not within the scope of Chapter 1263, Wireless Communications Towers and Structures.</p> <p>(h) These regulations apply if home occupation occurs outside of principal structure. Additional regulations applicable to all home occupations are found in § 1266.09(g).</p> <p>(i) Exclusive of garage area devoted to permissible parking of vehicles used in connection with the home occupation.</p> <p>(j) Decorative entrance walls or fences in the front yard required conditional use approval.</p> <p>(k) Limited to one (1) swimming pool and one (1) tennis court per lot, which is noncommercial in nature and limited in use to the residents and their guests.</p>						

SCHEDULE 1266.04(B) GENERAL COMMERCIAL DISTRICT ACCESSORY USE AND STRUCTURE LIMITATIONS

The following regulations apply to specified accessory uses and structures within the General Commercial “GC” District in addition to any applicable regulations for the listed use or structure as found in § 1266.09, Supplemental accessory use and structure regulations.

GENERAL COMMERCIAL DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET ^(a)
			Front	Side	Rear	
Detached garages	Shall not exceed 10% of floor area of principal structure.	SIDE AND REAR	n/a	5	5	30

GENERAL COMMERCIAL DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET^(a)
			Front	Side	Rear	
Detached storage sheds and other similar structures	Area of accessory use occupying both the main and accessory structures is limited to 40% of total lot area.	SIDE AND REAR	n/a	5	5	30
Vehicle Storage	n/a	SIDE or REAR	n/a	5	5	n/a
Outdoor Storage, excluding Vehicle Storage	Storage must be within a fully enclosed structure; outdoor storage is prohibited. See regulations for type of accessory structures in which storage is permitted.					
Outdoor Dining	See § 1266.09(j).					
Refuse Containers ^(b)	n/a	SIDE AND REAR	n/a	5	5	6
Outdoor Lighting	n/a	ALL	none	none	none	32 ft.
Satellite Dish or Antennae, Ground Mounted ^(c)	n/a	REAR ONLY	n/a	10	20	30
Fences						
Perimeter Fence ^(d)	Prohibited in the GC District.					
Fences and walls, enclosing outdoor dining areas	As approved by the Planning Commission and pursuant to Conditional Use approval.					
Fences and walls enclosing refuse containers	n/a	SIDE AND REAR	n/a	5	5	6
NOTES:						
<p>(a) If the principle structure to which a structure is accessory is less than 45 feet in height, the accessory structure shall be no taller than the principle structure.</p> <p>(b) Must be enclosed on all four sides by a solid fence or wall.</p> <p>(c) Applies to any satellite dish or antenna that is not within the scope of Chapter 1263, Wireless Communications Towers and Structures.</p> <p>(d) Excludes fences or walls that enclose refuse containers and outdoor dining areas.</p>						

SCHEDULE 1266.04(C) HEAVY COMMERCIAL DISTRICT ACCESSORY USE AND STRUCTURE LIMITATIONS

The following regulations apply to specified accessory uses and structures within the Heavy Commercial “HC” District in addition to any applicable regulations for the listed use or structure as found in § 1266.09, Supplemental accessory use and structure regulations.

HEAVY COMMERCIAL DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET^(a)
			Front	Side	Rear	
Detached garages	Shall not exceed 10% of floor area of principal structure.	SIDE AND REAR	n/a	5	5	45
Detached storage sheds and other similar structures	Shall not exceed 10% of floor area of principal structure.	SIDE AND REAR	n/a	5	5	45
Vehicle Storage	n/a	FRONT, SIDE or REAR	5	5	5	n/a
Outdoor Storage, excluding Vehicle Storage ^(b)	As approved pursuant to conditional use approval.	REAR ONLY	n/a	5	5	n/a
Outdoor Display and Sales	As approved pursuant to Conditional Use approval.					
Outdoor Dining	See § 1266.09(j).					
Refuse Containers ^(c)	n/a	SIDE AND REAR	n/a	5	5	6
Outdoor Lighting	n/a	ALL	none	none	none	32 ft.
Satellite Dish or Antennae, Ground Mounted ^(d)	n/a	REAR ONLY	n/a	10	20	45
Fences						
Perimeter Fence ^(e)	n/a	SIDE AND REAR	n/a	none	none	6
Fences and walls, enclosing outdoor dining areas	As approved by the Planning Commission and pursuant to Conditional Use approval.					
Fences and walls enclosing permanent outdoor display and sales.	As approved by the Planning Commission and pursuant to Conditional Use approval.					

HEAVY COMMERCIAL DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET ^(a)
			Front	Side	Rear	
Fences and walls enclosing permanent outdoor storage.	n/a	REAR ONLY	n/a	5	5	6
Fences and walls enclosing refuse containers	n/a	SIDE AND REAR	n/a	5	5	6
NOTES:						
<p>(a) If the principle structure to which a structure is accessory is less than 45 feet in height, the accessory structure shall be no taller than the principle structure.</p> <p>(b) Applies only to outdoor accessory storage. For storage occurring within fully enclosed accessory structures, see regulations for type of accessory structure in which the storage occurs. For storage in the GC district that is occurring as a principal conditional use, see Chapter 1282.</p> <p>(c) Must be enclosed on all four sides by a solid fence or wall.</p> <p>(d) Applies to any satellite dish or antenna that is not within the scope of Chapter 1263, Wireless Communications Towers and Structures.</p> <p>(e) Excludes fences or walls that enclose refuse containers and outdoor dining areas.</p>						

SCHEDULE 1266.04(D) INDUSTRIAL TRUCK CENTER DISTRICT ACCESSORY USE AND STRUCTURE LIMITATIONS

The following regulations apply to specified accessory uses and structures within the Industrial Truck Center "ITC" District in addition to any applicable regulations for the listed use or structure as found in § 1266.09, Supplemental accessory use and structure regulations. (Ord. 20-69)

INDUSTRIAL TRUCK CENTER DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET ^(a)
			Front	Side	Rear	
Detached garages	None - Within the ITC District, Detached Garages are considered principle structures and are subject to those regulations.					
Detached storage sheds and other similar structures	Cumulative total of all may not exceed 10% of cumulative total area of all principal structures.	SIDE AND REAR	n/a	5	5	50
Vehicle Storage	n/a	SIDE or REAR	n/a	5	5	n/a

INDUSTRIAL TRUCK CENTER DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET ^(a)
			Front	Side	Rear	
Outdoor Storage, excluding Vehicle Storage ^(b)	NONE	SIDE AND REAR ONLY	n/a	5	5	NO TALLER THAN THE PRINCIPAL STRUCTURE
Outdoor Display and Sales	NONE	ALL	10	5	5	NO TALLER THAN THE PRINCIPAL STRUCTURE
Refuse Containers ^(c)	n/a	SIDE AND REAR	n/a	5	5	6
Outdoor Lighting	n/a	ALL	none	none	none	32 ft.
Satellite Dish or Antenna, Ground Mounted ^(d)	n/a	REAR ONLY	n/a	10	20	80
Fences						
Perimeter Fence ^(e)	n/a	FRONT, SIDE AND REAR	n/a	none	none	8
Fences and walls enclosing permanent outdoor storage.	n/a	REAR ONLY	n/a	5	5	8
Fences and walls enclosing permanent outdoor display and sales.	As approved by the Planning Commission and pursuant to Conditional Use approval.					
Fences and walls enclosing refuse containers	n/a	SIDE AND REAR	n/a	5	5	8
NOTES:						
<p>(a) If the principle structure to which a structure is accessory is less than 50 feet in height, the accessory structure shall be no taller than the principle structure.</p> <p>(b) Applies only to outdoor accessory storage. For storage occurring within fully enclosed accessory structures, see regulations for type of accessory structure in which the storage occurs. For storage in the ITC district that is occurring as a principal conditional use, see Chapter 1282.</p> <p>(c) Must be enclosed on all four sides by a solid fence or wall.</p> <p>(d) Applies to any satellite dish or antenna that is not within the scope of Chapter 1263, Wireless Communications Towers and Structures.</p> <p>(e) Excludes fences or walls that enclose refuse containers and outdoor dining areas.</p>						

SCHEDULE 1266.04(E) GENERAL INDUSTRIAL DISTRICT ACCESSORY USE AND STRUCTURE LIMITATIONS

The following regulations apply to specified accessory uses and structures within the General Industrial “GI” District in addition to any applicable regulations for the listed use or structure as found in § 1266.09, Supplemental accessory use and structure regulations. (Ord. 20-69)

GENERAL INDUSTRIAL DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET^(a)
			Front	Side	Rear	
Detached garages	None - Within the GI District, Detached Garages are considered principle structures and are subject to those regulations.					
Detached storage sheds and other similar structures, excluding detached garages.	Cumulative total of all may not exceed 10% of cumulative total area of all principal structures.	SIDE AND REAR	n/a	5	5	30
Vehicle Storage	n/a	SIDE or REAR	n/a	5	5	n/a
Outdoor Storage, excluding Vehicle Storage ^(b)	NONE	SIDE AND REAR ONLY	n/a	5	5	NO TALLER THAN THE PRINCIPAL STRUCTURE
Outdoor Display and Sales	NONE	ALL	10	5	5	NO TALLER THAN THE PRINCIPAL STRUCTURE
Refuse Containers ^(c)	n/a	SIDE AND REAR	n/a	5	5	6
Outdoor Lighting	n/a	ALL	none	none	none	32 ft.
Satellite Dish or Antenna, Ground Mounted ^(d)	n/a	REAR ONLY	n/a	10	20	80
Fences						
Perimeter Fence ^(e)	n/a	FRONT, SIDE AND REAR	n/a	none	none	8
Fences and walls enclosing permanent outdoor display and sales.	As approved by the Planning Commission and pursuant to Conditional Use approval.					

GENERAL INDUSTRIAL DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET^(a)
			Front	Side	Rear	
Fences and walls enclosing permanent outdoor storage.	n/a	REAR ONLY	n/a	5	5	8
Fences and walls enclosing refuse containers	n/a	SIDE AND REAR	n/a	5	5	8
NOTES:						
<p>(a) If the principle structure to which a structure is accessory is less than 50 feet in height, the accessory structure shall be no taller than the principle structure.</p> <p>(b) Applies only to outdoor accessory storage. For storage occurring within fully enclosed accessory structures, see regulations for type of accessory structure in which the storage occurs. For storage in the GI district that is occurring as a principal conditional use, see Chapter 1282.</p> <p>(c) Must be enclosed on all four sides by a solid fence or wall.</p> <p>(d) Applies to any satellite dish or antenna that is not within the scope of Chapter 1263, Wireless Communications Towers and Structures.</p> <p>(e) Excludes fences or walls that enclose refuse containers and outdoor dining areas.</p>						

SCHEDULE 1266.04(F) INDUSTRIAL FLEX-1 DISTRICT ACCESSORY USE AND STRUCTURE LIMITATIONS

The following regulations apply to specified accessory uses and structures within the Industrial Flex-1 “IF-1” District in addition to any applicable regulations for the listed use or structure as found in § 1266.09, Supplemental accessory use and structure regulations.

INDUSTRIAL FLEX-1 DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET^(a)
			Front	Side	Rear	
Detached garages	None - Within the IF-1 District, Detached Garages are considered principle structures and are subject to those regulations.					
Detached storage sheds and other similar structures, excluding detached garages.	Cumulative total of all may not exceed 10% of cumulative total area of all principal structures.	SIDE AND REAR	n/a	5	5	30
Vehicle Storage	n/a	SIDE or REAR	n/a	5	5	n/a

INDUSTRIAL FLEX-1 DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET^(a)
			Front	Side	Rear	
Outdoor Storage, excluding Vehicle Storage ^(b)	As approved pursuant to conditional use approval.	REAR ONLY	n/a	5	5	n/a
Outdoor Display and Sales	As approved pursuant to Conditional Use approval.					
Refuse Containers ^(c)	n/a	SIDE AND REAR	n/a	5	5	6
Outdoor Lighting	n/a	ALL	none	none	none	32 ft.
Satellite Dish or Antenna, Ground Mounted ^(d)	n/a	REAR ONLY	n/a	10	20	80
Fences						
Perimeter Fence ^(e)	n/a	FRONT, SIDE AND REAR	n/a	none	none	8
Fences and walls enclosing permanent outdoor display and sales.	As approved by the Planning Commission and pursuant to Conditional Use approval.					
Fences and walls enclosing permanent outdoor storage.	n/a	REAR ONLY	n/a	5	5	8
Fences and walls enclosing refuse containers	n/a	SIDE AND REAR	n/a	5	5	8
NOTES:						
<p>(a) If the principle structure to which a structure is accessory is less than 50 feet in height, the accessory structure shall be no taller than the principle structure.</p> <p>(b) Applies only to outdoor accessory storage. For storage occurring within fully enclosed accessory structures, see regulations for type of accessory structure in which the storage occurs. For storage in the IF-1 district that is occurring as a principal conditional use, see Chapter 1282.</p> <p>(c) Must be enclosed on all four sides by a solid fence or wall.</p> <p>(d) Applies to any satellite dish or antenna that is not within the scope of Chapter 1263, Wireless Communications Towers and Structures.</p> <p>(e) Excludes fences or walls that enclose refuse containers and outdoor dining areas.</p>						

SCHEDULE 1266.04(G) INDUSTRIAL FLEX-2 DISTRICT ACCESSORY USE AND STRUCTURE LIMITATIONS

The following regulations apply to specified accessory uses and structures within the Industrial Flex-2 “IF-2” District in addition to any applicable regulations for the listed use or structure as found in § 1266.09, Supplemental accessory use and structure regulations.

INDUSTRIAL FLEX-2 DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET^(a)
			Front	Side	Rear	
Detached garages	Shall not exceed 10% of floor area of principal structure.	SIDE AND REAR	n/a	5	5	30
Detached storage sheds and other similar structures, excluding detached garages.	Area of accessory uses occupying both the main and accessory structures limited to 40% of total lot area.	SIDE AND REAR	n/a	5	5	30
Vehicle Storage	n/a	SIDE or REAR	n/a	5	5	n/a
Outdoor Display and Sales	As approved pursuant to Conditional Use approval.					
Refuse Containers ^(b)	n/a	SIDE AND REAR	n/a	5	5	6
Outdoor Lighting	n/a	ALL	none	none	none	32 ft.
Satellite Dish or Antenna, Ground Mounted ^(c)	n/a	REAR ONLY	n/a	10	20	80
Fences						
Perimeter Fence ^(d)	n/a	FRONT, SIDE AND REAR	n/a	none	none	8
Fences and walls enclosing permanent outdoor display and sales.	As approved by the Planning Commission and pursuant to Conditional Use approval.					
Fences and walls enclosing refuse containers	n/a	SIDE AND REAR	n/a	5	5	8

INDUSTRIAL FLEX-2 DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET ^(a)
			Front	Side	Rear	
NOTES:						
(a) If the principle structure to which a structure is accessory is less than 50 feet in height, the accessory structure shall be no taller than the principle structure. (b) Must be enclosed on all four sides by a solid fence or wall. (c) Applies to any satellite dish or antenna that is not within the scope of Chapter 1263, Wireless Communications Towers and Structures. (d) Excludes fences or walls that enclose refuse containers and outdoor dining areas.						

SCHEDULE 1266.04(H) OFFICE RESEARCH DISTRICT ACCESSORY USE AND STRUCTURE LIMITATIONS

The following regulations apply to specified accessory uses and structures within the Office Research “OR” District in addition to any applicable regulations for the listed use or structure as found in § 1266.09, Supplemental accessory use and structure regulations.

OFFICE RESEARCH DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET ^(a)
			Front	Side	Rear	
Detached garages	None - Within the OR District, Detached Garages are considered principle structures and are subject to those regulations.					
Detached storage sheds and other similar structures	Cumulative total of all may not exceed 10% of cumulative total area of all principal structures.	REAR ONLY	n/a	5	5	50
Vehicle Storage	n/a	FRONT, SIDE or REAR	n/a	n/a	n/a	n/a
Outdoor Storage, excluding Vehicle Storage	Storage must be within a fully enclosed structure; outdoor storage is prohibited. See regulations for type of accessory structure in which the storage occurs.					
Refuse Containers ^(b)	n/a	SIDE AND REAR	n/a	5	5	6
Outdoor Lighting	n/a	ALL	none	none	none	32 ft.

OFFICE RESEARCH DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET ^(a)
			Front	Side	Rear	
Satellite Dish or Antenna, Ground Mounted ^(c)	n/a	REAR ONLY	n/a	10	20	60
Fences						
Perimeter Fence ^(d)	Prohibited in the OR District.					
Fences and walls enclosing refuse containers	n/a	SIDE AND REAR	n/a	5	5	6
NOTES:						
<p>(a) If the principle structure to which a structure is accessory is less than 50 feet in height, the accessory structure shall be no taller than the principle structure.</p> <p>(b) Must be enclosed on all four sides by a solid fence or wall.</p> <p>(c) Applies to any satellite dish or antenna that is not within the scope of Chapter 1263, Wireless Communications Towers and Structures.</p> <p>(d) Excludes fences or walls that enclose refuse containers and outdoor dining areas.</p>						

SCHEDULE 1266.04(I) PUBLIC FACILITIES DISTRICT ACCESSORY USE AND STRUCTURE REGULATIONS

The following regulations apply to specified accessory uses and structures within the Public Facilities “PF” District in addition to any applicable regulations for the listed use or structure as found in § 1266.09, Supplemental accessory use and structure regulations.

PUBLIC FACILITIES DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET ^(a)
			Front	Side	Rear	
Permanent residential for no more than one (1) family, used in conjunction with places of worship or educational institutions.	Within principal or accessory structure on a lot no less than 5 acres.	FRONT, SIDE or REAR	100	100	100	60

PUBLIC FACILITIES DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET^(a)
			Front	Side	Rear	
Detached garages	None - Within the PF District, Detached Garages are considered principle structures and are subject to those regulations.					
Detached storage sheds and other similar structures	Cumulative total of all may not exceed 10% of cumulative total area of all principal structures.	REAR ONLY	n/a	5	5	50
Vehicle Storage	n/a	FRONT, SIDE or REAR	5	5	5	n/a
Outdoor Storage, excluding Vehicle Storage	Storage must be within a fully enclosed structure; outdoor storage is prohibited. See regulations for type of accessory structure in which the storage occurs.					
Refuse Containers ^(b)	n/a	SIDE AND REAR	n/a	5	5	6
Outdoor Lighting	n/a	ALL	none	none	none	32 ft.
Satellite Dish or Antenna, Ground Mounted ^(c)	n/a	REAR ONLY	n/a	10	20	60
Fences						
Perimeter Fence ^(d)	n/a	SIDE AND REAR	n/a	none	none	6
Fences for Enclosing of Livestock	n/a	SIDE AND REAR ^(e)	none	none	none	6 feet from where mounted, accounting for yard slope.
Fences and walls enclosing refuse containers	n/a	SIDE AND REAR	n/a	5	5	6

PUBLIC FACILITIES DISTRICT						
STRUCTURES & USES	AREA LIMITATIONS	PERMITTED YARD LOCATIONS	MINIMUM SETBACKS IN FEET			MAXIMUM HEIGHT IN FEET ^(a)
			Front	Side	Rear	
NOTES:						
<p>(a) If the principle structure to which a structure is accessory is less than 50 feet in height, the accessory structure shall be no taller than the principle structure.</p> <p>(b) Must be enclosed on all four sides by a solid fence or wall.</p> <p>(c) Applies to any satellite dish or antenna that is not within the scope of Chapter 1263, Wireless Communications Towers and Structures.</p> <p>(d) Excludes fences or walls that enclose refuse containers and outdoor dining areas.</p> <p>(e) Building, Planning, & Zoning Manager may grant exception for front yard fencing for livestock for farm/agricultural uses only.</p>						

1266.09 SUPPLEMENTAL ACCESSORY USE AND STRUCTURE REGULATIONS

In addition to the district-specific regulations that apply to accessory uses and structures per § 1266.04, the following additional regulations apply to accessory uses and structures in districts where they are permitted.

- (a) Generally.
 - (1) Accessory uses and structures may not encroach into required landscaping and buffer areas.
 - (2) Accessory uses and structures shall require conditional use approvals when specified elsewhere in this Code.
- (b) Permanent Outdoor Storage.
 - (1) Outdoor storage is a conditional use in the Heavy Commercial, Industrial Flex-1, General Industrial and Industrial Truck Center Districts, and is otherwise prohibited. When so permitted, approval of such storage shall be pursuant to the requirements of Chapter 1282 Conditional Uses.
 - (2) Nothing in this § 1266.09(b) shall prohibit, within the commercial or industrial districts, the location of displays of items sold on the premises under covered walkways which are part of the main building on a lot, and do not extend eight (8) feet beyond the front facing of the main building. Common walkways must remain free of encumbrances.
 - (3) Additional Permanent Outdoor Storage Requirements in the Commercial Districts.
 - A. In the GC General Commercial District, storage in partially open buildings or structures is prohibited.
 - B. In the HC Heavy Commercial District storage in partially open buildings and structures may be permitted provided that, in addition to any conditions imposed by a conditional use approval, there is a structure housing the outdoor storage which is enclosed by a roof and three walls.

(c) Permanent Outdoor Display and Sales.

- (1) Outdoor display and sales is a conditional use in the HC, ITC, GI, IF-1, and IF-2 Districts, and is otherwise prohibited. When so permitted, approval of such display and sales shall be pursuant to the requirements of Chapter 1282 Conditional Uses.
- (2) Nothing in this § 1266.09(b) shall prohibit, within the commercial or industrial districts, the location of displays of items sold on the premises under covered walkways which are part of the main building on a lot, and do not extend eight (8) feet beyond the front facing of the main building. Common walkways must remain free of encumbrances.

(d) Parking and Storage of Vehicles.

- (1) Provisions governing off-street parking and storage of vehicles in any district.
 - A. Definitions. For the purpose of this Section the following definitions shall apply:
 - i. "Stored vehicle" is any operable vehicle that remains on premises for greater than 24 hours during any time Monday through Friday. All inoperable vehicles located on premises are considered "stored vehicles." (*Ord. 16-63*)
 - ii. "Parked vehicle" is any operable vehicle that does not fit the definition of "stored vehicle". Parked vehicles are subject to the limitations in Chapter 1258, Off-Street Parking and Loading. (*Ord. 16-63*)
 - B. Storage of Inoperable Vehicles. No vehicle incapable of being lawfully driven or used for the purpose or use for which it was designed shall be stored in any parking lot or parking area in the Village.
 - i. Exception: Vehicles awaiting parts or timely repair at an automotive service station or garage, light truck and equipment repair service, or heavy truck and equipment repair service, may be parked for up to fourteen days.
 - C. Surfaces. (*Ord. 20-69*)
 - i. No motor vehicle shall be parked or stored in any unpaved area.
 - ii. All floors of garages must be paved with concrete or similar material.
- (2) The following provisions shall govern the off-street storage of all vehicles in all districts. These regulations shall apply to all stored vehicles, regardless of the use to which the vehicle is put or intended or designed to serve.
 - A. Storage of Vehicles in Garages. Vehicles may be stored in a completely enclosed garage provided that said garage complies with all applicable provisions of this Code.
 - B. General Regulations and Standards. The following additional standards and regulations shall apply to the storage of vehicles in parking areas.
 - i. Permanent Location Prohibited. No vehicle shall have its wheels removed or be affixed to the ground so as to prevent its ready removal.
 - ii. Residential Use Prohibited. No vehicle shall be used for living, sleeping, or housekeeping purposes.
 - iii. Utility Hookups. No vehicle shall be connected to any public utility except for required servicing.

- iv. Unsafe Conditions. No vehicle shall be stored so as to create a dangerous or unsafe condition. The ground under or surrounding the location wherein a vehicle is stored shall be free of noxious weeds, debris, and combustible material.
- v. Commercial Identification Prohibited. Not more than one vehicle with any exterior marking in excess of one square foot in area identifying or advertising a commercial enterprise shall be stored in any parking area on any lot in the Residential District nor shall any such vehicle be stored in any required front or corner side yard in the Residential District.

(e) Satellite Dish and Antennae

(1) Purpose and Applicability.

- A. The purpose of this Section is to ensure that satellite dish and antennas, other than those similar structures to which Chapter 1263 apply, are neutral in color and, to the extent possible, compatible in character and appearance with the surrounding neighborhood or area of the zoning districts in which they are located.
- B. In the Residential District, these provisions only apply to satellite dishes or antennae greater than 24 inches in diameter.

(2) Additional Regulations.

A. Roof-Mounted Satellite Dish and Antennas.

- i. Roof-mounted satellite dish and antennas are limited to a diameter of not greater than 24 inches.
- ii. The satellite dish or antennas may only be erected on the roof of the principal building.
- iii. The satellite dish or antennas shall be screened from view from a public street as directed by the Planning Commission.

B. Ground-Mounted Satellite Dish and Antennas.

- i. Ground-mounted satellite dish and antennas are limited to a diameter of not greater than 24 inches.
- ii. Screening of Ground Mounted Antennas and Support Structures. The visual impact of such antennas shall be reduced by screening approved by the Planning Commission. Ground-mounted antennae and antennas support structures, shall be buffered and screened by a perimeter landscaped yard equal in width to the applicable required yard or 10 feet, whichever is more, and consisting of a densely planted evergreen hedge of not less than six feet in height, in combination with other landscaping materials. Such screening shall be provided between any such ground-mounted antenna or antenna support structure and each lot line of the property on which such antennas or antenna support structure is located so as to provide the maximum reasonably achievable screening, as determined by the Building, Planning, & Zoning Manager, of such antenna and antenna support structure from view from adjacent properties and public or private streets.

(f) Outdoor Lighting.

- (1) Purpose. The regulations established in this Section are designed and intended to prevent excessive spillover of light and glare from the zoning lot on which the light source is located. The standards

contained in this Section are deemed to be the minimum standards necessary to prevent nuisance and adverse impacts on the public health, safety, and welfare.

- (2) Outdoor Lighting for single-family dwellings in the Residential District. Where lamp posts and similar lighting fixtures which are for the purpose of illuminating walks and drives are used in conjunction with single-family dwellings within the Residential District, the light may not exceed 0.5 foot candle at all property lines, with the exception of such lights that may occur at driveway entrances, in which case they must not exceed 0.5 foot candle at the street right-of-way line;
- (3) Outdoor Lighting in All Non-Residential Districts or for Non-Residential uses within the Residential District.
 - A. Applicability. All exterior lighting in non-residential districts and in conjunction with non-residential uses occurring in the Residential District, except street lighting and other Village-owned lighting, shall comply with the following standards.
 - B. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at the property line shall not exceed 1.0.
 - C. All outdoor lighting for non-residential uses shall be located, screened, or shielded so that adjacent residential uses are not directly illuminated.
 - D. No outdoor lighting shall be of such an intensity or brilliance as to cause glare or to impair the vision of drivers.
 - E. The following factors shall be considered in the evaluation of lighting plans:
 - i. Pole height
 - ii. Type of luminaire
 - iii. Site coverage - average maintained
 - iv. Uniformity
 - v. Intensity at property line

(g) Home Occupations.

- (1) Applicability. A home occupation as defined in Chapter 1242 shall be permitted in the Residential district as an accessory use to any permitted dwelling unit in accordance with the following standards.
- (2) Employee Limitations.
 - A. The entrepreneur of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted.
 - B. No more than one employee who is not domiciled in the dwelling unit where a home occupation is conducted shall be present in connection with, or otherwise participate in the operation of, a home occupation at any one time. For the purposes of this Subparagraph, the term employee shall not include persons domiciled in the dwelling unit where such home occupation is conducted. This limitation on the number of employees shall not apply to employees who do not work at the dwelling unit devoted to such home occupation.
- (3) Structural Limitations.
 - A. No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.

- B. No separate entrance shall be provided in connection with the conduct of any home occupation.
- (4) Operational Limitations.
- A. No more than a total of 600 square feet of floor area (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation) of any dwelling unit or any permitted accessory structure shall be specially designed, arranged, or set apart for the conduct of a home occupation; provided, however, that this Subparagraph shall not apply to a daycare home operated as home occupation.
- B. No stock in trade shall be displayed or sold on the premises of any home occupation.
- C. No routine attendance of patients, clients, subcontractors, or employees associated with any home occupation shall be allowed at the premises of the home occupation, with the following exceptions: (*Ord. 14-16*)
- i. Attendance of up to four persons at any one time may be allowed for personal instruction services.
 - ii. Attendance of up to six children at any one time may be allowed at a Type-B Family Daycare Home.
- D. No mechanical, electrical, or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor, or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential, occupancy shall be used in connection with any home occupation.
- E. No outdoor storage shall be allowed in connection with any home occupation.
- F. No outdoor kenneling of animals in conjunction with a home occupation.
- G. No refuse in excess of the amount allowable for regular residential pickup shall be generated by any home occupation.
- (5) Signage and Visibility. No sign shall advertise the presence or conduct of the home occupation.
- (6) Visibility. No home occupation shall be in any manner visible or apparent from any public or private street.
- (7) Traffic Limitations. No home occupation shall generate more vehicular or pedestrian traffic than is typical of residences in the area.
- (8) Nuisance Causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause or create any nuisance, or cause or create any substantial or undue adverse impact on any adjacent property or the character of the area, or threaten the public health, safety or general welfare, or be noxious, offensive, or hazardous.
- (9) Uses Prohibited as Home Occupations. Home occupations authorized pursuant to this Section shall not, under any circumstance, be deemed to include the following activities or any other activities similar in kind or intensity of use:
- A. Nursing homes.
 - B. Funeral homes, mortuaries and embalming establishments.
 - C. Restaurants.
 - D. Bed and Breakfast establishments.
 - E. Clinics, hospitals or the general practice of medicine or dentistry.

- F. Clubs, including fraternities and sororities.
- G. Instruction of more than four (4) persons at a time.
- H. Retail or wholesale businesses.
- I. Warehousing.
- J. Beauty shop or Barbershop.
- K. Tailoring shops.
- L. Shoe or hat repair.
- M. Drop-off or pick-up station that is not used in conjunction with a permitted home occupation.

(h) Fences and Walls.

(1) In the Residential District.

A. Perimeter Fences and Walls.

- i. Perimeter fences and walls shall have an open face area of at least 70 percent (70%).
- ii. No fence shall consist of barbed wire, razor wire or any similar material.
- iii. No fences shall be constructed out of chain-link;
- iv. The function of enclosure for perimeter fences may be achieved by split rail fencing with coated wire on the inside of the rail fence.
- v. Decorative entrance walls or fences may be permitted to be located in the front yard if conditional use approval is obtained.

B. Fences and Walls Used to Enclose Swimming Pools.

- i. The finished side of a fence or wall around a swimming pool must face outward.
- ii. Swimming pools shall be enclosed by a permanent fence or wall with a controlled access point that shall be locked when the pool is not in use.
- iii. Fences or walls used to enclose swimming pools shall be at least 4 feet and no more than 6 feet high.
- iv. Transparency of fences or walls used to enclose swimming pools.
 - a. Fences or walls that are less than ten feet from any lot line shall have at least 70% open face area.
 - b. Fences or walls that are ten feet or more from any lot line may have less than 70% open face area or may be solid.

(2) In the Heavy Commercial, General Industrial, Industrial Truck Center, Industrial Flex-1, Industrial Flex-2 and Public Facilities Districts.

A. Perimeter fences and walls shall have an open face area of at least 70 percent.

(i) Refuse Containers.

(1) This section shall apply to refuse containers used in conjunction with all uses in all districts except single-family residential uses.

(2) All trash, refuse, and waste materials shall be stored in generally accepted containers.

(3) The refuse container enclosure shall be enclosed on all four sides and match the architectural features of the main building.

(j) Outdoor Dining Areas. Outdoor dining areas are permitted as a conditional use in the General Commercial and Heavy Commercial Districts when in conjunction with a restaurant use. In addition to any conditions

imposed pursuant to a conditional use approval, the outdoor dining shall comply with the following requirements:

- (1) Noise from Operation. Music and sound amplification systems shall not be used in outdoor dining areas later than 10 p.m.
- (2) Configuration and Manner of Enclosure: The site design and enclosure of the outdoor dining area, including materials and landscaping, is subject to the approval of the Planning Commission.
- (3) Facility and Area of Operation:
 - A. The outdoor area does not exceed either the square foot area or seating capacity of the indoor area.
 - B. The outdoor facility shall be set back a minimum of 500 feet from the nearest residential property.
 - C. All ingress and egress to the outdoor dining area shall be through the existing indoor dining area, except for emergency egress.
- (4) Hours of Operation. Hours of operation of outdoor dining areas shall be limited within the General Commercial District in the following manner:
 - A. The outdoor dining area shall be vacated by all persons between 10:00 p.m. and 7:00 a.m. on Sunday through Thursday, and between 11:00 p.m. and 7:00 a.m. on Friday and Saturday.
 - B. Illumination of the outdoor dining area meant to serve the outdoor dining area occupants shall be limited to the times of 7:00 a.m. to 10:00 p.m. on Sunday through Thursday, and between 7:00 a.m. to 11:00 p.m. on Friday and Saturday. This restriction does not include any other outdoor lighting that is incidental to the restaurant use, such as safety-related lighting.
- (k) Drive-Through in Conjunction with a Restaurant or Bank
 - (1) Districts. A drive-through as an accessory use to a restaurant or bank is conditionally permitted in the GC or HC district per the requirements of Chapter 1282 Conditional Uses.
 - (2) Location. A drive-through must be located in either the side yard behind the front building line of the principal structure.
 - (3) Vehicle Stacking. Stacking spaces must be a minimum of 9 feet wide by 20 feet in length, and shall not interfere with other on-site circulation or off-street parking or loading areas. Stacking spaces shall be separated from other internal driveways and circulation by surface markings; raised medians may be required where deemed necessary by Village staff for the purpose of traffic movement and safety. Stacking space quantity shall be as follows:
 - A. Bank Drive-Through: A minimum of four vehicle stacking spaces per lane, measured from the teller window or speaker.
 - B. Restaurant Drive-Through: A minimum of eight vehicle stacking spaces per lane, measured from the pick-up window.
 - (4) Pedestrian Walkways. Pedestrian walkways must have clear visibility and be emphasized by enhanced paving or markings when they intersect the drive-through aisles.
 - (5) Appearance. The drive-through structure, including support pillars and canopy, if existing, shall be wrapped in building materials that match the principal structure façade.

- (6) Screening. If there is any mechanical equipment present in association with the drive-through speakers, screens, or similar ancillary components of a drive-through, Planning Commission may require these to be screened from adjacent property or Village rights-of-way.
- (7) Litter. At least one permanent trash receptacle must be installed in conjunction with the drive-through.
- (8) Menu Boards. Menu boards must be located at least 50 feet from the Residential District boundary. Speaker noise levels may not be audible on any abutting residential property.

1266.11 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

Any other provisions of this Code notwithstanding, the following structures and uses may be located in any required yard, subject to the following limitations:

- (a) Statuary having a height of four (4) feet or less;
- (b) Arbors and trellises having a height of eight (8) feet or less;
- (c) Decorative entrance walls that have obtained conditional use approval;
- (d) Eaves and gutters projecting not more than two (2) feet from an exterior wall;
- (e) Awnings, canopies, bay windows and balconies projecting not more than three (3) feet from any exterior wall into a required front, side, or rear yard;
- (f) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices and the like projecting not more than 12 inches from an exterior wall;
- (g) Outside stairways projecting from an exterior wall not more than three (3) feet and having a height of four (4) feet or less;
- (h) Flagpoles;
- (i) Clotheslines, except in front yards;
- (j) Terraces and patios in rear yards;
- (k) Basketball goals;
- (l) Fences, walls and hedges, subject to the limitations of this Code;
- (m) Driveways;
- (n) Guard houses and gate houses in the required front yard of any lot in the GI and ITC Industrial Districts;
- (o) Lamp posts and similar lighting fixtures.
- (p) An enclosed vestibule 40 square foot or less extending four feet or less into a front yard in the Commercial and Industrial Districts.
- (q) An unenclosed porch or a paved terrace projecting no more than ten feet into a front yard.

CHAPTER 1268 TEMPORARY USES AND STRUCTURES**1268.01 AUTHORIZATION.**

Temporary uses and structures are permitted in accordance with the provisions of this Chapter.

1268.02 ZONING CERTIFICATE REQUIRED.

- (a) Certificate Required. No temporary use shall be established or maintained unless a Zoning Certificate evidencing the compliance of such use with the provisions of this Code shall have first been issued by the Building, Planning, & Zoning Manager in accordance with the provisions of Chapter 1274, Zoning Certificate. Garage and yard sales conducted in conjunction with a residential use and portable storage units on residential property that are not in conjunction with a construction project are exempt from the certificate requirement.
- (b) Bases for Certificate Denial. A Zoning Certificate may be approved unless the Building, Planning, & Zoning Manager finds one of the following bases of denial:
 - (1) The applicant has failed to comply with the standards, conditions or terms of any previously issued Zoning Certificate for a temporary use;
 - (2) The permanent use of the subject property fails to comply in all respects with the provisions of all Village ordinances regulating the development, use and maintenance of the property;
 - (3) The public health, safety or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof; or
 - (4) The temporary use as proposed will not sufficiently comply with the provisions of § 1268.05, Use limitations.
- (c) Conditional Certificate. A Zoning Certificate for a temporary use may be conditioned upon such special requirements as the Building, Planning, & Zoning Manager may determine are necessary to achieve the purposes and requirements of this Code and to protect the public health, safety, and welfare.
- (d) Revocation of Certificate. A Zoning Certificate shall be revoked if any of the standards and conditions imposed pursuant to this Chapter or such certificate, are violated.

1268.03 PERMITTED TEMPORARY USES STRUCTURES.

Subject to the specific regulations and time limits that follow in Schedule 1268.03 and Sections 1268.03(a) through (i), and to the other applicable regulations of the district in which the use is permitted, the following temporary uses and structures, and no others, are permitted in the zoning districts herein specified: *(Ord. 20-69)*

SCHEDULE 1268.03 PERMITTED TEMPORARY USE OR STRUCTURE - TIME AND LOCATION RESTRICTIONS

TEMPORARY USE OR STRUCTURE	ALLOWABLE DURATION	DISTRICTS
OUTDOOR TEMPORARY SALES OTHER THAN SEASONAL	NOT TO EXCEED 30 TOTAL DAYS IN A CALENDAR YEAR	GC, HC, IF-1, IF-2, GI, AND ITC DISTRICTS
SEASONAL OUTDOOR TEMPORARY SALES	45 DAYS, NO MORE THAN TWO TIMES PER CALENDAR YEAR	GC, HC, IF-1, IF-2, GI, AND ITC DISTRICTS
RESIDENTIAL GARAGE AND YARD SALES	LIMIT OF THREE CONSECUTIVE DAYS PER OCCURRENCE AND NO MORE THAN 3 OCCURRENCES PER CALENDAR YEAR.	ALL DISTRICTS ^(a)
INSTITUTIONAL USE RUMMAGE SALES	LIMIT OF THREE CONSECUTIVE DAYS PER OCCURRENCE AND NO MORE THAN 1 OCCURRENCE PER CALENDAR YEAR.	ALL DISTRICTS ^(c)
TENTS	NO MORE THAN FOURTEEN (14) DAYS IN ANY 90-DAY PERIOD	ALL DISTRICTS
FESTIVALS	NO MORE THAN FOUR (4) DAYS IN ANY 90-DAY PERIOD	PF, GC, HC, OR, IF-1, IF-2, GI AND ITC DISTRICTS
PORTABLE STORAGE UNITS NOT USED ON CONJUNCTION WITH A CONSTRUCTION PROJECT	ONE FOURTEEN (14) DAY PERIOD PER CALENDAR YEAR	ALL DISTRICTS
TEMPORARY STRUCTURE (AS PART OF AN EDUCATIONAL OR INSTITUTIONAL USE)	TWO (2) YEARS ^(b)	ALL DISTRICTS
REAL ESTATE/MODEL SALES OFFICES	UNTIL COMPLETION OF THE SALE OR LEASING OF ALL UNITS	ALL DISTRICTS
CONSTRUCTION DUMPSTER, TRAILERS, OR PERSONAL STORAGE UNIT USED IN CONJUNCTION WITH A CONSTRUCTION PROJECT	UNTIL COMPLETION OF CONSTRUCTION	ALL DISTRICTS
MOBILE RETAIL FOOD ESTABLISHMENT (<i>Ord. 16-62</i>)	ONE (1) 9-MONTH PERIOD PER CALENDAR YEAR, WHEN PARKED/PLACED FOR NO MORE THAN SIXTEEN (16) HOURS PER DAY.	PF, GC, HC, OR, IF-1, IF-2, GI, AND ITC DISTRICTS
NOTES		
(a) Must occur in conjunction with a Residential Use only.		
(b) Annual extensions may be granted by the Building, Planning, & Zoning Manager if conditions warrant.		
(c) Must occur in conjunction with an Institutional Use only.		

(a) Outdoor Temporary Sales.

(1) Seasonal Outdoor Temporary Sales.

A. Seasonal Products are limited to live or cut flowers, plants, produce and trees;

- B. Any such use shall require prior approval of the Building, Planning, & Zoning Manager on the basis of the adequacy of the parcel size, parking provisions, traffic, access, obstruction of right-of-way visibility from vehicles, and the absence of undue adverse impact on other properties.
 - C. Products need not be located within a covered area, but the area in which they are sold must be a designated area.
 - D. A tent may be erected during the sales period provided the structure occupies 800 square feet or less in ground space, is located out of the right-of-way, and is approved by the Building, Planning, & Zoning Manager.
 - E. No required off-street parking or loading area shall be utilized for display, storage, or sales.
- (2) All Other Outdoor Temporary Sales. (*Ord. 20-69*)
- A. Any such use shall require prior approval of the Building, Planning, & Zoning Manager on the basis of the adequacy of the parcel size, parking provisions, traffic, access, obstruction of right-of-way visibility from vehicles, and the absence of undue adverse impact on other properties.
 - B. Sales are limited to those conducted by the owner/occupant of the principal use on the premises;
 - C. Products need not be located within a covered area, but the area in which they are sold must be a designated area.
 - D. A tent(s) may be erected during the sales period provided the combined area does not exceed 1,500 square feet, is located out of the right-of-way, and is approved by the Building, Planning, & Zoning Manager.
 - E. No required off-street parking or loading area shall be utilized for display, storage, or sales.
 - F. Up to four (4) Festive Devices may be used during the sales period. Such devices shall not be placed in the public right-of-way.
- (b) Residential Garage and Yard Sales, Institutional Use Rummage Sales.
- (1) Residential Garage and Yard Sales must be limited to the personal possessions of the owner occupant of the single-family dwelling units at which such sale is being conducted.
 - (2) Residential Garage and Yard Sales are exempt from the permit requirements of 1268.02.
 - (3) Institutional use rummage sales must occur wholly on the premises of an institutional use, and must be limited to the sale of personal possessions of members and participants of the organization or institution which is holding the rummage sale.
 - (4) An institutional use rummage sale that occurs wholly within an enclosed permanent principal or accessory structure is exempt from the permit requirements of 1268.02.
 - (5) An institutional use rummage sale that occurs in whole or in part outside of a wholly enclosed principal or accessory structure requires a permit per § 1268.02.
- (c) Tents.
- (1) Must be in connection with a use that is a permissible permitted, accessory or temporary use on the parcel upon which the tent is located.
 - (2) Unless waived in writing by the Building, Planning, & Zoning Manager, every tent shall comply with the area requirements of the district in which it is located and shall comply with such additional conditions as the Building, Planning, & Zoning Manager may determine necessary to address the nature of the

use proposed for the tent, projected traffic generation and other short-term impacts upon surrounding properties.

(d) Festivals.

- (1) Any such use shall require prior approval of the Building, Planning, & Zoning Manager on the basis of the adequacy of the parcel size, parking provisions, traffic, access and the absence of undue adverse impact on other properties.
- (2) Such use need not comply with the front yard requirements of the district in which it is located; however, no structures or equipment may encroach into areas which obstruct the view of operators of motor vehicles on or to public rights-of-way.

(e) Portable Storage Units.

- (1) Portable storage units are limited to enclosed units designed for permanent or temporary storage which can be transported by vehicle and left on site.
- (2) May be no more than eight feet in width and eight feet in height and no more than sixteen feet long.
- (3) No portable storage unit shall be used for human or animal occupancy.
- (4) Must be located on a paved surface.
- (5) No more than one portable storage unit shall be permitted on any parcel at any time.

(f) Temporary Structure as Part of an Education or Institutional Use.

- (1) Must be in connection with an education or institutional use on the parcel upon which the structure is located.

(g) Real Estate and Model Sales Offices.

- (1) Model units including real estate offices, are permitted in any district when an accessory use to a new development, and may be located in an approved permanent or temporary structure.
- (2) Must be in connection with a new development on the parcel upon which the structure is located.
- (3) No such use shall be used for sleeping accommodations.
- (4) Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located.
- (5) No such office shall be used as the general office or headquarters of any firm.

(h) Construction Dumpster, Trailers, or Storage.

- (1) Contractor's offices and equipment sheds are permitted in any district when accessory to a construction project.
- (2) Must be in connection with a construction project on the parcel upon which the dumpster, trailer, or storage is located.
- (3) No such use shall contain any sleeping accommodations.
- (4) No such office shall be used as the general office or headquarters of any firm.

(i) Mobile retail food establishment. (*Ord. 16-62*)

- (1) Whether a mobile food service operation is open to the general public or is limited to use by occupants of the parcel upon which it is located is determined by the arrangement made between the mobile retail food establishment operator and the owner of the parcel upon which the mobile retail food establishment is located.

- (2) No more than one (1) mobile retail food establishment is permitted as-of-right on a parcel. Additional mobile food establishments may be established on a parcel only upon conditional use approval.
- (3) These provisions do not preclude other temporary retail food-related operations from being established pursuant to a Zoning Certificate issued for an “Outdoor temporary sales other than seasonal,” “Seasonal outdoor temporary sales,” or “Festival” use.
- (4) A mobile retail food establishment must be located on a paved surface.
- (5) If located in an off-street parking area, a mobile retail food establishment may not be parked in any designated drive aisles, loading areas, emergency areas, or other areas where vehicular parking is not typically permitted, and may only utilize a quantity of parking stalls which are in excess of that which is required by Schedule 1258.04 for the principal use or uses of the lot.
- (6) A mobile retail food establishment may not connect to any permanent utilities on the lot upon which it is located.
- (7) Operations occurring at a mobile retail food establishment shall be limited to those which are not objectionable to the enjoyment, use and safety of surrounding areas by way of odor, dust, smoke, gases, vapor, noise, light, vibration, or refuse.
- (8) A mobile retail food service operation must provide a covered, portable trash receptacle to be located within five feet of the vehicle or portable structure.
- (9) Signage. Signage used in conjunction with a mobile retail food establishment is limited to:
 - A. That which is attached to and does not extend beyond the boundaries of the mobile food service structure or vehicle; and
 - B. One (1) sandwich board sign that is located within five feet of the vehicle or portable structure.

1268.04 LOT, YARD, AREA AND HEIGHT REGULATIONS.

Except as expressly provided otherwise in § 1268.03 above, every temporary use and structure is subject to and shall comply with the lot, yard, area and height requirements for principal uses and structures of the district in which such temporary use is located.

1268.05 ADDITIONAL TEMPORARY USE AND STRUCTURE LIMITATIONS.

- (a) General Limitations. No temporary use or structure shall be permitted if it would create a substantial nuisance to adjoining property owners.
- (b) Hours and Days of Operation. No temporary use or structure shall be operated during any hours or on any days of the week except such as are designated by the Building, Planning, & Zoning Manager, in the Zoning Certificate required by Section 1268.02, on the basis of the nature of the temporary use and the character of the surrounding area.
- (c) Public Safety. No temporary use or structure shall be permitted unless the Village Fire and Police Authorities having jurisdiction over the use shall have first certified in writing that such use will result in no additional, undue on-site or off-site threat to public safety. No temporary use or structure shall be operated except in accordance with such restrictions and conditions as those authorities may require in connection with such certification.

- (d) Traffic. No temporary use or structure shall be permitted if the Building, Planning, & Zoning Manager upon review of the applications, finds that additional vehicular traffic reasonably expected to be generated by such temporary use or structure would have undue detrimental effects upon surrounding streets and uses which cannot be adequately mitigated by the applicant.
- (e) Conflicts With Other Temporary Uses or Structures. No temporary use or structure shall be permitted if such use or structure would conflict with another previously authorized temporary use or structure.
- (f) Sign Limitations for Temporary Uses and Structures. Signs to be used in conjunction with an approved temporary use or structure must meet the following requirements. Temporary use or structure signs:
- (1) Shall be located only on the same zoning lot as the temporary use;
 - (2) Shall be limited to no more than one (1) per street frontage;
 - (3) Shall be set back ten (10) feet from the lot line;
 - (4) Shall be no larger than six (6) square feet in area in the Residential District or twenty (20) square feet in area in any other district;
 - (5) Shall be of sturdy construction;
 - (6) Must not be detrimental to the character of the area;
 - (7) Shall not be erected sooner than twenty-four (24) hours before the commencement of the temporary use; and
 - (8) Shall be removed within twenty-four (24) hours following the termination of the temporary use.
- (g) Parking. Before approving any temporary use or structure, the Building, Planning, & Zoning Manager shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Building, Planning, & Zoning Manager, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.
- (h) Additional Conditions. Every temporary use or structure shall comply with, and the Building, Planning, & Zoning Manager may impose, such other conditions as may reasonably be necessary to achieve the purposes of this Code or to protect the public health, safety, and welfare.

1268.06 ENFORCEMENT.

Anyone who operates a temporary use or structure in violation of this chapter shall be subject to the provisions of Chapter 1272 Enforcement and Penalties.

CHAPTER 1270 ADMINISTRATIVE AND DECISIONMAKING BODIES AND OFFICIALS**1270.01 SUMMARY OF AUTHORITY.**

The administrative decision-making bodies and officials listed below, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Code in the manner described in Sections 1270.02 through 1270.06. (*Ord. 20-24*)

- (a) Building, Planning, & Zoning Manager;
- (b) Board of Zoning Appeals;
- (c) Planning Commission;
- (d) Village Council; and
- (e) Building Commissioner.

1270.02 BUILDING, PLANNING, & ZONING MANAGER.

- (a) General Powers. The Building, Planning, & Zoning Manager shall be charged with the administration of this Code and, in particular, shall have the jurisdiction, authority, and duties described in this Section.
- (b) Regulations and Application Forms. The Building, Planning, & Zoning Manager, consistent with the express standards, purposes, and intent of this Code, shall promulgate, adopt, and issue such procedural rules, regulations, and forms as are in the Building, Planning, & Zoning Manager's opinion necessary for the effective administration and enforcement of the provisions of this Code.
- (c) Staff Assistance to the Board of Zoning Appeals and Planning Commission. The Building, Planning, & Zoning Manager, within budgets available for that purpose, shall make staff and consulting assistance available to the Board of Zoning Appeals, Planning Commission, and Council and the Building, Planning, & Zoning Manager or his delegate may in that capacity:
 - (1) Attend the meetings of each such body;
 - (2) Inform each such body of all facts and information at the Building, Planning, & Zoning Manager's disposal with respect to any matter brought before each such body;
 - (3) Assist each such body by performing research and making recommendations on matters brought before each such body; and
 - (4) Perform such other duties as may be assigned to the Building, Planning, & Zoning Manager by this Code and by the rules of such bodies.
- (d) Records. The Building, Planning, & Zoning Manager shall maintain:
 - (1) Permanent and current records of this Code, including all maps, amendments, conditional use and planned development approvals and denials, interpretations, and decisions rendered respectively by the Board of Zoning Appeals, the Planning Commission, the Village Solicitor, Council, and the Building, Planning, & Zoning Manager, together with relevant background files and materials;
 - (2) A current file of all Zoning Certificates, and all notices of violations, discontinuances, terminations, or removals, issued by or entrusted to the Building, Planning, & Zoning Manager's office for such time as necessary to ensure continuous compliance with the provisions of this Code.

- (e) Zoning Text and Map. The Building, Planning, & Zoning Manager shall prepare and have available for public sale:
- (1) The compiled text of this Code in book or pamphlet form, including all amendments thereto through the preceding December 31; and
 - (2) The official Zoning Map, showing the zoning districts, divisions and classifications in effect on the preceding December 31.
 - (3) The Building, Planning, & Zoning Manager, at all other times, shall maintain and have available for reproduction at least one up-to-date copy of both the Zoning Code text and the Zoning Map, showing all amendments through the most recent meeting of the Village Council for which official minutes have been approved.
- (f) Receipt, Processing, and Referral of Applications. The Building, Planning, & Zoning Manager shall receive all applications required to be filed pursuant to this Code. Upon receipt of any such application, the Building, Planning, & Zoning Manager shall see to its processing, including its prompt referral to and retrieval from each official, department, board, or commission of the Village, or other government, with any interest or duty with respect to such application.
- (g) Investigation of Application. Whenever the Planning Commission, the Board of Zoning Appeals, or the Village Council shall so request, by general rule or specific direction, the Building, Planning, & Zoning Manager shall conduct or cause to be conducted such surveys, investigations, and field studies and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as shall be necessary and appropriate to the processing of any application filed pursuant to this Code.
- (h) Zoning Certificates. Pursuant to the provisions of this Code, the Building, Planning, & Zoning Manager shall review all applications for Zoning Certificates and shall approve or disapprove such applications and issue, refuse to issue, or revoke such certificates based on compliance or non-compliance with the provisions of this Code.
- (i) Interpretations. Pursuant to the provisions of this Code, the Building, Planning, & Zoning Manager shall issue written interpretations of the making and applicability of specific provisions of this Code, and the Building Commissioner shall issue written interpretations specific to the structural stability of signs, Sec. 1262.15(c). Any interpretation of this Code that may be rendered by the Village Council, Board of Zoning Appeals or the Building, Planning, & Zoning Manager shall be kept on file in the Building Department and shall be a public record of the Village open to inspection by interested parties at reasonable times and upon reasonable notice.
- (1) Authority. The Building, Planning, & Zoning Manager, subject to the procedures, standards, and limitations of this Chapter, may render interpretations of the provisions of this Code, exclusive of use interpretations, and of any rule or regulation issued pursuant to this Code. The Building Commissioner has the authority to render interpretations with respect to signs under Sec. 1262.15.
 - (2) Purpose. The interpretation authority established by this Chapter is intended to recognize that the provisions of this Code cannot address every specific situation to which they may have to be applied. Many such situations, however, can be readily addressed by an interpretation of the specific provision of this Code in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority herein established is an administrative rather than a legislative

authority, it is not intended to add to or change the essential content of this Code but rather is intended only to allow authoritative application of that content to specific cases.

- (3) Parties Entitled to Seek Interpretations. Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation. However, interpretations shall not be issued to any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.
- (4) Procedure.
 - A. Application. Applications for interpretations of this Code shall be filed in accordance with the requirements of Chapter 1276.
 - B. Action on Application. Within 30 days after the receipt of a properly completed application for interpretation, the Building, Planning, & Zoning Manager shall inform the applicant in writing of his or her interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Building, Planning, & Zoning Manager to act within 30 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the date following such 30-day period.
 - C. Appeal. Appeals from interpretations rendered by the Building, Planning, & Zoning Manager or Building Commissioner may be taken to the Board of Zoning Appeals pursuant to Chapter 1284.
- (j) Inspection and Enforcement. In furtherance of the enforcement of this Code, the Building, Planning, & Zoning Manager shall undertake such regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper within the limits of staff and budgeted funds; shall undertake such additional inspections as may be necessary to the performance of his or her duties hereunder; shall receive from any person complaints alleging with particularity a violation of this Code; and when appropriate shall cause such investigations and inspections as may be warranted by such complaints to be made. Upon finding the existence of any violation of this Code, the Building, Planning, & Zoning Manager shall take all actions necessary and appropriate to abate and redress such violations pursuant to the provisions of Chapter 1272.

1270.03 PLANNING COMMISSION.

- (a) Jurisdiction and Authority. The Planning Commission shall have the following jurisdiction and authority subject to the provisions of this Code.
 - (1) To review, prepare, and recommend to the Village Council zoning text and Zoning Map amendments.
 - (2) To hear, review, and offer its recommendations to the Village Council on applications for amendments to this Code.
 - (3) To hear, review, and approve/deny applications for Conditional Use Permits.
 - (4) To review and approve, approve with conditions, or deny applications for all uses, other than single-family residential uses, involving new construction, structural alteration, awning and structural sign changes, and landscaping changes, excluding the replacement or rotation of annuals and the replacement of existing landscaping materials with those of the same type or species. Such review shall be based on any applicable requirements of this Code, and if applicable, the most recently adopted version of the Evendale Design Guidelines.

- (5) To aid and assist the Village Council and the departments of the Village in implementing the Village's adopted Development Plan and in planning, developing, and completing specific projects.
 - (6) To review and report on any matters referred to it by the Village Council or the Building, Planning, & Zoning Manager.
 - (7) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the Village to aid them in the performance of their respective duties relating to the planning and development of the Village and its region.
 - (8) All other duties as assigned by the Village of Evendale Charter.
- (b) Membership. The Planning Commission shall consist of five (5) members appointed by the Village Council. One (1) member shall be a member of Council and shall serve during his term as such. Not more than two (2) nonresidents of the Village may be appointed, provided that each nonresident member shall be an owner, officer, or employee of a business or industry operating in the Village. At least two (2) members shall be residents of the Village and shall not hold any other office or employment with the Village. The members of the Planning Commission shall be appointed for regular terms of four years. Members' terms shall be arranged so that not more than two regular terms shall expire in any year. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment by the Mayor. A member shall be eligible for reappointment.
- (c) Chairperson and Secretary. The Planning Commission shall elect from among its members a Chairperson and a Secretary to fulfill the customary functions of those offices.
- (d) Quorum and Necessary Vote. No business shall be transacted by the Planning Commission without a quorum, consisting of three (3) members, being present. The concurring vote of a majority of the Planning Commission, consisting of at least three (3) members, shall be necessary on any motion to recommend approval of any matter or any application.
- (e) Absent Members. No member absent from any portion of a hearing shall be qualified to vote upon the matter heard unless that member shall first certify on the record that he or she as reviewed the entire record of any such portion of the hearing during which he or she was absent and has fully informed himself or herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote. The absence of any member for three regular, monthly meetings within a calendar year shall be considered the resignation of that member, effective upon his third absence.
- (f) Meetings; Hearings; Procedures. Regular meetings of the Planning Commission shall be held at the call of the Chairperson or as provided by rule of the Planning Commission. Special meetings shall be called at the request of the Chairperson or of any three (3) members of the Planning Commission or of the Village Council.
- (1) All meetings and hearings of the Planning Commission shall be open to the public except when closed pursuant to the provisions of applicable state law.
 - (2) Testimony at the hearing of the Planning Commission may be made under oath at the request of the applicant.
 - (3) The Planning Commission may adopt its own rules of procedure governing it as it deems proper and necessary. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Planning Commission. Every member of the Planning Commission shall be furnished a

copy of such proposed rules and any amendment or revision thereto at least 10 days before consideration for adoption. Such rules shall be filed with the Village Clerk. Any rules so adopted that relates solely to the conduct of the Planning Commission's meeting or hearings and that is not mandated by this Code or the statutes of the State of Ohio, may be waived by the Chairperson upon good cause being shown.

- (g) Record. The transcript of testimony, if any; minutes; all applications, requests, exhibits, and documents filed in any proceeding before the Planning Commission; and the decision and report, or records, of the Planning Commission shall constitute the record.
- (h) Decisions. Every recommendation or decision of the Planning Commission upon an application filed pursuant to this Code shall be by written resolution which shall include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans or specifications upon which such recommendation or decision is based; shall specify the reason or reasons for such recommendation or decision; and shall contain a conclusion or statement separate from the findings of fact setting forth the recommendation or decision of the Planning Commission. Every resolution shall expressly set forth any limitations or conditions recommended or imposed by the Planning Commission. In any case where this Code provides that the failure of the Planning Commission to act within a fixed period shall be deemed a recommendation for denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Planning Commission rendered on the day following the expiration of such fixed period.
- (i) Conflicts. No member of the Planning Commission shall participate in the hearing or disposition of any matter in which that member has an interest as that term is defined by state or municipal law. Any conflict of interest on any particular issue prohibited by state or municipal law shall disqualify a member.
- (j) Appeals. An appeal from any final decision of the Planning Commission shall be taken to the Board of Zoning Appeals pursuant to Chapter 1284. The decision of the Board may be appealed to the Village Council pursuant to Chapter 1284.

1270.04 BOARD OF ZONING APPEALS.

- (a) Jurisdiction and Authority. The Board of Zoning Appeals shall have the following jurisdiction and authority subject to the provisions of this Code:
 - (1) To hear and decide appeals from, and to review orders, decisions, or determinations made by the Building, Planning, & Zoning Manager; Building Commissioner; or the Planning Commission.
 - (2) To hear and decide upon applications for variances from the requirements of this Code pursuant to the provisions of Chapter 1284.
 - (3) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the Village, to aid them in the performance of their respective duties relating to zoning and its administration in the Village.
- (b) Membership. The Board of Zoning Appeals shall consist of five members appointed by the Mayor, and confirmed by a majority of the Village Council. Three members shall be residents of the Village. The members shall serve for a term of five (5) years and until their successors have been appointed. The terms of any two members shall not expire in the same year. A vacancy that may occur shall be filled for the

balance of the unexpired term by appointment of the Mayor. A member shall be eligible for reappointment.

- (c) Chairperson, Secretary. The Board of Zoning Appeals shall elect from among its members a Chairperson and a Secretary to fulfill the customary functions of those offices.
- (d) Quorum and Necessary Vote. No business shall be transacted by the Zoning Board of Appeals without a quorum, consisting of three members, being present. The concurring vote of at least three members of the Zoning Board of Appeals shall be necessary on any motion to reverse any order, requirement, decision, or determination appealed to it; to decide in favor of the applicant any application made; or to recommend any variation from the provisions of this Code.
- (e) Absent Members. No member absent from any portion of a proceeding shall be qualified to vote upon the matter heard unless that member shall first certify on the record that he or she has reviewed the entire record of any such portion of the proceeding during which he or she was absent and has fully informed himself or herself of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.
- (f) Meetings; Hearings; Procedures. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairperson or as provided by rule of the Board of Zoning Appeals. Special meetings shall be called at the request of the Chairperson or of any two members of the Board of Zoning Appeals or of the Village Council.
 - (1) All meetings, hearings, and deliberations of the Board of Zoning Appeals shall be open to the public except when closed pursuant to the provisions of applicable state law.
 - (2) All testimony at any hearing of the Board of Zoning Appeals shall be given under oath.
 - (3) The Board of Zoning Appeals shall adopt its own rules of procedure for the conduct of its business not inconsistent with this Code and the statutes of the State of Ohio. Such rules shall be filed with the Village Clerk. Any rule so adopted that relates solely to the conduct of the Board of Zoning Appeals' hearing and that is not mandated by this Code or the statutes of the State of Ohio, may be waived by the Chairperson upon good cause being shown.
- (g) Record. The transcript of testimony, if any; minutes; all applications, requests, exhibits, and papers filed in any proceeding before the Board of Zoning Appeals; and the decision of the Board of Zoning Appeals shall constitute the record.
- (h) Decisions.
 - (1) Every decision of the Board of Zoning Appeals shall be by written resolution which shall include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans or specifications upon which such decision is based; shall specify the reason or reasons for such decision; shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief or setting forth the decision of the Board of Zoning Appeals; and shall expressly set forth any limitations or conditions imposed on any relief granted or work or use authorized.
 - (2) The Board of Zoning Appeals may take final action on any decision pertaining to an application pending before it prior to the preparation of a written resolution, but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public. The Board of Zoning Appeals' decision shall be deemed made as of the date of the taking of such final

action. The written resolution incorporating such findings and conclusions shall be presented and approved at the next meeting of the Board of Zoning Appeals.

- (3) In any case where this Code provides that the failure of the Board of Zoning Appeals to act within a fixed period shall be deemed to be a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board of Zoning Appeals rendered on the day following the expiration of such fixed period.
- (i) Conflicts. No member of the Board of Zoning Appeals shall participate in the hearing or disposition of any matter in which that member has an interest as such term is defined by State of Ohio law and Village ordinance. Any conflict of interest prohibited by State of Ohio or Village of Evendale law shall disqualify a member.
- (j) Appeals. An appeal from any final decision of the Board of Zoning Appeals may be taken to the Village Council pursuant to Chapter 1284, § 1284.06.

1270.05 VILLAGE COUNCIL.

The Village Council:

- (a) Adopts the Village zoning Code and map and approves or disapproves any application for an amendment to this Code or map;
- (b) Approves or disapproves any proposed amendments to this Code or zoning map.
- (c) Hears and decides applications for similar uses pursuant to Chapter 1280: Similar Use Interpretations.
- (d) Hears and decides appeals from decisions of the Board of Zoning Appeals pursuant to Chapter 1284;
- (e) Takes such other action not delegated to other bodies that may be desirable and necessary to implement the provisions of this Code; and
- (f) Performs other duties as assigned to Council by the Village of Evendale Charter.

1270.06 BUILDING COMMISSIONER.

The Building Commissioner:

- (a) General Powers. The Building Commissioner shall be charged with the administration of the Ohio Building Code and all related building standards and any duties as further specified in the Evendale Zoning Code.
- (b) Regulations and Application Forms. The Building Commissioner shall promulgate, adopt, and issue such procedural rules, regulations, and forms as are in the Building Commissioner's opinion necessary for the effective administration and enforcement of the Ohio Building Code and all related building standards.
- (c) Staff Assistance to the Board of Zoning Appeals and Planning Commission. The Building Commissioner, within budgets available for that purpose, shall make staff and consulting assistance available to the Board of Zoning Appeals, Planning Commissioner, and Council, and the Building Commissioner or his delegate may in that capacity:
 - (1) Attend the meetings of each such body;
 - (2) Inform each such body of all facts and information at the Commissioner's disposal with respect to any matter brought before each such body;

- (3) Assist each such body by performing research and making recommendations on matter brought before each such body; and
- (4) Perform such other duties as may be assigned to the Commissioner by the Ohio Building Code and related building standards, and by the rules of such bodies. (*Ord. 20-24*)

CHAPTER 1272 ENFORCEMENT AND PENALTIES**1272.01 GENERAL ENFORCEMENT AUTHORITY AND DUTY.**

Upon finding the existence of any violation of this Code, the Building, Planning, & Zoning Manager shall have the authority and duty to take or direct all actions necessary or appropriate to abate and redress such violation.

1272.02 PROHIBITIONS.

- (a) No person shall use or occupy any lot within the Village or use, occupy, construct, alter, or repair any building, structure, or sign within the Village in violation of any provisions of Chapters 1246 through 1268 inclusive, of the Codified Ordinances of the Village.
- (b) No person shall do any of the following:
 - (1) Violate or fail to perform any condition set forth in any type of permit issued under Chapters 1246 through 1268 inclusive, of the Codified Ordinances of the Village.
 - (2) Continue to use a lot, building, structure, or sign authorized by any permit granted under Chapters 1246 through 1268 inclusive, of the Codified Ordinances of the Village beyond the time limit in the permit.
 - (3) Refuse to permit the Building Official to enter any premises after reasonable notice to investigate violations of Chapters 1246 through 1268 inclusive, of the Codified Ordinances of the Village.
 - (4) Permit any violation of Chapters 1246 through 1268 inclusive, of the Codified Ordinances of the Village on any lot, building, structure, or sign owned or leased by the person under circumstances in which the person knew or had reasonable cause to believe the violation was occurring.
 - (5) Fail to comply with any representation made to the Building, Planning, & Zoning Manager or Planning Commission or Board of Zoning Appeals in obtaining any permit or variance granted under provisions of Chapters 1246 through 1268 inclusive, of the Codified Ordinances of the Village.
 - (6) Fail to comply with a written order of the Building, Planning, & Zoning Manager issued under provisions of Chapters 1246 through 1268 inclusive, of the Codified Ordinances of the Village.

1272.03 PUBLIC NUISANCES.

The use or occupation of any real property within the Village or the use, occupation, construction, alteration, or repair of any building, structure, or sign within the Village in violation of Chapters 1246 through 1268 inclusive, of the Codified Ordinances of the Village is hereby declared a public nuisance.

1272.04 ENFORCEMENT.

- (a) Injunction. The Village of Evendale, any owner or occupier of land within the Village, or any person adversely affected may bring an action for an injunction to abate any use, occupation, construction, alteration, or repair declared to be a public nuisance by § 1272.03 of the Codified Ordinances of the Village

of Evendale. The action for an injunction shall be brought in the Court of Common Pleas of Hamilton County, Ohio.

- (b) Stop and Cease-and-Desist Orders. Upon finding the existence of any violation of this Code, the Building, Planning, & Zoning Manager shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, specifically, the Building, Planning, & Zoning Manager shall order the discontinuance of any illegal use of land or structures, the removal of illegal structures or signs, additions, or alterations, and the discontinuance of illegal work being done.
- (c) Legal Actions. In the enforcement of this Code, the Building, Planning, & Zoning Manager shall exercise all the powers authorized by the statutes of the State of Ohio and Village ordinances to ensure compliance with the provisions of this Code and, in particular, shall where necessary or appropriate cause to be instituted by the Village Solicitor a suit in the Court of Common Pleas of Hamilton County, Ohio. This suit may be in addition to any other legal remedy sought by the Village or property owner. The suit will seek an injunction to terminate or prevent the violation as a public nuisance.
- (d) Abatement; Liens. Where authorized by State statute, the Building, Planning, & Zoning Manager may order any work necessary to abate any violation of this Code and shall assess the cost of such work to the property owner. Upon the failure of the owner to pay such cost, the Building, Planning, & Zoning Manager shall file a lien for such costs and for all costs of collection against the property in questions.
- (e) Revocation of Zoning Certificates. The violation of any provision of this Code, or of any permit or approval granted pursuant to this Code, or of any condition imposed pursuant to this Code shall be grounds for the revocation of the Zoning Certificate approval granted pursuant to this Code and affecting the property involved in the violation. The Building, Planning, & Zoning Manager may recommend and the Village Council may order such revocation; provided, however, that where the original rezoning, permit, variance or other approval was granted following a public hearing required pursuant to this Code, the revoked Zoning Certificate shall be preceded by a similar public hearing.
- (f) Penalties. Whoever violates any provision of this Zoning Code, and fails to conform to any provision thereof or fails to obey any lawful order of the Building, Planning, & Zoning Manager, issued in pursuance thereof, and for which no other penalty is provided, is guilty of a minor misdemeanor on a first offense. On a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree. On each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree. Each day's violation or failure to conform shall constitute a separate offense.
- (g) Records and Reports. The Building, Planning, & Zoning Manager shall keep a record of any decisions, determinations or conclusions made in connection with the enforcement of this Chapter. Such records shall be open to public inspection during regular business hours of the Building, Planning, & Zoning Manager.

CHAPTER 1274 ZONING CERTIFICATES**1274.01 AUTHORITY.**

The Building, Planning, & Zoning Manager shall have authority to issue Zoning Certificates in accordance with the provisions of this Code.

1274.02 PURPOSE.

The Zoning Certificate provides a procedure for certifying that a proposed building and use comply with the provisions of this Code.

1274.03 CERTIFICATE REQUIRED.

Unless a Zoning Certificate shall have first been obtained certifying compliance with the provisions of this Code:

- (a) No structure, or addition thereto, constructed, reconstructed, remodeled, altered, or moved after the effective date of this Code shall be occupied or used for any purpose;
- (b) No land vacant as of the effective date of this Code shall be used or occupied for any purpose; and
- (c) Except for changes involving only substitution of occupants in existing dwelling units, no use or occupancy of any land or structure shall be changed to any other use or occupancy, whether or not construction, remodeling, alteration, or moving is involved.

1274.04 PROCEDURE.

- (a) Application. An application for a Zoning Certificate shall be filed on a form provided by the Building, Planning, & Zoning Manager.
- (b) Action on Application. Within thirty (30) days after the receipt of a completed application, the Building, Planning, & Zoning Manager shall cause the subject structure or premises to be inspected and shall take one of the following actions based on such inspection:
 - (1) If all work has been completed and the structure and use thereof are in full and complete compliance with all applicable provisions of this Code, other relevant codes and ordinances of the Village, the applicant's plans as approved, and any conditions attached to any approval issued pursuant to this Code, the Building, Planning, & Zoning Manager shall issue a Zoning Certificate.
 - (2) If, however, all work is not complete or is in any manner not in full compliance with all applicable requirements, the Building, Planning, & Zoning Manager shall deny the application and shall inform the applicant in writing of the specific deficiencies on which such denial is based, citing the particular provisions of the codes and ordinances of the Village, the particular items in the applicant's plans, or the applicable special approval conditions with respect to which compliance is lacking.
- (c) Contents of Certificate. In addition to the matters required to be contained in a Zoning Certificate pursuant to other applicable provisions of the Evendale Municipal Code, each Zoning Certificate issued

pursuant to this Chapter shall state the specific use of the subject property for which it is issued, shall identify the specific plans, if any, pursuant to which it is issued, and shall set forth any conditions imposed in connection with any approval granted pursuant to the provisions of this Code.

1274.05 TEMPORARY ZONING CERTIFICATE.

Notwithstanding the provisions of this Chapter, when construction, reconstruction, remodeling, or alteration of a structure does not require the vacating of the structure, or when parts of the structure are finished and ready for occupancy before the completion of such construction, reconstruction, remodeling, or alteration and are certified upon inspection to be safe for use or occupancy and to be in full compliance with all applicable provisions of this Code, other relevant codes and ordinances of the Village, the applicant's plans as approved, and any conditions attached to any approvals issued pursuant to this Code with respect to such structure or its premises, a temporary Zoning Certificate may be issued for a period not to exceed six (6) months from its date. The temporary Zoning Certificate shall bear on its face, in bold type, a statement of its temporary nature; provided, however, that no such temporary certificate shall be issued pursuant to this Code unless said structure also qualifies for a temporary certificate of occupancy issued pursuant to the Evendale Building Code.

1274.06 ZONING CERTIFICATE FOR EXISTING USES.

The Building, Planning, & Zoning Manager may, upon application, certify the lawful existence and use of any existing structure or use in the same manner, and subject to the same standards and limitations, as authorized by this Section with respect to new structures and uses. Such Zoning Certificate shall be prima facie evidence of the facts contained in it with respect to any structure or use as of the date of its issue and remain effective for that purpose for so long as neither the use or structure nor the applicable provisions of this Code are changed.

CHAPTER 1276 APPLICATIONS**1276.01 PLACE OF FILING.**

All applications required to be filed pursuant to this Code shall be filed with the Building Department.

1276.02 FORM; NUMBER; SCALE.

All applications filed pursuant to this Code shall be on forms supplied by the Building, Planning, & Zoning Manager and shall be filed in such number of duplicate copies as the Building, Planning, & Zoning Manager may designate. Any plan filed as part of any application shall be at a scale sufficient to permit a clear and precise understanding of the contents of the plan.

1276.03 FEES.

- (a) Fee Established; Lien. Every application filed pursuant to this Code shall be subject to an application and filing fee as established from time to time by the Village Council to recover the costs incurred by the Village in processing such application. The owner of the property which is subject of the application and, if different, the applicant shall be jointly and severally liable for the payment of the fee. By signing the application, the owner shall be deemed to have agreed to pay such fee and to consent to the filing and foreclosure of a lien on the subject property to ensure collection of any such fee, plus the costs of collection, in the event such fee has not been properly paid as required with the filing of the application. Any lien filed pursuant to this Section may be foreclosed in the manner provided by statute for mortgages or mechanics' liens.
- (b) Recoverable Costs. The costs incurred by the Village in processing an application shall be deemed to consist of the following items of direct and indirect expense:
- (1) Legal Publication;
 - (2) Recording Secretarial Services;
 - (3) Court Reporter;
 - (4) Document Preparation and Review;
 - (5) Professional and Technical Consultant Services;
 - (6) Legal Review, Consultation, and Advice;
 - (7) Document and File Reproduction;
 - (8) Document Recording; and
 - (9) Inspection Fees.
- (c) Condition of All Application, Approvals, and Permits; Time Periods. No application filed pursuant to this Code shall be considered complete unless and until all fees due pursuant to this Section have been paid. Every approval granted and every permit issued pursuant to this Code, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of fees as required by this Section.

- (1) When this Code provides that the passage of time without decision or action shall be deemed an approval or a recommendation for approval, all time periods shall be tolled during any period of non-payment, but shall otherwise continue to run.
- (2) The failure to fully pay any such fee when due shall be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee relates.

1276.04 MINIMUM DATA REQUIREMENTS.

Every application submitted pursuant to this Code shall contain such information as is required by the Building, Planning, & Zoning Manager and shall be made available to all applicants.

All applications filed pursuant to this Code shall be on forms supplied by the Building, Planning, & Zoning Manager and shall be filed in such number of duplicate copies as the Building, Planning, & Zoning Manager may designate. Any plan filed as part of any application shall be at a scale sufficient to permit a clear and precise understanding of the contents of the plan.

1276.05 DETERMINATION OF COMPLETENESS OF APPLICATION.

Within 15 working days after receipt of an application for an approval under this Code the Building, Planning, & Zoning Manager shall determine whether the application is complete. If the Building, Planning, & Zoning Manager determines that the application is complete, he shall notify the applicant in writing that the application has been accepted for filing. If the Building, Planning, & Zoning Manager determined that the application is not complete, he shall notify the applicant in writing, specifying the deficiencies of the application, including any additional information which must be supplied, and that no further action need be taken by the Village on the application until the deficiencies are corrected.

- (a) Remedy of Deficiencies. If the applicant fails to correct the specified deficiencies within ninety (90) days of the notification of deficiency, the Village may deem the application withdrawn.
- (b) Effect of Determination. Any time limits for completion of a review of an application and the rendering of a final decision, where provided for in this Chapter 1276, shall commence as of the date that the Building, Planning, & Zoning Manager determined that the application is complete.

1276.06 SPECIAL DATA REQUESTS.

In addition to the data and information required above, every applicant shall submit such other and additional data, information, or documentation as the Building, Planning, & Zoning Manager or any board or commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

1276.07 CONCURRENT APPLICATIONS.

When a proposed use or development requires more than one approval pursuant to this Code, applications for all such approvals may be filed concurrently notwithstanding the fact that approval of one application may be a pre-condition to approval of another application. Such applications may, in the discretion of the bodies charged with review of such applications, be processed together. However, no application shall be approved unless all other applications that are a pre-condition to approval of the application have first been approved.

1276.08 WITHDRAWAL OF APPLICATION.

An applicant may withdraw an application at any time prior to a final decision having been rendered on the application. Such withdrawal shall be without prejudice to the applicant's right to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to the procedures and fees of this Code in the same manner as any other new application. The Village of Evendale will charge the applicant all costs incurred to the date of the withdrawal of the application.

CHAPTER 1278 PUBLIC HEARINGS**1278.01 SETTING HEARING; TIME LIMITATIONS.**

When the provisions of this Code require a public hearing in connection with any application filed pursuant to this Code, the body charged with conducting the hearing or meeting shall, upon receipt of a completed application, fix a reasonable time and place for such hearing or meeting. However, the hearing or meeting shall be commenced no later than 60 days, and shall be concluded no later than 120 days, following the submission of the application unless the applicant shall agree to an extension or unless the hearing or meeting agenda of the body is completely committed during that time.

1278.02 NOTICE.

The Village Clerk shall cause notice to be given a minimum of 14 days before a public hearing in accordance with the following provisions:

- (a) Content of Notice. All notices shall include the date, time, and place of such hearing, a description of the matter to be heard or considered and the address or particular location of the subject property.
- (b) Types of Notice. Notice of every hearing shall be given as follows:
 - (1) Mailed Notice. If an application requiring a public hearing involves ten (10) or fewer parcels, notice shall be given by first-class mail to the applicant, owner of the subject property, and property owners whose lot lines are within 300 feet of a boundary line of the subject parcel(s). The Village reserves the right to mail notices to additional property owners or tenants who may be impacted by the action sought. (*Ord. 20-69*)
 - (2) Published Notice. In all other cases, notice shall be published in one newspaper of general circulation within the Village. The notice shall appear for two consecutive weeks.

1278.03 CONDUCT OF HEARINGS.

- (a) Rights of All Persons. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the hearing body may exclude irrelevant, immaterial, or unduly repetitious evidence.
- (b) Rights of Parties and Proximate Owners. Subject to the discretion of the hearing body, the applicant and any board, commission, department, or official of the Village, and any property owner entitled to written notice may exercise all of the following rights:
 - (1) Present their positions, arguments and contentions;
 - (2) Offer and examine witnesses and present evidence in support of positions, arguments and contentions;
 - (3) Cross-examine witnesses purporting to refute their position, arguments and contentions. The Board may limit the right of cross-examination to persons represented by counsel;
 - (4) Offer evidence and testimony in opposition to their positions, arguments and contentions.

- (5) To examine and reproduce any documents produced at the hearing; and
- (6) To have subpoenas issued by the body in charge of the hearing for witnesses to appear at the hearing and for the examination of documents by the person requesting the subpoena either before or during the hearing, where such persons or documents are shown to have a substantial evidentiary connection with:
 - A. the property to which the request applies;
 - B. facts that would support or negate the legal standards for granting the request.
- (7) To a continuance, upon request, for the purpose of presenting evidence to rebut evidence introduced by any other person.
- (8) In determining whether to grant or withhold such rights, the discretion of the hearing body shall be governed by the goal of securing all information and opinion relevant and material to its deliberations. Such rights shall not be granted, however, when undue and unwarranted delay would result, or when to do so would tend to produce no new evidence to aid the hearing body in reaching its decision.
- (c) Adjournment of Hearing. The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the hearing body may find to be sufficient. The Secretary of the hearing body shall notify in writing all members of the hearing body, all parties to the hearing, and any other person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.
- (d) Right to Submit Written Statements. Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the hearing body following such hearing, submit written statements in support of or in opposition to the application being heard.
- (e) Board or Commission Rules to Govern. All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Code pertaining to, and the rules promulgated by, the body conducting the hearing.

1278.04 PRE-HEARING AND PRE-MEETING EXAMINATION AND COPYING OF APPLICATION AND OTHER DOCUMENTS.

At any time following public notice any person may place a reasonable request to examine the application and, subject to the exceptions set forth in the Ohio Public Records Act, all other documents on file with the Building Department pertaining to the matter subject to such notice. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fee as established by the Village Council to cover the cost of such copies.

CHAPTER 1280 SIMILAR USE INTERPRETATIONS**1280.01 AUTHORITY.**

The Village Council may render similar use interpretations of the provisions of this Code in accordance with the provisions of this Chapter. This interpretation authority is established pursuant to the Village Council's authority to act in an administrative capacity. Upon the Council making an interpretation of similar use pursuant to the standards and procedures set forth in this Chapter, this Code shall thereafter be interpreted to include the similar use for the zoning district or districts for which it was authorized, and it is the duty of the Village Council to concurrently commence the filing of an application for an amendment to the Code to be consistent with the similar use interpretation.

1280.02 PURPOSE.

The use interpretation authority established by this Section is intended to recognize that the provisions of this Code cannot possibly address every specific use which may occur. Many such uses, however, can be readily addressed by an interpretation of this Code in light of the general and specific purposes for which the Code has been enacted.

1280.03 PARTIES ENTITLED TO SEEK INTERPRETATIONS.

Application for similar use interpretation may be filed by any person having an interest in the circumstances giving rise to the need for such an interpretation; provided, however, that a similar use interpretation shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.

1280.04 PROCEDURE.

- (a) Application. Applications for similar use interpretations shall be filed in accordance with the requirements of Chapter 1276, Applications.
- (b) Action by Building, Planning, & Zoning Manager. Upon receipt of a properly completed application for a similar use interpretation, the Building, Planning, & Zoning Manager shall forthwith transmit to the Planning Commission for its review and recommendation to the Village Council.
- (c) Recommendation by Planning Commission. The Planning Commission shall prepare a written report based on the standards set forth in § 1280.05 and forward its recommendation to the Village Council.
- (d) Action by Village Council. Upon receipt of the Planning Commission's recommendation, the Village Council shall make a finding of similar use based on the standards set forth in § 1280.05.

1280.05 STANDARDS FOR USE INTERPRETATIONS.

The following standards shall be applied in making a similar use interpretation:

- (a) The use is not listed in any other classification of permitted uses.
- (b) The use does not create dangers to health and safety to an extent greater than normally resulting from other uses listed in the classification to which it is to be added.
- (c) The use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.
- (d) The use conforms to the intent of both the Comprehensive Master Plan and this Code.
- (e) The use is not of any greater intensity, nor would it be likely to produce greater adverse impacts on adjacent properties, the neighborhood, or the Village, than the use or uses to which it is interpreted to be similar.

1280.06 EFFECT OF FAVORABLE USE INTERPRETATION.

No similar use interpretation finding a particular use to be permitted or conditionally permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the Village.

CHAPTER 1282 CONDITIONAL USES**1282.01 AUTHORITY.**

The Planning Commission may approve a conditional use if and only if the conditional use is specifically listed in the applicable zoning district use regulations as a conditional use. The Planning Commission may grant uses in accordance with the procedures and standards enumerated in this chapter. The Commission may approve an application for a conditional use if the proposal conforms with all applicable laws, ordinances and regulations and is in the public interest. In determining whether the proposed use is in the public interest, the Commission has the duty to consider those general factors listed below in § 1282.05, in addition to any specific standards applicable to the particular use proposed as found in § 1282.06. The failure of the proposed work to conform to any single factor or guideline is not necessarily a sufficient basis for denial. The Commission shall approve work that maximizes both the public interest and private benefits.

1282.02 PURPOSE.

Conditional uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.

1282.03 PARTIES ENTITLED TO SEEK CONDITIONAL USE PERMITS.

An application for a conditional use permit may be filed by the owner of, or any person having a legal or equitable interest in, the subject property.

1282.04 PROCEDURE.

- (a) Application. Applications for conditional use permits shall be filed in accordance with the requirements of this Chapter 1276.
- (b) Public Hearing. A public hearing shall be set, noticed, and conducted by the Planning Commission in accordance with requirements of Chapter 1278, Public Hearings.
- (c) Action by Planning Commission. Within sixty (60) days of receipt of Application, the Planning Commission will conduct a public hearing, either granting the application for a Conditional Use Permit; granting the application subject to conditions; or denying the application. The failure of the Planning Commission to act within sixty (60) days, or such further time to which the applicant may agree, shall be deemed a denial of the Application for a Conditional Use Permit.

1282.05 GENERAL STANDARDS FOR CONDITIONAL USE PERMITS.

The Commission shall consider the following general standards when considering a conditional use application:

- (a) Zoning Code. The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Zoning Code.
- (b) Plans. The proposed work conforms to the comprehensive master plan to the greatest extent practicable.
- (c) Design Guidelines. The proposed work conforms to any design guidelines adopted or approved by Council that are applicable to the parcel upon which the proposed work is located.
- (d) Proposed Zoning Amendments. The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the Village Planning Commission or Council.
- (e) No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property or the character of the area.
- (f) Neighborhood Compatibility. The proposed work is compatible with the predominant or prevailing land uses of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.
- (g) Public Benefits. The proposed use will positively impact the public health, safety, and general welfare.
- (h) Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or that the applicant will provide adequately for such services.
- (i) Economic Benefits. The promotion of the economy of the Village of Evendale.
- (j) Job Creation. The creation of jobs both permanently and during construction.
- (k) Private Benefits. The economic and other private benefits to the owner or applicant.
- (l) No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
- (m) Traffic. Streets or other means of access to the proposed use are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.
- (n) Buffering. Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.
- (o) Landscaping. Landscaping meets the requirements of Chapter 1260, Landscaping
- (p) Hours of Operation. Operating hours are compatible with adjacent land uses.

1282.06 SPECIFIC FACTORS TO BE CONSIDERED

In addition to the general standards contained in § 1282.05 for approval of conditional uses, the Planning Commission shall consider the following factors, where applicable, when such uses require a conditional use permit pursuant to the applicable zoning district regulations. No single factor is determinative of the appropriateness of a conditional use, nor is every factor applicable to every proposed conditional use.

- (a) Minimum Lot Size. Whether the site upon which the use is located has adequate area to not only comply with minimum code requirements, but also to account for additional space needed to take the mitigating measures necessary to reduce the adverse impacts of the proposed conditional use.
- (b) Principal Entrance Orientation. Whether the principal entrance or entrances are orientated in such a manner so as to reduce adverse impact on the adjacent properties.
- (c) Noise from Operations. Whether any equipment, process, or storage associated with the use shall create odor, noise, vibration, glare, electrical interference or other adverse impact that effects nearby properties.
- (d) Noise from Occupants. Whether other noise associated with the use from vehicles, customers, employees, and any operations likely to occur on the premises, will cause nuisances detectable from nearby properties.
- (e) Peak Activity Periods. Whether the proposed use is of a nature where it possesses peak activity periods, and whether these periods will be adequately accommodated on the site without unduly interfering with adjacent properties.
- (f) Street Frontage. Whether a lack of street frontage is present that will exacerbate any of the potentially adverse impacts on the site.
- (g) Vehicular Access Points - Quantity. Whether the vehicular access points are adequate to serve the site.
- (h) Vehicular Access Points – Quality. Whether the location and quantity of vehicular access points are located in such a manner so as to reduce adverse impact on adjacent properties, including an adequate distance from major intersections.
- (i) Access to Major Thoroughfares and Arterials. Whether the vehicular access to the site is appropriately located on a road of adequate capacity to serve such a use.
- (j) Interior Site Circulation. Whether the interior vehicular circulation on the site is adequate to serve the proposed use and reduce impact on adjacent properties.
- (k) Emergency Vehicles. Whether the use will likely bring a greater frequency of emergency vehicles to the site, and if so, whether the likely or proposed access points of these vehicles are appropriate and adequate to serve the site without creating undue adverse impact on adjacent sites by way of traffic safety or noise issues.
- (l) Accounting for Drop-off and Pickup Needs. If any drop-off or pick-up of individuals is likely to occur, whether the site has adequate area, outside of the required vehicular circulation, fire lanes, off-street parking, and loading/delivery areas, to provide an adequate drop-off and pick-up area.
- (m) Accounting for Vehicle Stacking Needs. Whether the use is likely to require a greater vehicular stacking area than what is typically required by the Code, and if so, whether additional stacking area has been provided.
- (n) Pedestrian Traffic and Use of Site. Whether pedestrians likely associated with the proposed use have been adequately and safely accommodated on the proposed site by way of walkways and lighting.
- (o) Additional Activities, Programs, Festivals, and Similar Events. Whether likely events that may be associated with the use, whether indoor or outdoor, and whether requiring additional temporary use permits in the future, are likely to occur in association with such a use, and if so, whether the applicant has considered and provided for adequate area and facilities to accommodate these anticipated events.

- (p) Outdoor Activity Areas. If any outdoor play or activity areas are associated with the use, whether adjacent properties are adequately buffered from such areas.
- (q) Landscaping and Buffering. Whether the applicant has proposed landscaping, berms, buffer yards, fences, planters in such a manner so as to promote an attractive site and reduce visual, light, and noise impact on adjacent uses.
- (r) Waste Disposal. Whether the use requires additional waste disposal, such as disposal of bio-waste, chemicals, or other materials, and whether the site adequately provides sufficient waste containers on the site that comply with the refuse container requirements of the code, fire code, EPA requirements, and any other applicable regulations.
- (s) Pedestrian Refuse. Whether the site includes adequate individual outdoor waste receptacles to account for outdoor activities on the site.

1282.07 CONDITIONS ON CONDITIONAL USE PERMITS.

The Planning Commission may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Code upon the premises benefitted by a conditional use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in Conditional Use Permit, and the Planning Commission may require the unconditional consent of the applicant to such conditions. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the conditional use permit.

1282.08 AFFIDAVIT OF COMPLIANCE WITH CONDITIONS.

Whenever any conditional use permit granted pursuant to this Chapter is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, notify the Building, Planning, & Zoning Manager for inspection of compliance.

1282.09 EFFECT OF ISSUANCE OF A CONDITIONAL USE PERMIT.

The grant of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the codes and ordinances of the Village, including but not limited to a Zoning Certificate and building permit.

1282.10 LIMITATIONS ON CONDITIONAL USE PERMITS.

- (a) Subject to an extension of time granted by the Code, no conditional use permit shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that

period and is thereafter diligently pursued to completion or unless a Zoning Certificate is issued and a use commenced within that period.

- (b) A conditional use permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.
- (c) Except when otherwise provided in the ordinance granting a conditional use permit, a conditional use permit shall be deemed to relate to, and be for the benefit of, the use and the lot in questions rather than the owner or operator of such use or lot.

1282.11 AMENDMENTS TO CONDITIONAL USE PERMITS.

A conditional use permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Chapter for its original approval.

CHAPTER 1284 APPEALS AND VARIANCES**1284.01 AUTHORITY TO HEAR AND DECIDE APPEALS AND VARIANCES.**

The Board of Zoning Appeals, upon application thereto, shall have the powers as granted to them per § 1270.04 of this Code, including, but not limited to, hearing and deciding appeals and granting variances from the provisions and requirements of this Zoning Code which will not be contrary to the public interest or the general purpose and intent of this Code, and only in those specific instances defined by this Chapter and based upon the standards set forth in this Chapter.

1284.02 PARTIES ENTITLED TO APPEAL.

Any application for appeal to the Board of Zoning Appeals may be filed by any person adversely affected by an order, decision, determination, or failure to act of the Building, Planning, & Zoning Manager or the Planning Commission.

1284.03 PROCEDURE FOR APPEALS TO THE BOARD OF ZONING APPEALS.

- (a) Application. An application for appeal to the Board of Zoning Appeals shall be filed not later than calendar 14 days after the action being appealed and in accordance with the requirements of this Chapter 1276.
- (b) Action by Village Staff. Upon receipt of a properly completed application for an appeal, the Building, Planning, & Zoning Manager shall forthwith transmit to the Board of Zoning Appeals the application together with all papers constituting the record upon which the action appealed from was taken.
- (c) Public Hearing. A public hearing shall be set, noticed, and conducted by the Board of Zoning Appeals in accordance with Chapter 1278.
- (d) Action by Board of Zoning Appeals.
 - (1) The Board shall act on the application within calendar 60 days after receipt of all required information.
 - (2) The Board of Zoning Appeals shall render a decision on the appeal. Consistent with its findings, such decision may affirm, reverse, vacate, or modify the order or decision, or remand the cause to the officer or body appealed from with instructions to enter an order or decision consistent with the findings or opinion of the Board.
 - (3) The Zoning Board of Appeals may find that the order, adjudication, or decision is illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence on the whole record. Consistent with its findings, the board may affirm, reverse, vacate, or modify the order, adjudication, or decision, or remand the cause to the officer or body appealed from with instructions to enter an order, adjudication, or decision consistent with the findings or opinion of the Board.
 - (4) The board may direct the appellant or other person who appeared at the hearing to propose findings of fact and conclusions of law supporting its decision. The chairman of the board has the duty to cause findings and conclusions to be entered on the record. A decision by the board is effective as of the

date of mailing of the findings and conclusions. The secretary has the duty to send written notification of the decision to the appellant.

- (5) The failure of the Board of Zoning Appeals to act within 60 calendar days after receipt of all required information, or such further time to which the applicant may agree, shall be deemed to be a decision denying the appeal.

1284.04 STAY OF PROCEEDINGS.

An application for appeal to the Board of Zoning Appeals properly filed shall stay all proceedings in the furtherance of the action appealed from, unless the Building, Planning, & Zoning Manager certifies to the Board of Zoning Appeals after the application for appeal has been filed with the Building, Planning, & Zoning Manager that, by reason of facts stated in the certificate, a stay would, in the Building, Planning, & Zoning Manager's opinion, cause imminent peril to life or property.

1284.05 AUTHORIZED VARIANCES.

- (a) Permitted Variances. Subject to the prohibitions set forth in this Chapter and proof by the applicant of each of the standards for variances, the Board of Zoning Appeals may vary the provisions of this Code. The variance procedures are intended to provide a means by which relief from dimensional, numerical or locational standards may be granted from a particular application of the Evendale Zoning Code that is unreasonable and creates practical difficulties.
- (b) Prohibited Variances. Notwithstanding any other provision of this Chapter, no variance shall be granted that:
 - (1) Is intended as a temporary measure only;
 - (2) Is greater than the minimum variance necessary to relieve the particular hardship or practical difficulty demonstrated by the applicant; or
 - (3) Constitutes a change in land use resulting in the establishment of a use not normally permitted in the applicable use district.
- (c) Standards for Variances Other than Sign Variances. The Board shall not grant a variance as authorized by § 1284.05 unless it can determine that there are practical difficulties encountered by the applicant in complying with this Zoning Code. The evaluation shall include, but is not limited to, the following criteria, which need not all be met in order to grant the requested variance.
 - (1) Whether the property will yield a reasonable return without the variance or whether there can be beneficial use of the property;
 - (2) Whether the variance is substantial;
 - (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
 - (4) Whether the variance would adversely affect the delivery of governmental services;
 - (5) Whether the property owner purchased the property with knowledge of the limitations currently imposed on it by this zoning Code;

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
 - (7) Whether the spirit and intent behind this Zoning Code would be observed and substantial justice done by granting the variance.
- (d) Standards for Sign Variances. In order that the public welfare may be guarded and substantial justice done, variances from the sign requirements of may be recommended for the following reasons:
- (1) Where the literal application of Chapter 1262 would result in an unnecessary hardship peculiar to the property involved and not based on conditions created by the owner. As used in this paragraph, "unnecessary hardship" does not include reduction of economic advantage.
 - (2) Where the granting of a variance will not unduly injure adjoining or neighboring property.
- (e) Variance Different or Less Than Requested. A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.
- (f) Conditions on Variances. The Board of Zoning Appeals may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Code upon the premises benefitted by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property. Such conditions shall be expressly set forth in the resolution granting the variance. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the variance.
- (g) Compliance with Conditions. Whenever any variance authorized pursuant to this Section is made subject to conditions and limitations to be met by the applicant, the applicant shall upon meeting such conditions notify the Building, Planning, & Zoning Manager for inspection of compliance.
- (h) Effect of Grant of Variance. The grant of a variance shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approval that may be required by the codes and ordinances of the Village including, but not limited to, a building permit, a certificate of zoning compliance, and site plan approval.
- (i) Time Limitations on Variances. Subject to an extension of time granted by the Building, Planning, & Zoning Manager, no variance from the provisions of this Code shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Zoning Certificate is issued and a use in conformance with the variance requested is commenced within that period.

1284.06 APPEALS TO COUNCIL.

If any aggrieved party, the Planning Commission, the Building, Planning, & Zoning Manager or the Mayor disagrees with the determination made by the Board, an appeal may be made to the Council. The following rules apply:

- (a) Filing of Appeal. The appellant shall file with the Village Clerk within 14 calendar days of the Board's determination a written statement setting forth both the decision in question and the reasons for the disagreement with the decision.
- (b) Village Clerk Action. The Village Clerk will send a copy of the statement to the Secretary of the Board, to any interested party, to the Mayor and to each Council member.
- (c) Public Hearing. A public hearing will be held consistent with the public hearing requirements of Chapter 1278 Public Hearings.
- (d) Action by Council. Following public hearing, Council shall give due consideration to the record for the appeal as developed at the Board of Zoning Appeals meeting and public comments received at the public hearing. Council may then affirm the Board's decision by a simple majority. If Council desires to modify, vacate or reverse the decision of the Board, it may only do so through a concurring vote of at least (5) members of Council. If at least five (5) members do not concur, the decision of the Board will be upheld without change.
- (e) Notice of Decision. Upon the approval by the Council, the Village Clerk will post the resolution for the period specified for all ordinances, and send it to all interested parties, including the Secretary of the Board, who will file it with the other decisions of the Board.
- (f) Further Appeal. Any person aggrieved by the Council may file an appeal pursuant to § 1284.07.

1284.07 APPEALS TO COURT.

Any party entitled to appeal a decision of the Village Council may, within 30 days after the rendering of a written decision by Council appeal to the Court of Common Pleas of Hamilton County, Ohio.

CHAPTER 1286 AMENDMENTS**1286.01 AUTHORITY.**

This Code and the Zoning Map may be amended from time to time by ordinance duly enacted by the Village Council in accordance with the procedures set out in this Section, and the Village of Evendale Charter.

1286.02 PURPOSE.

The amendment process established by this Section, and the Village of Evendale Charter is intended to provide a means for making changes in the text of this Code and in the Zoning Map in light of changing or newly discovered information. The process is not intended to relieve particular hardships nor to confer special privileges or rights.

1286.03 PARTIES ENTITLED TO SEEK AMENDMENTS.

An application for an amendment may be filed by the Village Council, the Planning Commission, the Board of Zoning Appeals, the owner of, or any person having a legal or equitable interest in, any property subject to a proposed amendment to the Zoning Map, or any person interested in a proposed amendment to the text of this Chapter 1286.

1286.04 PROCEDURES.

- (a) Application. Applications for amendments shall be filed in accordance with the requirements of this Chapter 1276.
- (b) Public Hearing. A public hearing shall be set, noticed, and conducted by the Planning Commission in accordance with the requirements of Chapter 1278.
- (c) Action by Planning Commission. The Planning Commission shall report its recommendation to the Council not later than the next regular meeting of the Council that occurs not sooner than fourteen (14) days after the public hearing held by the Planning Commission.
- (d) Failure of Planning Commission to Report Recommendation to Council. If the Planning Commission should fail to make any report by such time, it shall be deemed to have approved the proposed amendment or modification.
- (e) Action by Village Council. After conducting a public hearing and within 90 days after the receipt of the recommendation of the Planning Commission, or its failure to act as above provided, the Village Council either shall deny the application or, by ordinance duly adopted, shall adopt the proposed amendment, with or without modifications. No proposed amendment that differs from the amendment as recommended by the Planning Commission shall take effect unless approved by at least 5 members of the Village Council.
- (f) Failure of Council to Act. The failure of the Village Council to act within such 90 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application.