

**3rd Draft Amendment:
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Ordinance 03-01-01**

ZONING CODE

Village of Orwell

Ashtabula County, Ohio

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- 1.06 Severability
- 1.07 Repeal of Pre-existing Code and Conflicting Codes
- 1.08 Effective Date
- 1.09 Compliance with Regulations

1.01: TITLE

This Code shall be known and may be cited as the “Zoning Code of the Village of Orwell” or “the Zoning Code”. This Code may be referred to herein as “this Ordinance” or “this Code”.

1.02: PURPOSE

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

1.03: AUTHORITY

This Code is authorized by the Charter of the Village of Orwell, the Constitution and the Revised Code of the State of Ohio.

1.04: JURISDICTION

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

1.05: MINIMUM REQUIREMENTS

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

1.06: SEVERABILITY

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

1.07: REPEAL OF PRE-EXISTING CODE AND CONFLICTING CODES

- A. The Orwell Zoning Code previously adopted, and as subsequently amended, together with the Zoning Map which is a part of that previous Zoning Code, is hereby superseded and amended to read as set forth in this Code.
- B. All ordinances or codes or parts of ordinances or codes in conflict with this Zoning Code or inconsistent with the provisions of this are hereby repealed to the extent necessary to give this full force and effect.

1.08: EFFECTIVE DATE

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

1.09: COMPLIANCE WITH REGULATIONS

- A. The regulations for each district set forth by this Code shall be minimum regulations and shall apply uniformly to each class or kind of use, structure or land, except as hereinafter provided.
- B. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- C. No building or other structure shall be erected or altered to provide for greater height or bulk; to accommodate or house a greater number of households; to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner be contrary to the provisions of this Code.

ARTICLE II: DISTRICTS & ZONING MAP

- 2.01 Purpose
- 2.02 Districts Established
- 2.03 Purpose of Districts
- 2.04 Zoning District Map
- 2.05 Interpretation of District Boundaries
- 2.06 Annexation
- 2.07 Zoning Map Amendments

2.01: PURPOSE

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

2.02: DISTRICTS ESTABLISHED

The following zoning districts are hereby established:

- A. RA Single Family Residential District
- B. R1 Single-Family Residential District
- C. R2 Two-Family Residential District
- D. R3 Multiple-Family Residential District
- E. NC Neighborhood Commercial District
- F. GC General Commercial District
- G. CB Central Business District
- H. I Industrial District
- I. G Government/Institution District

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

2.03: PURPOSE OF DISTRICTS

The Zoning Districts have been formulated to realize the general purposes of this Code. The purpose of each Zoning District shall be as follows:

- A. RA Single Family Residential. This district is established to provide for the continuation of lots and dwellings developed in certain residential districts established in prior adopted zoning codes but which may no longer comply with the standards of the new residential districts. It is the intent to continue regulations which enable most lots and dwellings within this district to remain conforming with this Code.
- B. R-1 Single Family Residential. This district is established to accommodate single-family residential dwellings at a density not exceeding 2.5 units per acre.

- C. R-2 Two Family Residential. This district is established to accommodate one-family and two-family residential dwellings at a density not exceeding 2.75 units per acre.
- D. R-3 Multiple Family Residential. This district is established to accommodate one-family, two-family, and multi-family dwellings at a density not exceeding 4.0 units per acre. The objective of this district is to allow continuance, redevelopment or limited expansion of existing multifamily dwellings in areas appropriate for such development and to allow for a choice of dwelling structure types and densities.
- E. NC Neighborhood Commercial. The Neighborhood Commercial District provides for commercial services which may serve the surrounding residential areas, and which have development characteristics which are reasonably compatible with those areas or which may be managed or buffered to suitably protect those areas. The District serves as a transition zone between the residential and commercial districts.
- F. GC General Commercial. The General Commercial District is intended to provide locations for a broad range of individual commercial establishments, which together may constitute an area of general commercial activity. Activities in this district are generally large space users offering a wide range of goods and services. G-C Districts shall be located on major thoroughfares.
- G. CB Central Business. The Central Business District is intended to accommodate and encourage the further expansion and renewal of the historical core business area, located at the intersection of the major thoroughfares of the Village, as a convenient and attractive place for a wide range of retail and businesses, residential, professional, and public uses, and a setting conducive to and safe for a high volume of pedestrian traffic.
- H. I Industrial. The Industrial District is established to provide areas for industrial activities and related uses as a means of generating employment and increasing the tax base. It is intended that industrial locations be adequately served by roads and utilities and that they be located in a manner which minimizes negative impacts on residential areas of the Village.
- I. G Government/Institution District. This district is established to provide and preserve locations for public, semi-public, and institutional uses.

2.04: ZONING DISTRICT MAP

- A. The districts established in this Code, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Code and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.
- B. There shall be provided on the Official Zoning Map a legend, which shall list the name of each zoning district and indicate the symbol, pattern, or color for that district.
- C. The Official Zoning Map shall be properly identified by the signature of the Mayor of the Village of Orwell, as attested by the Clerk and the President of Council. The Map shall be maintained by the Zoning Inspector and shall remain on file in the office of the Clerk.

2.05: INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map or is clearly stated in the Ordinance of Council establishing the district boundary:

- A. Where district boundaries are so indicated as approximately following the centerlines of thoroughfares or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be said boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- E. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.
- F. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.
- G. Whenever any street, alley, or other public way is vacated by the Village Council action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such location, and all areas within that location shall thenceforth be subject to all regulations appropriate to the respective extended districts.
- H. All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

2.06: ANNEXATION

Upon any territory being annexed to the Village, the area so annexed shall be considered to be zoned to the most restrictive district under the terms of the Zoning Code, which district is the R-1, Single-Family Residential District. Within thirty days (30) after the acceptance of the annexed territory, the Planning Commission shall study the area so annexed relative to the recommended use of the land as shown upon the Village Plan and other considerations and make such recommendations to Council as are deemed proper. If these recommendations include proposed zone changes, Council shall advertise and hold a public hearing according to the Amendment procedures in Article XIII. In any event, the period of time for action necessary to accommodate a zone change, if required, shall not exceed ninety (90) days by Council or one hundred (120) days by the Commission and Council from the date of the annexation acceptance.

2.07: ZONING MAP AMENDMENTS

After the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with reference to the ordinance or resolution authorizing such change.

**ARTICLE III:
USES**

- 3.01 General Regulation of Uses
- 3.02 Uses in Residential Districts
- 3.03 Uses in Business Districts
- 3.04 Uses in Industrial Districts
- 3.05 Performance Standards for All Uses
- 3.06 Accessory Uses and Structures
- 3.07 Temporary Uses and Structures for Construction Work
- 3.08 Uses in Government/Institution Districts

3.01 GENERAL REGULATION OF USES

- A. Permitted, Conditional, and Accessory Uses. The permitted uses and conditional uses which may be established in the districts shall be as provided in this Article. Accessory uses and structures shall be permitted in all districts as provided in this Code.
- B. Prohibited Uses. Any use which is not specifically listed as a permitted use or as a conditional use for one or more of the districts, or which is not otherwise interpreted and approved as provided by this Code, shall be prohibited. A prohibited use shall not be established in any district except pursuant to a use variance approved by the Board of Zoning Appeals.
- C. Pre-empted Uses. State and federal laws may require the Village to allow the establishment of a use which is not listed as a permitted or conditional use in a district. Where state or federal laws require that such a use be allowed, all provisions of this Code shall apply to the use to the extent that the application of these provisions is consistent with and not precluded by state or federal laws.

3.02 USES IN RESIDENTIAL DISTRICTS

Permitted uses and conditional uses in the residential districts shall be as provided in **Table 3.02**.

Table 3.02: Permitted Uses and Conditional Uses in the Residential Districts						
Uses	P= Permitted Use	C= Conditional Use	District:			
			RA	R1	R2	R3
Single family dwelling	P		P		P	P
Two family dwelling					P	P
Multi-Family dwelling						P
Residential Conservation Development		See Section 11.08I		C	C	C
Home Occupation	C		C	C	C	C
Special Residential Facility	P		P	P	P	P
Public park or playground	P		P	P	P	P
Public School, Private School	C		C	C	C	C
Child day care, Type B	P		P	P	P	P
Child day care, Type A					P	P
Child Day Care Center						C
Place of public worship.	C		C	C	C	C
Funeral Home	C		C	C	C	C
Bed and Breakfasts Inns, Boarding House.	C		C	C	C	C
Telecommunication Facility	C		C	C	C	C

3.03 USES IN BUSINESS DISTRICTS

Permitted uses and conditional uses in the business districts shall be as provided in **Table 3.03**.

Table 3.03					
Permitted Uses and Conditional Uses in the Business Districts:					
Uses	P= Permitted Use	C= Conditional Use	District		
			NC	CB	GC
Vehicles and Equipment					
Auto sales, rental, leasing					C
Auto wash					C
Auto maintenance and repair					C
Gasoline filling station				C	C
Agricultural and construction equipment, sales, rental, leasing and service					C
Boat sales, rental, leasing and service					C
Truck sales, repair, service, wash, fueling					C
Retail					
Establishments engaged in purchasing goods and merchandise for resale to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Also, purchasing goods and merchandise for resale to and use by business establishments and contractors, but not including sales defined as wholesale trade. Also manufacturing on the premises of products of consistent with the above descriptions provided at least 75% of the production is sold at retail on the premises. Uses otherwise defined as sexually-oriented businesses are not included in this use group. <i>See listing below and provision in Section 7.03.</i>				P	P
Services, Offices					
Bank, savings and loan				P	P
Office buildings and activities normally conducted therein including professional activities such as insurance, real estate, advertising, marketing, newspaper, employment service, legal, engineering/architecture, accounting, management, consulting, and similar professions			C	P	P
Medical office, dental office, clinic, medical laboratory			C	P	P
Commercial school				C	C
Funeral home			C	C	C
Hotel, motel				C	P
Laundry, dry cleaner				P	C
Mailing and shipping services, but not terminals or sorting facilities				P	P
Photography, photographic services including printing				P	P
Printing shop				P	C
Restaurant, tavern				C	C
Miscellaneous repair services other than incidental to retail uses above				C	C
Blacksmith shop					C
Child day care, Type B	P			P	P
Child day care, Type A	P			P	P
Child Day Care Center	C			C	C

Entertainment and Recreation			
Motion picture theater, live theater or performance		C	C
Swimming pool, skating rink, indoor archery, tennis			C
Bowling, billiards, pool, amusement arcade		C	C
Carnival, temporary entertainment event		C	
Public Uses			
Public park or playground	P	P	P
Public office	P	P	P
Public library, museum	P	P	P
Public parking lot	P	P	P
Place of worship	C	P	P
Public School	C		C
Private School	C		C
Lodging			
Nursing Home	C	C	C
Bed and breakfast inn, boarding house	P	C	
Hotel, motel		C	C
Residential Dwelling			
Two Family Residential (R2)	P		P
Telecommunication Facility	C	C	C
Similar use	C	C	C
Special Conditional Use Requirements: The following uses or structures, when proposed as part of a permitted or conditional use listed in this Table, shall only be established subject to a conditional use permit:			
A. Drive-thru facility			
B. Outdoor display, sales or storage			
C. Outdoor assembly, servicing, repair, testing, or similar activities outside of a completely enclosed building			

(Change: Ordinance 03-04-1, April 8, 2003: Amended so as to permit a Two-Family Residential dwelling use in a Neighborhood Commercial District (NC) or General Commercial District (GC)).

3.04 USES IN INDUSTRIAL DISTRICTS

Permitted uses and conditional uses in the industrial districts shall be as provided in Table 3.04

Table 3.04: Permitted Uses and Conditional Uses in the Industrial Districts		District
Use	P= Permitted Use C= Conditional Use	I
Manufacturing activities including: assembling component parts in manufactured products; mechanical or chemical transformation of materials into new products; transformation of materials by heat, electricity, or other forms of energy; the blending of new materials; and the packaging of materials.		P
Warehousing and storage		P
Wholesale trade		C
Terminal facilities for motor freight transportation		C
Research and testing		C
Printing and publishing		P
Shops of contractors and builders		C
Telecommunication facilities		C
Sexually-oriented business, as provided in Section 7.03		P
Similar use		C
Special Conditional Use Requirements: The following uses or structures, when proposed as part of a permitted or conditional use listed in this Table, shall only be established subject to a conditional use permit:		
A. Outdoor display, sales or storage		
B. Outdoor assembly, servicing, repair, testing, or similar activities outside of a completely enclosed building		

3.05 PERFORMANCE STANDARDS FOR ALL USES

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition which may adversely affect the surrounding area or adjoining premises. However, any use permitted by this Zoning Code may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- A. Fire hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment as required by fire safety codes enforced in the Village of Orwell and as required by the Fire Chief.
- B. Radioactivity or electrical disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- C. Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- D. Smoke. Smoke emissions shall comply with the standards and regulations enforced by the Ohio Environmental Protection Agency.
- E. Noise. Noise which is objectionable as determined by the Board of Zoning Appeals due to volume, frequency or beat shall be muffled or otherwise controlled. Emergency warning sirens and related apparatus used solely for public purposes are exempt from this requirement.

- F. Odors. No malodorous gas or matter shall be permitted which is offensive or which causes a public nuisance or hazard on any adjoining lot or property.
- G. Air pollution. No pollution of air by fly ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
- H. Glare. No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
- I. Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- J. Water pollution. Pollution of water shall be subject to the requirements and regulations established by the State Water Pollution Control Board.
- K. Hazardous or toxic chemicals or gases. No chemicals or gases which are a hazard to public health or safety shall be allowed except in compliance with all local, state, and federal standards and regulations.

3.06 ACCESSORY USES AND STRUCTURES *(See setback requirements in Section 4.02.)*

- A. General.
 - 1. Accessory uses and structures shall be permitted in any district.
 - 2. An accessory use or structure shall only be established on a lot having a principal building and shall not be constructed or established prior to the principal building.
 - 3. Accessory uses and structures shall:
 - a. Be clearly subordinate to the principal use and building.
 - b. Directly serve the principal use and building.
 - c. Be subordinate in area, extent and purpose to the principal use and building.
 - d. Be located on the same lot as the principal use and building.
 - e. Be reasonably and customarily incidental to the principal use and building.
- B. Accessory Structures in Residential Districts.
 - 1. No more than two (2) accessory buildings shall be erected on any lot.
 - 2. The sum of the areas of land covered by accessory structures shall not exceed twenty-five percent (25%) of the floor area of the principal building and shall not exceed five hundred (500) square feet.
- C. Swimming Pools. A swimming pool, exclusive of portable swimming pools with a diameter of less than 12 feet or with an area of less than 100 square feet, shall comply with the following:
 - 1. The swimming pool and the land, decking, and other areas providing immediate access to a swimming pool shall be completely secured by a fence or other construction to prevent uncontrolled access by children. The fence or other enclosures shall be designed, constructed, and maintained in a manner which restricts unauthorized entry.
 - 2. The fence shall comply with all provisions of this Code relating to fences and shall be at least six (6) feet in height above the natural grade.
 - 3. Every gate in the fence shall be lockable, self-closing, and self-latching.

4. The fencing and enclosure requirements above shall not apply to an above-ground pool provided that all walls of the pool extend at least six (6) feet in height above the natural grade and access is controlled by a gate which is lockable, self-closing, and self-latching.

***(Change: Ordinance 06-05-01 May 9, 2006 Amended Article III: Uses and Structures Section 3.06)

D. Fences

1. Fences shall be permitted in compliance with the height and opacity standards in the following table:

District	Maximum Height	Minimum Opacity
RA, R1, R2, R3 District		
Front Yard	4 feet	40%
Side Yard	6 feet	None
Rear Yard	6 feet	None
NC, CB, GC, I Districts		
Front Yard	4 feet	40%
Side Yard	8 feet	None
Rear Yard	8 feet	None

2. The height of a fence shall be measured from the top elevation of the top board, rail, or wire to the natural grade of the ground, or, in the case of a wall, from the top surface to the ground.
3. Fence opacity shall be that proportion of the surface of a typical section or panel of a fence which is open to light and air when viewed along a line perpendicular to the fence section or panel.
4. A fence shall be installed at a distance not less than two (2) feet from the property line, except that a fence may be installed abutting the property line if an affidavit is submitted with the zoning permit application. The affidavit shall state that the abutting property owner will maintain the side of the fence facing his/her property or shall permit the fence owner access to perform maintenance.
5. A fence located in the front yard, or in a side yard which abuts a public right-of-way, shall not be made of chain link, wire, mesh, or metal pipe materials.
6. Where the design of a fence results in a different appearance on each side, the fence shall be constructed with the finished side facing toward the abutting property, as determined by the Zoning Inspector.
7. Fences, walls, and hedges shall be maintained in good condition, be structurally sound, and attractively finished at all times. Any grounds between fences and property lines shall be well maintained at all times.
8. Barbed wire fences and electrified fences are prohibited.
9. A snow fence may be erected in any yard during the period from November 1 through April 30, for the purpose of preventing drifting snow on roads, drives, or sidewalks, but such fence shall not be used as a temporary or permanent fence or enclosure.

***(Change: Ordinance 10-10-02 February 14, 2011 Amended Article III Uses 3.06)

3.07 TEMPORARY USES AND STRUCTURES FOR CONSTRUCTION WORK

Temporary uses and structures for uses incidental to construction work, such as construction office trailers, storage trailers or sheds, and fenced storage areas, shall be permitted subject to a Zoning Permit. The structures shall be in locations approved by the Zoning Inspector, but not closer than twenty feet (20') to a public right-of-way and not closer than ten feet (10') to any lot line. Structures shall be permitted only for the duration of construction activity on the lot and shall be removed upon completion or abandonment of the construction work.

3.08 USES IN GOVERNMENT/INSTITUTION DISTRICT

Permitted uses and conditional uses in the Government/Institution Districts shall be as provided in Table 3.08:

Table 3.08	
Permitted Uses and Conditional Uses in Government/Institution District	
Uses	P=Permitted C=Conditional
Village offices	P
Other Village government facilities, including but not limited to police station, fire station, public service garage, material and equipment storage	C
Public park	C
Place of worship	P
Offices or facilities of governments or public agencies other than Village of Orwell	C
Public School	C
Private School	C

ARTICLE IV: DIMENSIONS

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 - 4.06 Minimum Dwelling Floor Area
- 4.01 GENERAL REGULATION OF LOTS**
- A. Every lot shall comply with the minimum required dimensions for lot area, frontage, lot width, and lot depth stated in **Table 4.03**. For the purposes of compliance with the provisions of this Code, the area of a lot shall include any portion of a public right-of-way or of a private road.
 - B. Street Frontage Required. Every lot shall have frontage upon a public road, or upon a private road approved for frontage, conforming to the requirements of this Code.
 - C. No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements set forth herein. Any part of a lot which is required by this Code as a yard, setback, open space, or other use or purpose shall not be separated from such lot by change of ownership or by subdivision. Such required part of a lot shall not be counted or calculated to satisfy the yard, setback, or open space requirement of or for any other lot or building.
 - D. Corner Lots. Corner lots shall have sufficient depth and width to provide yards abutting both streets which comply with the minimum front yard requirements.
 - E. The area of a lot, other than the required yards, which is intended for establishment or construction of a use or structure, shall be physically suitable to establish a permitted use or structure of the district in which it is located. The area shall not be subject to conditions such as wetlands, floodplains, drainage facilities, steep slopes, or other conditions to the extent that establishment of a permitted use and structure in conformance with this Code will be impractical.
 - F. When a building is proposed to be constructed on two or more adjacent lots, the lots shall be combined and the new legal description for a single combined lot shall be recorded to ensure that the building, required yards, parking and other requirements are provided on one lot.
 - G. Existing Lots of Record. In any district where dwellings are permitted, a single-family dwelling may be erected on any lot of official record on the effective date of this Code even though such lot does not comply with the lot area and width requirements of the district; provided the lot has a minimum of forty (40) feet frontage on a public street and forty (40) feet

width at the front setback line and in all parts of the lot on which the dwelling will be constructed.

- H. Buildings per Lot. In the RA and R-1 Districts, there shall be no more than one single family dwelling on each lot. In the R-2 District, there shall be no more than one single family dwelling or one two family dwelling permitted on each lot.

4.02 GENERAL REGULATION OF YARDS AND SETBACKS

- A. Yards Required. Front, side, and rear yards complying with the setback requirements shall be provided and maintained on all lots as required in **Section 4.03**.
- B. Projections into Yards. Except as otherwise provided in this Code, every part of a required yard shall be open to the sky unobstructed. Any structure or part thereof, including a chimney, deck, platform or other architectural projection, shall be considered a part of the building or structure to which it is attached and shall not be located closer to the lot line than the setback line
- C. Sight Triangle on Corner Lots. No fence, sign, tree, shrub, or other object or material having a height in excess of two (2) feet shall be placed on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street right-of-way lines.
- D. In any location where the road right-of-way line is not established, it shall be assumed that the right-of-way is sixty (60) feet in width and the front yard and front setback shall be measured from the line which is thirty (30) feet from the centerline of the road.
- E. Setback for Residential Accessory Structures. In a residential district (except as otherwise provided in this Code), an accessory building shall be located as follows:
1. Only in the rear yard
 2. At least ten (10) feet from the principal building.
 3. At least ten (10) feet from the rear lot line
 4. At least eight (8) feet from the side lot line
 5. On a corner lot, shall conform to the required setbacks for the principal building on both frontages.
- F. Except as otherwise provided in this Code, accessory structures in business and industrial districts shall comply with the setbacks required for principal structures.
- G. Where a lot abuts upon any street, service street, or alley, the rear yard shall be measured from the right-of-way line of the existing street, or alley.
- H. In any residential district, where more than fifty (50) percent of the lot frontage of a block is improved with buildings having front yards less than the front yard depth required for the district, then the required front yard depth for the remaining lots shall be the average of the front yard depths of the improved lots, but not less than twenty (20) feet.

4.03 LOT, SETBACK, AND HEIGHT REQUIREMENTS

Lots, setbacks, and heights shall comply with the requirements in **Table 4.03**:

DISTRICT	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet) (c)	Minimum Lot Width at Building Line (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage (% of lot area)	Maximum Height of Building	Minimum Setbacks (feet)		
							Front	Side	Rear
RA Single Family (f)	7200	75	75	100	-	2.5 stories not to exceed 35 feet	40	10	30
R1 Single Family (f)	18000	100	100	120	25%		40	10	30
R2 Two Family (f)	16000 per unit	100	100	120	30%		40	10	30
R3 Multiple Family (f)	not less than 10000 square feet of lot area per dwelling unit	200	200	120	40%		40	10	30
NC Neighborhood Commercial	20000	100	100	200	30% (e)		40	10 (a)	30 (a)
GC General Commercial	20000	100	100	200	50%		40	5 (a)	25 (a)
CB Central Business	20000	100	100	200	50%	1 (d)	5 (a)	25 (a)	
I Industrial	87120 (2 acres)	240	240	250	40%	50 feet	75	40 (b)	40 (b)
G Government /Institution	20000	100	100	200	50%	2.5 stories not to exceed 35 feet	40	5 (a)	25 (a)

NOTES:

- (a) Abutting residential district, minimum side or rear setback, as applicable, 40 feet.
- (b) Abutting residential district, minimum side or rear setback, as applicable, 100 feet.
- (c) Lot frontage may be reduced on a cul-de-sac bulb provided the minimum lot width is provided at the minimum front setback line.
- (d) The **maximum** setback shall be ten (10) feet.
- (e) See **Section 7.05** regarding maximum floor area.
- (f) See **Section 4.05** for buffers and setbacks required for non-dwelling uses in residential districts

4.04 HEIGHT REGULATIONS

- A. Principal structures shall comply with the maximum height regulations of Table 4.03.
- B. Accessory structures shall the maximum height of twenty (20) feet.
- C. In a residential district, the height of a principal structure other than a dwelling may exceed the maximum provided in Table 4.03, up to a height of sixty (60) feet, provided that, for each one foot in excess of the maximum height, all setbacks are also increased by one additional foot.
- D. In business and industrial districts, the height of a tower, tank, stack, chimney, elevator bulkhead, conveyor or other equipment which is demonstrated to be necessary to the operation of the principal use on the lot may exceed the maximum provided in Table 4.03 subject to a conditional use permit.

4.05 BUFFERS AND SETBACKS REQUIRED FOR NON-DWELLING USES IN RESIDENTIAL DISTRICTS

- A. Wherever a use other than a dwelling is proposed on a lot which is within a residential district, which abuts a residential district, or which abuts an area of the Township which is indicated on the Village Plan as intended for future residential use, the following buffers and setbacks shall be required along those lot lines which are within the residential district, abut the residential district, or abut the area intended for future residential use.
- B. Principal buildings shall be setback not less than one hundred (100) feet from the lot lines identified in 4.05A.
- C. A landscape plan shall be submitted to the Planning Commission for site plan review for landscaping along the lot lines identified in 4.05A. At a minimum, landscaping shall include not less than one (1) tree for each fifty (50) feet of lot line and one (1) shrub for each ten (10) feet of lot line. The type and arrangement of the required trees and shrubs shall be as approved by the Commission and may take the form of groupings, linear, or other arrangement.

4.06 MINIMUM DWELLING FLOOR AREA

The minimum floor area of a dwelling shall be as follows:

- A. One family dwelling in the R1 or R2 District: 1500 square feet
- B. Two family dwelling in the R2 District: 1000 square feet
- C. Multifamily R3 850 square feet per unit

***(Change: Resolution 03-03-02-R, March 11, 2003 adding Multifamily R3, 850 square feet per unit.)

MINIMUM SQUARE FEET FOR GARAGES

- A. Under RA Single Family 350 square feet
- B. Under R1 Single Family 350 square feet
- C. Under R2 Two Family 350 square feet
- D. Under R3 Multiple Family 300 square feet

***(Change: Minimum Square Feet for Garages, Resolution 03-03-02-R, March 11, 2003.)

ARTICLE V: VEHICLES

- 5.01 Purpose
- 5.02 Parking Space and Aisle Requirements
- 5.03 Distance Between Parking Spaces and Use Served
- 5.04 Number of Spaces Required
- 5.05 Determining Spaces Required
- 5.06 Off Street Loading Requirements
- 5.07 Location of Parking and Loading Spaces
- 5.08 Access Requirements
- 5.09 Screening and Landscaping
- 5.10 Surfacing
- 5.11 Lighting
- 5.12 Joint Provision of Parking Facilities
- 5.13 Recreational Vehicle Parking

5.01 PURPOSE

It is the purpose of this Article to establish provisions to effectively regulate the design of vehicle facilities, including drives, parking and loading areas and to establish the number of parking spaces required for various uses. The standards for parking areas are intended to ensure sufficient parking to meet the parking demand generated by land uses and to promote vehicular and pedestrian safety. The standards are also intended to promote compatibility between vehicle facilities and surrounding uses by providing such amenities as landscaping and setbacks.

5.02: PARKING SPACE & AISLE REQUIREMENTS

- A. Parking Spaces Required. In all districts, in connection with every use, there shall be provided at any time any building, structure or use is erected, developed, established, or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as provided in this Article.
- B. Parking and Aisle Dimensions. Each off-street parking space and aisle providing access thereto shall be of usable shape and condition and shall comply with the minimum dimensions in the table below. Parking spaces for trucks, tractors and trailers of greater than two-ton capacity shall be made adequate for the specific purpose.

Dimensions for Parking Spaces and Aisles				
	Angle of Parking			
	90 Degrees	60 Degrees	45 Degrees	Parallel Parking
Minimum Width of Space	10 feet	10 feet	10 feet	9 feet
Minimum Length of Space	20 feet	20 feet	20 feet	23 feet
Minimum Aisle Width: One-Way	22 feet	18 feet	13 feet	13 feet
Minimum Aisle Width: Two-Way	22 feet	20 feet	20 feet	24 feet

- C. In a residential district, parking shall only be permitted on paved surfaces or on gravel-surfaced areas legally existing prior to the adoption of this Code.

5.03: DISTANCE BETWEEN PARKING SPACES & USE SERVED

Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be measured from the nearest point of the parking facility to the nearest point of the building or use such parking facility is required to serve.

- A. For one and two-family dwellings - on the same lot with the building they are required to serve.
- B. The developer shall obtain approval from the Planning Commission for the location of all required parking in the R-3 Districts as part of the site plan review process. In any R-3 development all required residential parking shall be located not more than one hundred fifty (150) feet from the entrance to the dwelling unit or dwelling structure on the same lot or parcel of land as the building they are required to serve. Guest and visitor parking areas shall be distributed throughout the site and at least the required number of additional visitor and guest spaces shall be located within two hundred (250) feet of the principal entrance of the dwelling unit or dwelling structure.
- C. For uses located in and permitted in a GC and NC Districts, not more than three hundred (300) feet from the building they are required to serve.
- D. For uses located in and permitted in the CB and I Districts in newly constructed buildings or expansion of existing buildings, not more than four hundred (400) feet from the building they are required to serve unless approved by the Planning Commission.

5.04: NUMBER OF SPACES REQUIRED

- A. Off-street parking spaces shall be provided for each use and structure as provided in **Table 5.04:**

Table 5.04 Minimum Parking Spaces Required	
USE	MINIMUM PARKING SPACES REQUIRED
Dwelling unit	One enclosed space plus two enclosed or unenclosed spaces for each dwelling unit.
Rooming or Boarding House, Hotel, Motel.	One for each guest room.
Private Club or Lodge.	One for each four seating capacity.
Place of worship.	One for each five seats.
Private or Public School.	One for each eight seats in main auditorium or three for each classroom, whichever is greater.
Community Center, Library, Museum, or Art Gallery.	One for each 600 square feet of floor space.
Hospital, Sanitarium, Convalescent Home, Nursing Home, Home for the Aged or similar Institution such as an assisted living facility.	One for each three beds.
Theatres, Auditorium, Assembly Hall other than for schools.	One for each five seats.
Mortuary or Funeral Home.	One for each five seating capacity.
Restaurants, Nightclubs, Taverns or similar eating recreation establishments.	One for each 50 square feet of seating area, or one for each four seats, whichever is greater.
Retail store or personal service establishment, except as specified herein.	One for each 200 square feet of floor area devoted to actual sales or service.
Appliance or Furniture Store, Hardware Store,	Two plus one additional for each 500 square feet.

Wholesale establishment, machinery or equipment sales and service.	Over 1,000 square feet of floor area devoted to actual display of merchandise.
Newspapers, Print Shops, or similar service establishments.	One for each two persons employed therein.
Barber Shop; Beauty Shop.	Three for each operating station.
Banks, Business and Professional Offices, Medical and Dental Clinics.	One for each 200 square feet of gross floor area.
Manufacturing or Industrial establishments, research or testing laboratory, warehouse or similar establishments.	One space for each 720 square feet of gross floor area plus space to accommodate all trucks and other vehicles used in connection thereof.

- C. Maximum Spaces. The maximum number of spaces constructed for a use or building shall not exceed one hundred ten percent (110%) of the amounts in **Table 5.04**, except that the Planning Commission may approve a greater number of spaces based upon a finding that the greater number of spaces is required for the use or location.
- D. Parking Reserve Areas. An applicant may submit information which projects the parking demand for a proposed use and may request approval for construction of parking which is less than required in **Table 5.04**. The request shall include a detailed drawing of a complete, code-conforming parking layout and shall identify those areas proposed for immediate construction and those to be temporarily retained in landscaped open space. Through review and approval of the site plan, the Planning Commission may approve a total parking layout which complies with the requirements of **Table 5.04**, but which permits a portion of the required parking area to be reserved and temporarily retained in landscaped open space. Prior to approval of the site plan, the applicant shall make a commitment, as approved by the Planning Commission and the Village Solicitor, to construct the additional parking at such time as the Planning Commission determines that the parking is necessary for the operation of the use.
- E. In the CB Central Business District, the requirements of **Section 5.04** and **Table 5.04** shall apply to the construction of parking lots except that the Planning Commission may waive requirements or approve alternative provision of spaces to the extent found necessary to promote the appropriate development of the lot, operation of the uses, and in the interest of the properties within the District.

5.05: DETERMINING SPACES REQUIRED

In computing the number of spaces required in **Section 5.04**, the following rules shall govern:

- A. Where fractional spaces result, the parking spaces required shall be construed to be the next highest number.
- B. In the case of a use not specifically mentioned above, the requirements for off-street parking facilities for a use which is so mentioned and to which said use is similar, as determined by Planning Commission, shall apply.
- C. In the case of mixed uses on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use.
- D. Whenever a building or use constructed or established after the effective date of this Code is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, so as to create a need for an increase in the number or required parking spaces,

such increase in parking spaces shall be computed on the basis of the enlargement or change in compliance with the parking requirements set forth herein.

5.06: OFF-STREET LOADING REQUIREMENTS

- A. In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or less, which is to be occupied by manufacturing, storage, warehouse, retail store, wholesale store, hotel, hospital, mortuary, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space, plus one (1) additional such loading space for each additional ten thousand (10,000) square feet, or major fraction thereof, of gross floor area.
- B. Each loading space shall be not less than ten (10) feet in width, forty (40) feet in length, and fourteen (14) feet in height.
- C. In the CB District, the Planning Commission may waive requirements of this Article V relating to loading spaces or may approve alternative loading facilities to the extent found necessary to promote the appropriate development of the lot, operation of the uses, and in the interest of the properties within the District.

5.07: LOCATION OF PARKING AND LOADING SPACES

- A. Except as otherwise provided in this Code, the off-street loading and parking spaces required by this Article may be located in any yard in commercial or industrial districts, but shall not be permitted in the front yard of any residential district.
- B. Off-street parking or loading facilities may be located within the required front yard of any G-C, C-B, or I District.
- C. In commercial and industrial districts, parking shall not be located nearer than fifty (50) feet to any residential district.

5.08: ACCESS REQUIREMENTS

- A. There shall be adequate provision for ingress and egress to all parking and loading spaces, however, such ingress and egress points shall be located so as to minimize traffic congestion in the public right-of-way and to avoid undue interference with the pedestrian access at street intersections.
- B. There shall not be more than one (1) vehicular access way to a single lot from any street, unless otherwise approved in site plan review.
- C. In the case of a corner lot which has frontage on two streets, only one access point shall be permitted from each street, but in no case shall access ways be closer than sixty (60) feet to the intersection of the right-of-way lines of the two (2) streets.

D. Access drives shall comply with the following:

Dimensions for Access Drives			
Use of Lot	Drive Width at the Right-Of-Way Line (feet)		Minimum Setback from Lot Line (feet)
	Minimum	Maximum	
Single Family Dwelling	10	16	3
Two-Family Dwelling (combined drive only)	10	16	3
All other uses: one-way access	10	14	5
All other uses: two-way access	20	24	5

E. Access to parking and loading spaces in the business, commercial, and industrial districts shall be provided directly from a public road or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of the vehicles. All parking and loading spaces shall be designed and located so that vehicles using parking and loading spaces:

- 1) Enter and exit the lot in a forward-facing direction; and
- 2) Have sufficient space to be parked or loaded/unloaded on the lot and completely outside of the right-of-way.

5.09: SCREENING AND LANDSCAPING

A. All automobile parking areas, except those accessory to one or two-family dwellings, shall be screened on each side which adjoins or fronts property situated in any residential district by a wall, fence or densely planted, compact hedge. Such wall, fence or hedge shall not be less than four (4) feet in height and shall be maintained in good condition. Landscaping between parking areas and the right-of-way is required.

B. Perimeter Parking Lot Landscaping. All parking lots designed for ten (10) or more parking spaces shall provide landscaped areas, including perimeter and interior areas equal to or exceeding twenty percent (20%) of the area enclosed within the boundaries of that lot. One tree must be planted within the parking lot for every ten (10) parking spaces. For smaller parking lots, landscaping shall be provided as deemed appropriate by the Planning Commission. Where a parking lot is located within twenty (20) feet of a lot line, perimeter landscaping shall be required along the corresponding edge of the parking lot in conformance with the following:

1. The minimum landscaping strip shall be measured from the back of the curb and shall not include any parking space overhang area.
2. In determining the number of trees required, the figure shall be rounded to the nearest whole number.
3. The minimum height of shrubs may be reduced if berming is provided so that the combined height of shrubs and berming is not less than the minimum required height.

4. Perimeter Parking Lot Landscaping Requirements are as provided in the table below:

	Requirements Along Front and Corner Side Yards		Requirements Along Rear and Interior Side Yards	
	Across street from Residential	Across street from Non-Residential	Adjacent to Residential	Adjacent to Non-Residential
Minimum Landscape Strip	20 feet	5 feet	20 feet	5 feet
Minimum Height of Shrubs at time of Planting	3 feet	3 feet	6 feet	5 feet
Ornamental or Shade Trees	One (1) tree per fifty (50) feet of frontage	One (1) tree per fifty (50) feet of frontage	Not Required	Not Required
Ground Cover	Except where occupied by planting beds, perimeter parking lot landscaping areas shall be sodded, seeded, or planted with a suitable ground cover.			

- C. Interior Parking Lot Landscaping.
1. Interior parking lot landscaping areas (planting islands) shall be constructed within the parking lot. The area of landscaped areas shall be an average of no less than one hundred twenty (120) square feet per every ten (10) parking spaces.
 2. Such planting islands shall be curbed and shall have a minimum of seven (7) feet in width, as measured from back of curb to back of curb.
- D. In the CB Central Business District, the requirements of **Subsections 5.09B and C** shall apply to the construction of parking lots except that the Planning Commission may waive requirements or approve alternative landscape improvements to the extent found necessary to promote the appropriate development of the lot, operation of the uses, and in the interest of the properties within the District.

5.10: SURFACING

Any off-street parking area shall be of usable shape, improved with a compacted base conforming to standards adopted by the Village Engineer, and so graded and drained as to collect water in catch basins connected to storm sewers where available or to dispose of all surface water accumulation without harm to abutting properties. Storm water facilities shall comply with the provisions of the Subdivision Regulations and standards adopted by the Village Engineer. The parking area shall be so arranged and marked so as to provide for orderly and safe parking and storage of self-propelled vehicles. The surface for all off-street parking areas, loading and access driveways shall be asphalt or concrete.

5.11: LIGHTING

Any lighting used to illuminate off-street parking area shall be so arranged as to direct the light away from adjoining premises in any residential district, shall be so arranged as to not interfere with traffic on any adjoining street or to be confused with any traffic control lighting, and shall not be directed into the sky.

5.12: JOINT PROVISION OF PARKING FACILITIES

The Planning Commission may approve a parking lot which is used by two (2) or more uses and which provides fewer spaces than the sum of the spaces required for each use, where it is demonstrated to the satisfaction of the Commission that, due to varied times or parking demand or other characteristics, the parking facilities will satisfy the parking demands for each use. The Planning Commission may impose conditions relating to hours of operation or other factors which affect parking demand. A written agreement between the parties shall be filed with the application for a zoning permit, stating that the proposed joint parking area will be developed and maintained jointly and by mutual agreement. The location of such joint parking shall conform to the location requirements of this Article.

5.14 RECREATIONAL VEHICLE PARKING; DISABLED VEHICLES

- A. A recreational vehicle may be parked on a lot in a residential district only as follows:
 - 1. On a driveway in the front yard, not closer than five (5) feet to any lot line, for not more than seventy-two (72) hours in any thirty (30) day period.
 - 2. A recreational vehicle which is titled or leased in the name of a person whose permanent residence is located on the same lot, may be parked in the side or rear yard, in a location not closer than ten (10) feet to any lot line.
- B. No disabled vehicle, as defined herein, shall be stored or located in a residential district outside of a fully enclosed building.

ARTICLE VI: SIGNS

- 6.01 Purpose and Intent
- 6.02 General Regulations
- 6.03 Signs Permitted in Residential Districts
- 6.04 Signs Permitted in Business and Industrial Districts

6.01: PURPOSE AND INTENT

Sign regulations, including provisions to control the type, design, size, location, illumination, and maintenance thereof, are hereby established in order to achieve, among others, the following purposes:

- A. To promote and maintain attractive and high value residential districts;
- B. To provide for reasonable and appropriate methods and conditions for advertising goods sold or services rendered in business districts;
- C. To provide for appropriate and harmonious identification of uses and services within industrial districts;
- D. To protect property values;
- E. To promote public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstruction; and
- F. To protect and preserve aesthetic quality and physical appearance of the Village.

6.02: GENERAL REGULATIONS

- A. Compliance Required. Signs shall designed, erected, painted, repainted, posted, reposted, placed, replaced, hung, displayed, altered, reconstructed, moved, or maintained, in whole or in part, only in accordance with the provisions set forth in this Article. The provisions of this Article shall not amend or in any way interfere with other rules or regulations governing traffic or public safety signs.
- B. Zoning Permits.
 - 1. Zoning Permit Required. A Zoning Permit issued by the Zoning Inspector pursuant to the provisions of this Article shall be required prior to the erection, display, relocation, replacement, reinstallation, or alteration or any sign, including temporary signs, except as otherwise specifically exempted in Section 6.02B3 below. In addition to the standard requirements in Article IX regarding applications for Zoning Permits, applications for signs shall also be accompanied by detailed information regarding the design of the sign, including dimensions, materials, method of attachment or support, source of illumination, and the relationship to any building or structure to which it is or is proposed to be installed or fixed.
 - 2. Expiration Date of Permit. A permit for the erection of a sign shall become void if such sign is not erected and completed within one hundred twenty (120) days after the date of the sign permit.
 - 3. Permit Exceptions. No Zoning Permit shall be required for:

- a. Periodic repair, repainting, or maintenance which does not alter the sign including, but not limited to, the sign face, design, or structure;
- b. Changing the lettering, graphic, or information on a sign specifically approved as a changeable copy sign, whether automatic or manual;
- c. Legal notices, warnings, regulatory, informational, or directional signs erected by any public agency or utility;
- d. Signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property, such as signs designating handicapped parking, reserved parking, visitor parking, and loading areas;
- e. Wall signs not exceeding three (3) square feet in area which cannot be seen from a public street or right-of-way or from adjacent properties;
- f. Temporary yard signs advertising a political candidacy or issues, which shall be posted no earlier than thirty (30) days before the election and which shall be removed no later than seven (7) days after the election; and
- g. One temporary sign not exceeding four (4) square feet in area per lot or parcel.

***Change: Article VI, paragraph 6.02 B, 3, F and G were amended. Ordinance 03-07-02, September 9, 2003.

- C. General Requirements. The following provisions shall apply to all signs.
1. The total area of all signs permitted on a lot in accordance with regulations set forth in the following Sections shall include the area of all of the sign faces visible from a public right-of-way, including the area of signs placed upon the surface of windows or doors, but shall not include signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property, or any signs which cannot be seen from a public street, right-of-way, or adjacent properties.
 2. The area of a sign shall be measured within a continuous perimeter enclosing the extreme limits of such sign including all text and graphics and any device used to attract attention provided, however, that structural elements lying outside the limits of such sign and not forming an integral part of the display shall not be included as sign area.
 3. Free-standing signs shall be limited to a maximum of two (2) faces. Where the two (2) faces of a free-standing sign are oriented 180 degrees, or back to back, to one another the total sign area of such sign shall be measured as if the sign had a single face.
 4. The height of a free-standing sign shall be measured from the finished grade at the base of the sign to the highest point or element of the sign.
 5. For the purposes of calculating permitted sign area, the frontage of a building shall be the number of linear feet of the facade facing the principal street or containing the main entrance, and the frontage of a lot shall be the number of linear feet that the lot abuts on the principal street.
 6. Illumination. Signs in residential districts shall not be illuminated, except as specifically provided herein. Signs in commercial, business and industrial districts may be illuminated. Where illuminated signs are permitted, they shall conform to the following requirements:

- a. All illuminated signs shall comply with the requirements of the National Electric Code.
 - b. Electrical wiring serving any sign shall be installed underground or on or within the structure to which the sign is attached.
 - c. Illumination shall not be of excessive brightness and shall be shielded so as to prevent direct light or glare from being cast into any adjoining residential area or at vehicles traveling on a public right-of-way. Such lighting shall be shielded so as to prevent view of the light source from any adjoining residence or residential district and/or vehicles approaching on a public right-of-way from any direction.
 - d. Flashing, moving or intermittent illumination shall not be permitted.
 - e. The colors red or green, whether in direct illumination or reflection, shall not be used where such use may interfere with the sight lines of a traffic signal.
7. All signs shall be located in conformance with the following criteria:
- a. No signs shall be attached to utility poles, street signs, or traffic control poles.
 - b. No signs shall be located within or shall obstruct any public right-of-way, traffic control device, or street identification signs at intersections.
 - c. No sign shall be located so as to obstruct sight distances for vehicles entering or exiting any property or traveling on a public street.
 - d. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of access to any fire lane, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.
8. Prohibited Signs. Signs shall be permitted in each use district and regulated as to type, size and location as provided in this Article. Unless otherwise specifically permitted herein, the following signs are prohibited in all districts:
- a. Pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices;
 - b. Mobile, portable, or wheeled signs;
 - c. Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification sign, which is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;
 - d. Signs placed, inscribed or supported upon a roof or upon any structure, which extends above the roof line of any building;
 - e. Inflatable images;
 - f. Signs containing flashing, moving, intermittent, or running lights or which imitate traffic control devices;
 - g. Signs which employ any part or element which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention;
 - h. Beacons or searchlights; and

- i. Signs which hang less than eight and one-half (8.5) feet above a pedestrian walkway or less than fourteen (14) feet above a vehicular path.
9. Any owner, part owner, tenant or lessee who suffers a sign to remain on his property shall be deemed to have knowledge of the erection and nature of the sign. All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Zoning Inspector shall order the sign to be made safe or removed. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the persons or firm maintaining the same shall, upon receipt of written notice from the Zoning Inspector, forthwith in the case of immediate danger and in any case within ten (10) business days, secure, repair or remove said sign or structure in a manner approved by the Zoning Inspector. If said person or firm fails to comply with such order within ten (10) business days, the Zoning Inspector may remove the sign at the expense of the owner or lessee.
10. The Zoning Inspector shall order the removal or modification of any sign erected without a permit or found to be in violation of these regulations. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice of such violation from the Zoning Inspector, within ten (10) business days, remove or modify the sign or structure in a manner approved by the Zoning Inspector. If such sign is not removed or brought into compliance as directed in the notice of violation within ten (10) business days, the Zoning Inspector may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

6.03: SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

The following signs shall be permitted in residential districts and shall conform to the regulations set forth in herein:

- A. Permanent Signs.
 1. One sign, which may be either a wall or free-standing sign, not exceeding four (4) square feet in area may be permitted for each lot or parcel. If free-standing such sign shall be not exceed three (3) feet in height and shall not be located less than ten (10) feet from the right-of-way or any lot line.
 2. One wall sign may be permitted for multi-family buildings located within the Multiple Family Residential District. Such wall signs shall be limited to a maximum of twenty (20) square feet in area.
- B. Temporary Signs.
 1. One free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed twenty (20) square feet in area nor eight (8) feet in height. Each such sign shall be located a minimum of fifteen (15) feet from any

street right-of-way or property line and shall be removed within five (5) business days of issuance of an zoning compliance certificate by the Zoning Inspector.

6.04: SIGNS PERMITTED IN BUSINESS, INDUSTRIAL AND GOVERNMENT /INSTITUTION DISTRICTS

The following signs shall be permitted in the business, industrial, and government/institution districts and shall conform to the regulations set forth herein:

- A. Area of Signs.
1. CB, GC, G, I Districts. The total area of all permanent signs for each use, parcel, building, or land under common ownership or control shall not exceed one (1) square foot for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Zoning Inspector. Buildings or parcels located on a corner lot may increase the permitted total sign area for permanent signs as calculated herein by fifty percent (50%).
 2. NC District. The total area of all permanent signs for each use, parcel, building, or land under common ownership or control shall not exceed one half (0.5) square foot for each lineal foot of the building wall or facade which faces the principal street or contains the main entrance as determined by the Zoning Inspector.
- B. Permanent Signs. Total permanent sign area may be allocated to any or all of the following sign types subject to the restrictions and requirements set forth herein:
1. Wall Signs. Wall signs shall not project more than eighteen (18) inches in front of the building wall to which they are attached.
 2. Free-standing Signs.
 - a. CB, GC, G, I Districts. Each use, parcel, building, or land under common ownership or control shall be limited to one (1) free-standing sign which shall not exceed forty (40) square feet in area nor six (6) feet in height. Lots which have frontage on two (2) or more streets may have a second free-standing sign provided that the second free-standing sign is located on a different street and does not exceed forty (40) square feet in area nor six (6) feet in height.
 - b. NC Districts. Each use, parcel, building, or land under common ownership or control shall be limited to one (1) free-standing sign which shall not exceed twenty (20) square feet in area nor six (6) feet in height.
 - c. Free-standing signs shall be located a minimum of ten (10) feet from all property boundary lines, and shall be located a minimum of twenty-five (25) feet from any residential zoning district line.
 - d. The base and foundation of each free-standing sign shall be landscaped with plant material as approved by the Zoning Inspector in conformance with policy adopted by the Planning Commission.
- C. Temporary Signs.
1. One temporary free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed thirty-two (32) square feet in area nor eight (8) feet in

height. Each such sign shall be located a minimum of fifteen (15) feet from any street right-of-way or property line and shall be removed within five (5) business days of issuance of a zoning compliance certificate by the Zoning Inspector.

ARTICLE VII: SUPPLEMENTAL REGULATIONS

- 7.01: Purpose
- 7.02: Dwelling Regulations
- 7.03: Sexually-Oriented Business
- 7.04: Oil and Gas Wells
- 7.05 Special Provisions for the NC Neighborhood Commercial District

7.01: PURPOSE

The purpose of this Article is to provide regulations for specified uses, lots, and structures which may be established in the Districts of the Village.

7.02: DWELLING REGULATIONS

- A. Dwellings Generally. Every dwelling shall comply with the following requirements:
 - 1. The dwelling shall be attached to a permanent, masonry or concrete footing or foundation.
 - 2. The dwelling shall be connected to Village water and sewer systems.
 - 3. The dwelling shall contain at least 1200 square feet of living area, excluding garages, porches, or attachments.
 - 4. The dwelling shall have conventional residential sheathing such as wood, vinyl, or metal lap siding; shingles; brick or stone.
 - 5. The roof of the dwelling shall have a minimum 6-inch eave overhang.
 - 6. The roof of the dwelling shall have a minimum 3:12 roof pitch.
- B. Manufactured home, permanently-sited.
 - 1. A permanently-sited manufactured home, as defined by the Ohio Revised Code, shall be permitted in any district where dwellings are permitted uses and shall comply with all requirements of Subsection 7.02A above.
 - 2. Manufactured homes which do not comply with the definition of permanently-sited manufactured homes shall not be permitted in any district.
- C. Mobile Homes. Mobile homes, as defined by the Ohio Revised Code, Section 4501.01, shall not be permitted in any district.
- D. Travel trailers and park trailers, as defined by the Ohio Revised Code, Section 4501.01, shall not be permitted as dwellings in any part of the Village.

7.03: SEXUALLY-ORIENTED BUSINESS

- A. It is the purpose and intent of the provisions of this Zoning Code which specifically apply to sexually oriented businesses to regulate such businesses with the intent of promoting the health, safety, welfare and morals of the citizens of the Village, establishing reasonable and uniform regulations to prevent any deleterious location and concentration of such businesses within the Village, thereby reducing or eliminating the adverse secondary effects from such businesses. The provisions of this Zoning Code have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually oriented materials. Similarly, it is not the intent nor effect of this Zoning Code to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor the effect of this Zoning Code to condone or legitimize the distribution of obscene material. The provisions of this Zoning Code have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually oriented materials.
- B. A sexually oriented business shall comply with the following supplementary regulations, in addition to compliance with all other requirements of this Zoning Code:
1. A sexually oriented business shall not be located on a lot which is located within five hundred feet (500') of a lot on which another sexually oriented business is located.
 2. A sexually oriented business shall not be located in a building or other structure any part of which is located within five hundred feet (500') of
 - a. A residential district.
 - b. A public school or private school
 - c. A place of worship
 - d. A public library
 - e. A child day care center
 - f. A public park and/or playground.
- ***Change: Ordinance 10-10-02 February 14, 2011 Amended Article VII Section 2.

7.04: OIL AND GAS FACILITIES

- A. Purpose. The purpose of this section is to set forth requirements which will insure that any operations incidental to the exploration, extraction, or storage of oil and gas take place in a manner compatible with the surrounding land uses in the Village and do not endanger the public health, safety and welfare. In the event that there is any conflict between these zoning rules and regulations and State laws adopted pursuant to **Chapter 1509 of the Ohio Revised Code and/or Federal laws**, the most stringent regulations shall apply.
- B. The following provisions are adopted to prevent and/or mitigate possible fire and explosion damage:

1. For Fire Department use there shall be filed with the Zoning Inspector and the Police and Fire Departments a plat reflecting the point of ingress and egress for the site from a designated public road, as well as the location of the wellhead/s in relation to storage tanks, lines and all power shutoffs and oil flow line shutoffs.
 2. Information required by State law such as emergency numbers shall also be posted at the well site and provided to the Zoning Inspector and the Police and Fire Departments.
 3. The truck loading area must be outside the road right-of-way with no parking of tank trucks, drilling rigs or any other vehicles related to the operation of, construction of, or maintenance of, said well site and/or storage tanks within the road right-of-way.
 4. All oil and gas wells, storage tanks and separator units, shall be placed not nearer than 200 feet from any residence dwelling or public building. Nor shall any such building be erected within 200 feet from any oil or gas well, storage tank and/or separator units, abandoned or not abandoned.
 5. All storage tanks shall be at least one hundred (100) feet from any road right-of-way line, but in no case closer than two hundred (200) feet from any inhabited dwelling.
 6. Gas and oil well storage tanks and related equipment shall be no closer than fifty (50) feet from any property line except that in cases of unitization, tanks may be set on the common line between the unitized parties.
 7. All permanent producing facilities such as pumps, storage tanks, meter houses and/or well heads are to be enclosed by a cyclone fence six (6) feet or more in height.
 8. Shut-off valves shall be painted a conspicuous color (such as fluorescent orange) for easy identification in an emergency.
 9. The immediate area surrounding the drill site and storage tanks for a distance of fifteen (15) feet shall be kept mowed and cleared of combustible materials, including trees and overhanging branches.
 10. All gas and oil lines shall be buried a minimum of thirty (30) inches below the surface and all lines shall be drawn on a map and recorded with the Zoning Inspector and the Police and Fire Departments.
 11. No open fires shall be permitted within two hundred (200) feet of any gas well or storage tank except as otherwise provided by law or regulation.
 12. Subject to State Requirements, flaring may be permitted into a pit after notifying the Police and Fire Departments and the Zoning Inspector.
 13. Access roads to the oil well storage tanks and well sites shall be properly constructed and maintained to allow access for fire protection year round.
 14. Storage tanks shall be kept painted, manholes locked, and discharge and fill valves shall be locked.
- C. Contamination of surface or ground water by substances resulting, obtained or produced in connection with the exploration, drilling, production, storage or transport of oil or gas or any of its by-products is prohibited and the following regulations must be followed:

1. All oil and gas production equipment at a wellhead and related storage tanks shall be diked so as to contain within the diked area all substances relating to the oil and gas well operations involved. Said dikes should be liquid tight.
 2. Where the dikes provided for herein are being or may be eroded or damaged as a result of the volume of storm water runoff flowing against such or because of their location are likely to be so eroded or damaged, a diversionary swale or dike shall be constructed to remove such storm water runoff away from said dike.
 3. If during the construction of any temporary or permanent pit for the retention of substances resulting obtained or produced in connection with the exploration, drilling or production of oil and gas, a subsurface drainage system is encountered, said subsurface drainage system shall be plugged at a point no closer than twenty (20) feet to the pit well on both the inlet and outlet of said system. In addition, the subsurface drainage system shall be relocated at least twenty (20) feet from the edge of the pit.
 4. Where the well site is on a steep slope or in a flood plain area, tanks rather than pits shall be installed and utilized for temporary storage of salt water, brine and oil field waste. Said tanks shall be liquid tight.
- D. The Zoning Inspector may inspect oil and gas wells and storage sites at any time in order to insure compliance with all local regulations.
- E. The Zoning Inspector shall be notified prior to the setting of oil storage tank(s) to insure compliance with all local regulations.

7.05 SPECIAL PROVISIONS FOR THE NC NEIGHBORHOOD COMMERCIAL DISTRICT

The following special provisions shall be applicable to all lots, uses, and structures in the NC Neighborhood Commercial District.

- A. No more than one (1) principal building shall be constructed on a lot.
- B. The total floor area permitted on a lot shall be 2500 square feet if one story and 5000 square feet in two or more stories.
- C. Parking and loading facilities shall not be located in the front yard and not in a side yard abutting a public right-of-way.
- D. A landscaping area, other than lawn, shall be located in the front yard and shall comprise not less than 25% of the front yard. The landscaping shall be as approved by the Planning Commission in site plan review.
- E. Outdoor lighting shall be of the cutoff type only, designed to prevent glare or spillover of light into abutting properties or into the sky. All lighting, except security lighting approved in the site plan, shall be turned off during the hours between 10 pm and 7 a.m.
- F. Roofs shall be sloped not less than 4:12.
- G. Accessory buildings shall not exceed 200 square feet in area.
- H. Exterior surfaces of buildings shall be sheathed in materials typical of residential structures such as siding or brick.
- I. Windows shall be as approved in the site plan. Windows shall be similar to those typical for dwellings in terms of style, size, number, and placement. Display windows are prohibited.

ARTICLE VIII: NON-CONFORMITIES

- 8.01 Purpose
- 8.02 Uses Under Conditional Use Provisions not Non-conforming Use
- 8.03 Incompatibility of Non-conformities
- 8.04 Avoidance of Undue Hardship
- 8.05 Certificates for Non-conforming Uses
- 8.06 Substitution of Non-conforming Uses
- 8.07 Single Non-conforming Lots of Record
- 8.08 Non-conforming Lots of Record in Combination
- 8.09 Non-conforming Used of Land
- 8.10 Non-conforming Structures
- 8.11 Non-conforming Uses of Structures or of Structures and Land in Combination
- 8.12 Termination of Non-conforming Uses
- 8.13 Repairs and Maintenance

8.01: PURPOSE

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

8.02: USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USE

Any use which is permitted as a conditional use in a district under the terms of this Code shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use. If the Code is amended so that the use is no longer listed as a conditional use, then the use shall become nonconforming.

8.03: INCOMPATIBILITY OF NON-CONFORMITIES

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

8.04: AVOIDANCE OF UNDUE HARDSHIP

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

8.05: CERTIFICATES FOR NON-CONFORMING USES

The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid non-conforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the non-conforming use, and the extent that dimensional requirements are non-conforming. The purpose of this Section is to protect the owners of lands or structures that are or become non-conforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one (1) copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

4.06: SUBSTITUTION OF NON-CONFORMING USES

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

8.07: SINGLE NON-CONFORMING LOTS OF RECORD

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

action of the Board of Zoning Appeals as provided in this Code. *(See also Section 4.01G that requires a minimum frontage of forty (40) feet.)*

8.08: NON-CONFORMING LOTS OF RECORD IN COMBINATION

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

8.09: NON-CONFORMING USES OF LAND

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

- A. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code;
- B. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses, at the effective date of adoption or amendment of this Code;
- C. If any such non-conforming uses of land are discontinued or abandoned for more than six (6) months (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located; and
- D. No additional structure not conforming to the requirements of this Code shall be erected in connection with such non-conforming use of land.

8.10: NON-CONFORMING STRUCTURES

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

- A. No such non-conforming structure may be enlarged or altered in any way, which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
- B. Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Code;

- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved; and
- D. Recreational vehicles, mobile homes and trailers as defined by this Code are not structures, and Sections 4.10 and 4.11 of this Code do not apply.

8.11: NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

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

- A. No existing structure devoted to a use not permitted by this Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- B. Any non-conforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building;
- C. If no structural alterations are made, any non-conforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Code;
- D. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- E. When non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than six (6) months (except when government action impedes access to the premises), the structure, or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- F. Where non-conforming use status applies to a structure, or to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

8.12: TERMINATION OF NON-CONFORMING USES

- A. Termination of Use Through Discontinuance. When a non-conforming use is discontinued or abandoned for more than one (1) year, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a non-conforming use shall not be evidence of its continuance.
- B. Termination of use by Damage or Destruction. In the event that any non-conforming building or structure is destroyed by any means to the extent of more than fifty percent (50%) of the replacement cost of such structure, exclusive of foundation, then it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Code. If such a non-conforming structure is damaged or destroyed to the extent of less than fifty percent (50%) of the replacement costs, then no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Code and the following conditions:
1. A zoning permit pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
 2. Such restoration shall not cause a new non-conformity, nor increase the degree of non-conformance or non-compliance existing prior to such damage or destruction.
- ***Change: Ordinance 10-10-02 February 14, 2011 Amended Article VIII Non-Conforming.

8.13: REPAIRS AND MAINTENANCE

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

ARTICLE IX: ADMINISTRATION & ENFORCEMENT

- 9.01 Zoning Inspector
- 9.02 Planning Commission
- 9.03 Board of Zoning Appeals
- 9.04 Zoning Permit
- 9.05 Zoning Compliance Certificate
- 9.06 Compliance Required
- 9.07 Violations and Enforcement
- 9.08 Fees, Charges, and Expenses

9.01: ZONING INSPECTOR

- A. The Zoning Inspector, designated by Village Council, shall administer and enforce this Code. The Zoning Inspector may be provided with the assistance of such other persons as Village Council may direct.
- B. For the purpose of this Code, the Zoning Inspector shall have the following duties:
 - 1. Enforcement of the Zoning Code;
 - 2. Making and maintaining records for all applications for permits and requests listed herein; including but not limited to all zoning permits and zoning compliance certificates;
 - 3. Recording all permits issued or denied, including all special conditions modifications;
 - 4. Filing and safely keeping copies of all plans submitted;
 - 5. Transmitting to appropriate Board or Commission and to Village Council all applications and plans for their review and approval if required;
 - 6. Upon finding that any of the provisions of this Code are being violated, notifying in writing the person responsible for such violation(s), ordering the action necessary to correct such violation, including:
 - a. Ordering discontinuance of illegal uses of land, buildings, or structures;
 - b. Ordering removal of illegal buildings or structures or illegal additions or structural alterations; and
 - c. Ordering discontinuance of any illegal work being done; and
 - 7. Take any other action authorized by this Code to ensure compliance with or to prevent violation(s) of this Code. This may include the issuance of and action on zoning permits and zoning compliance certificates and such similar administrative duties as are permissible under the law.
- C. The Zoning Inspector may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Village Engineer in fixing grades, of the Chief of Police in enforcing orders, of the Solicitor in prosecuting violations, and of other officials.
- D. Inspection. The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Zoning Code. The Zoning Inspector, upon presenting proper identification, shall have

the right to enter upon any land or into any building for the purpose of making an inspection or acquiring information to determine whether or not the property and the use thereof conform to the requirements of this Code.

9.02: PLANNING COMMISSION

- A. The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Code. Meetings shall be held as provided by the Village Charter. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.
- B. Duties. In addition to the powers and duties established by the Village Charter, the Commission shall have the following duties:
 - 1. Initiate proposed amendments to this Code;
 - 2. Review all proposed amendments to this Code and make recommendations to the Village Council as specified in Article XIII;
 - 3. Review site plans as provided in Article X; and
 - 5. Approve or deny conditional use permits as specified in each district and under the conditions specified in Article XI and such additional safeguards as will uphold the intent of this Code.
 - 6. All other authorities and duties provided in this Code.

9.03: BOARD OF ZONING APPEALS

- A. Proceedings. The Board shall adopt rules necessary to conduct its affairs in keeping with the provisions of the Charter and of this Code. Meetings shall be held as provided in the Charter, at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board.
- B. Duties. In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Code, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Code or to effect any variation in the application of this Code. For the purpose of this Code the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
2. To authorize such variances from the terms of this Code as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Code will result in unnecessary hardship or practical difficulties, and so that the spirit of this Code shall be observed and substantial justice done.
3. To interpret zoning district boundaries as provided in Section 2.04H.

9.04: ZONING PERMITS

- A. Zoning Permit Required. No building or other structure shall be erected, moved, added to, or structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Code unless the Zoning Inspector receives a written order from the Board of Zoning Appeals that directs him to do otherwise, based upon an appeal, conditional use, or variance from the Village Council as provided by this Code.
- B. Application. The application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or has been substantially completed within two (2) years. At a minimum, the application shall contain the following information:
 1. Name, address, and phone number of applicant.
 2. Legal description of property.
 3. Existing use.
 4. Proposed use.
 5. Zoning District.
 6. Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing structures on the lot, if any; the location and dimensions of the proposed structures or alteration; the locations of the proposed uses. Applicant shall submit the number of copies required by the Zoning Inspector.
 7. Building heights.
 8. Number and location of off-street parking spaces or loading berths.
 9. Number of dwelling units.
 10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Code.
 11. The name and address of the contractor erecting, moving, adding to, or structurally altering a building or other structure.

***Change: Article IX, paragraph 9.04, B, addition of number eleven (11), Ordinance 03-070-02, September 9, 2003.
- C. Approval of Permit. Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with

the provisions of this Code. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector; after, the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. The Zoning Inspector shall retain one (1) copy of the plans, similarly marked. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Code.

- D. Expiration. If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

9.05: ZONING COMPLIANCE CERTIFICATE

- A. Certificate Required. It shall be unlawful to use, occupy, or permit the use or occupancy of any building, premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning compliance certificate is issued by the Zoning Inspector stating that the proposed use, structure or land conforms to the requirements of this Code.
- B. Temporary Certificate. A temporary zoning compliance certificate may be issued by the Zoning Inspector for a period not exceeding six (6) months, during alterations or partial occupancy of a structure pending its completion.

9.06 COMPLIANCE REQUIRED

Zoning permits or zoning compliance certificates issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to those authorized shall be deemed a violation of this Code and punishable as provided in **Section 9.07** of this Code.

9.07 VIOLATIONS AND ENFORCEMENT

- A. Violations. Violation of any provision set forth in any Article of this Code, in any or failure to comply with any of its requirements, including violations of conditions and safeguards established in various articles of the Code shall constitute a misdemeanor. Failure to obtain a zoning permit or zoning compliance certificate shall be a violation of this Code.
- B. Complaints Regarding Violation. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action as provided by this Code.

- C. Penalties. Any person who violates this Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

9.08 FEES, CHARGES, AND EXPENSES

- A. The Village Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Code requiring investigations, inspections, legal advertising, postage, and other expenses.
- B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Zoning Fees:	Fee:
1. Single Family	\$75.00
2. Duplex	\$75.00
3. Multi-Family	\$50.00 per unit (min. of 3)
4. Commercial/Industrial	\$125.00 up to and including 5,000 sq. ft. \$400.00 over 5,000 sq. ft.
5. Fence Permit	\$20.00
6. Sign Permit	\$10.00
7. Swimming Pools	
A. Above Ground	\$10.00
B. In-Ground	\$25.00
8. Accessory Structure	
A. Government	\$25.00
B. Residential	\$25.00
C. Commercial/Industrial	\$200.00
9. Parking Lot (five cents per sq. ft.)	\$200.00 minimum
10. Zoning Charge	\$250.00
11. Variance	\$175.00
12. Conditional Use	\$175.00
13. Appeal	\$100.00
14. Addition	
A. Residential/Government	\$25.00
B. Commercial/Industrial	
1. Up to and including 5,000 sq. ft.	\$125.00

2. Over 5,000 sq. ft.	\$400.00
15. Annexation Fee	\$250.00 plus filing fees and any additional costs

***Change: change of Zoning fees, Resolution 03-03-03R, March 11, 2003
***Change: change of Zoning fees Ordinance 07-07-01, September 11, 2007
***Change: change of Zoning fees Ordinance 10-10-02, February 14, 2011

Zoning Books with map	\$25.00
Map only	\$5.00

ARTICLE X: SITE PLAN REVIEW

- 10.01 Purpose
- 10.02 Site Plan Required
- 10.03 Application
- 10.04 Review Procedures
- 10.05 Administration and Enforcement
- 10.06 General Requirements for Major Site Plans
- 10.07 Design Standards for Major Site Plans

10.01: PURPOSE

Site plan review is required to ensure proper design of sites for the efficient use of land; to protect adjoining properties from adverse impacts of site and structure design and uses; and to promote high standards in the layout, design, landscaping, and construction of development. It is also intended to supplement the requirements of the Subdivision Regulations and to further the purposes and provisions of this Zoning Code and the plans adopted by the Village. The purposes of this Article are to state the specific additional requirements applicable to the development of land for certain uses, structures, and developments of land and in certain zoning districts and to prescribe the standards for the preparation, submission, and review of site plans.

10.02: SITE PLAN REQUIRED

- A No use or construction for which a site plan is required shall be established or commenced until a site plan application has been submitted and approved by the Zoning Inspector or by the Planning Commission, as required herein. No permit shall be issued by the Zoning Inspector or any other Village official for the construction of any building or improvement subject to a site plan except in conformity with the provisions of this Code and the duly approved site plan.
- B. A site plan application shall be submitted for the following:
 - 1. Minor Site Plan. A minor site plan shall be submitted for any use or site improvement for which a major site plan is not specifically required in **Section 10.02 B 2 below**. (Provided, however, the Zoning Inspector may waive the requirement for a minor site plan where the Inspector finds that the site plan is not necessary to determine or document conformance with the Zoning Code.) Such uses and site improvements include, but are not limited to:
 - a. New dwellings, additions to dwellings
 - b. Uses and structures accessory to dwellings
 - c. Paved areas accessory to dwellings
 - 2. Major Site Plan. A major site plan shall be submitted for the following:
 - a. An application for a conditional use.
 - b. On lots located in the business and industrial districts and in any other locations required by the Zoning Code:
 - 1) New construction, substantial renovation, or expansion of a building, structure, or other site improvement;

- 2) The establishment of a new use, or a substantial change of use.
- 3) Construction of new or expanded paved areas in excess of 3000 square feet.
- c. Any development in the R3 Multiple-Family Residential District.
- d. Accessory buildings having a floor area of four hundred (400) square feet or more.
- e. In any residential district, the construction of a new building, or change of use of any existing building, which is not a single family dwelling or which is not accessory to a single-family dwelling.

10.03: APPLICATION REQUIREMENTS

- A. Minor Site Plan. A minor site plan shall be a drawing or other documentation which illustrates the intended location, layout, or construction of uses and structures and which is approved by the Zoning Inspector as a sufficient record of the intended compliance with the provisions of this Code.
- B. Major Site Plan.
 1. The major site plan application shall include the following information unless the Zoning Inspector determines that certain information is not necessary for review of the particular site plan:
 - a) A completed site plan application form, signed by the property owner or his authorized representative.
 - b) A fee as required by this Code.
 - c) Name of the development and the name, address, and phone number of the owner and applicant.
 - d) Drawing scale, north arrow, and date of preparation.
 - e) Locations and dimensions of lot lines based on a survey, deed, plat, or other legal delineation.
 - f) Existing topography, proposed topography, and proposed finished grades, at a maximum one-foot contour interval.
 - g) Locations, acreage, and floor areas of existing and proposed uses, easements, and encroachments on the property. Location of all minimum setback lines.
 - h) Proposed building locations, dimensions, net floor area, locations of entrances and exits, height and number of stories, and finished grade elevations. Locations, dimensions, and description or illustration of all other structures including fences and signs. For multiple family residential developments, the number, type, and minimum floor area of dwelling units.
 - i) Drainage plan, including all open and enclosed drainage structures and surface drainage, and calculations of off-site impacts in a manner approved by the Village Engineer.
 - j) Locations of existing and proposed refuse disposal facilities and plans for screening.

- k) Vehicular and pedestrian circulation plan, that is, a plan showing the planned route of vehicles and pedestrians onto, through, and out of the site, including any safety considerations. Proposed location, layout, dimensions, and area for all parking, loading, drives, and walkways, curbs, and curb cuts. Surface types of all paved areas. Number of parking spaces provided and the number of spaces required by this Zoning Code.
- l) Planting and Landscape Plan including: botanic names, common names, location, quantity, diameter, and height at installation and at maturity of all proposed living and non-living landscape materials and existing materials to be preserved; types and locations of proposed groundcovers and mulches; dimensions, materials, colors, and appearance of all sides of fences, walls, ornamental lighting and other landscape and screening features (including location and contours of proposed berms at one-foot intervals); measures to be taken to protect new and preserve existing trees during construction; identification of existing trees, large shrubs, formal planting areas, and hedges to be removed.
- m) Elevation drawings or renderings, with scale clearly shown, of all sides of the proposed structures, illustrating the proposed designs of the elevations of the buildings, signs, fences, and other structures and identifying materials and colors thereof. Locations and dimensions of all wall openings, including windows and doors, vents, etc. Locations and dimensions, finish and colors of all roof and wall-mounted fixtures, equipment, poles, including locations of utility service installations, electrical and phone meters or service boxes. Material samples and/or paint chips of roofing, exterior wall surfaces, and other prominent features and surfaces.
- n) Such other relevant data as may be required to ascertain the compliance of the proposed development with the plans and laws of the Village of Orwell.

10.04: REVIEW PROCEDURES

- A. Preliminary Discussion. It is recommended that every applicant request informal preliminary discussion with the Zoning Inspector in order to review the requirements prior to submitting an application for site plan review.
- B. Minor Site Plan Procedure. A minor site plan shall be submitted to the Zoning Inspector who shall review the site plan and either approve or disapprove it within a reasonable time.
- C. Major Site Plan Procedure.
 - 1. Application submittal. The applicant for site plan review, who shall be the owner of the subject property or the duly authorized representative of the owner, shall submit copies of the site plan application, the number of copies as required by policy of the Planning Commission, which shall include the items required by this Code. The application shall be submitted at least fifteen (15) business days prior to the meeting at which the plans will be reviewed by the Planning Commission.

2. Staff Review. A site plan application shall be reviewed by the Zoning Inspector for compliance with all applicable regulations.
3. Planning Commission Review.
 - a) When an applicant has submitted a complete site plan application, the Planning Commission shall approve, approve with conditions, or disapprove the site plan application within a reasonable time. Approval or disapproval shall be based on findings of fact consistent with the purposes of these regulations. The Planning Commission may attach to the approval of the site plan application conditions reasonably required to promote the public health, safety and welfare.
 - b) Written approval of the site plan application shall be indicated by signature of the Chairman of the Planning Commission on one (1) copy of the site plan, marked with such amendments and conditions as the Planning Commission may require, and shall constitute authorization to proceed with issuance of required permits and construction in compliance with the approved site plan, provided that all conditions are satisfied and the site plan complies with all other requirements of law.
4. Conditions Prior to Approval. Prior to the approval of the site plan, the applicant shall post any bonds or other guarantees, present any dedication or easement plats, and comply with any other legally required conditions to the satisfaction of the Solicitor. The Planning Commission may establish a condition that the applicant shall execute a written development agreement to ensure compliance with this Article and with all other laws and regulations of the Village. The form and content of the development agreement shall be as approved by the Solicitor.
5. Expiration of Approval. Approval of a site plan by the Planning Commission shall expire twelve (12) months from the date of approval unless construction has commenced. A single extension of site plan approval, not to exceed six (6) months, may be granted by the Planning Commission after written request by the applicant.
6. Resubmittal. Subsequent to disapproval of a site plan, no applicant shall resubmit, within a period of six (6) months from the date of disapproval, a site plan which the Planning Commission deems substantially similar to the previously disapproved site plan.

10.05: ADMINISTRATION AND ENFORCEMENT

- A. Any site plan may be revised. Such revision shall be accomplished in the same manner as the original approval, provided, however, those minor technical changes which do not substantially alter the original site plan may be authorized by approval of the Zoning Inspector.
- B. The procedures proscribed by this Article are not intended to be a substitute for, or to have any bearing upon, any procedures required by the Subdivision Regulations.
- C. If a proposed site plan application also requires the granting of a variance or other special approval from the Board of Zoning Appeals, application and review procedures of the Planning Commission and the Board may proceed concurrently.

10.06: GENERAL REQUIREMENTS FOR MAJOR SITE PLANS

- A. All on-site and off-site improvements indicated on the site plan application or required by the Planning Commission or required by other local ordinance shall be installed at the expense of the owner of the property.
- B. The need for alteration of existing public improvements, the potential for repair of damage resulting from the site development, or costs resulting from temporary or permanent disruption of existing improvements shall be determined in the process of site plan review. Conditions addressing the foregoing shall be established in approval of the site plan.
- C. All required improvements shall be installed in accordance with construction standards adopted by the Village including the Subdivision Regulations and the standards established by the Village Engineer.

10.07: DESIGN STANDARDS FOR MAJOR SITE PLANS

Major site plans shall conform to the following standards:

- A. Site plans shall demonstrate that the proposed development will be in compliance with all applicable plans, laws and ordinances.
- B. Consideration shall be given to providing uses of land and structures consistent with plans adopted by the Village in the area addressed by the site plan.
- B. All development features, including principal buildings, open spaces, service roads, driveways, and parking areas shall be located to minimize adverse effects upon adjacent development. Visual and auditory privacy for surrounding properties shall be provided through good design and the use of proper building materials and landscaping. Where necessary to promote harmony with adjacent developments, screening of parking areas and service areas from surrounding properties shall be provided through landscaping, ornamental walls, fences, or other means.
- C. To ensure the protection of property values and to promote effective transition of land use from one district to another, the Planning Commission shall have the power to determine the need for, location, and the amount of planting materials, walls, walks, or fences or any combination thereof.
- D. Thoroughfares, service roads, driveways, and parking and loading areas shall be designed to promote safe and efficient pedestrian and vehicular traffic safety on both private and public lands. On-site traffic circulation shall be designed to permit adequate fire and police protection.
- E. The design and installation of high quality, attractive landscape planting, screening, fences, and other site improvements is encouraged. These improvements shall be designed as integral elements of the overall site plan, selected to complement the site and surrounding sites, and designed to provide visually and spatially attractive areas in all parts of the site.
- F. The locations and designs of buildings and other site improvements shall be developed with consideration given to minimizing the removal of trees and natural native vegetation and changes of topography.

- G. Provision shall be made for sidewalks and pedestrian walkways, including sidewalks along public rights-of-way, which will enable pedestrians to walk safely and conveniently from distant areas of parking to the buildings, from one building to another within the site, and to and from public walkways.
- H. Provision shall be made for the disposal of wastes generated by the proposed use. Screening of temporary storage areas and containers shall be provided to minimize visual impacts on abutting properties, especially adjacent residential uses.
- I. Grading, surface drainage, and erosion provisions shall be designed to minimize adverse effects on abutting properties, streams, and public streets, during as well as after construction. Adequate drainage for the disposition of storm and natural waters both on and off-site shall be provided. The extent of both on-site and off-site drainage facilities and the requirements for on-site storm water management shall be based on the requirements of the Subdivision Regulations and the standards established by the City Engineer.
- J. Landscaping and lighting shall comply with the standards of this Code.

***Change: Paragraph K, 1-12 deleted as per Ordinance 03-07-02, September 9, 2003.

ARTICLE XI: CONDITIONAL USE PERMIT

- 11.01 Purpose
- 11.02 Conditional Uses Generally
- 11.03 Application
- 11.04 Notice and Hearing
- 11.05 Review and Action by Commission and Council
- 11.06 Issuance, Expiration, Revocation, Transfer, Amendment
- 11.07 Standards for All Conditional Uses
- 11.08 Standards for Specific Conditional Uses

11.01: PURPOSE

The purpose of this Article is to establish standards and procedures for review of uses which have the potential to be compatible with the districts in which they are listed as conditional uses but which, due to the nature of their operation, appearance, or other characteristics, require individual review and control of their location, design, intensity, configuration, and impacts upon the district and the community in order to ensure such compatibility and preservation of the district and community.

11.02: CONDITIONAL USES GENERALLY

- A. Conditional uses which may be considered for approval are the uses identified as conditional uses for the respective districts as provided in this Code.
- B. A use listed as a conditional use shall not be permitted by right. The identification of a use as a conditional use in a district shall not establish or imply any rights for approval of the use on any lot, nor shall the approval of a conditional use on one lot establish or imply any rights for approval of the same use on any other lot. Listing as a conditional use shall afford the opportunity to submit an application for a conditional use permit which may be approved or denied on the basis of the provisions of this Code.
- C. When a use is listed in this Code as a conditional use for a district, the conditional use of land, building, or structure shall not be established until a conditional use permit has been reviewed and approved by the Planning Commission according to the procedures of this Code and until the conditional use permit is issued by the Zoning Inspector.

11.03: APPLICATION

- A. Application. An applicant for a conditional use permit shall submit an application to the Zoning Inspector. At a minimum, an application shall include the following information:
 - 1. Use Information:
 - a) A statement of the specific conditional use or uses listed in this Code for which the application is submitted.
 - b) A description of the activities proposed on the site, including the goods and services, hours of operation, anticipated number of employees, nature and volume of delivery activity, characteristics of vehicular activity, and

- other information which clearly documents the nature of the proposed use and its potential impacts.
- c) A statement discussing the compatibility of the proposed use with the existing and permitted uses of adjacent properties and with any plans adopted by the Village, including an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, vibration, and storm water.
 - d) A statement addressing each of the applicable criteria set forth in **Section 11.07**: Standards for all Conditional Uses and, as applicable, of **Section 11.08**: Standards for Specific Conditional Uses.
2. Site Plan Information: Information and exhibits required for Site Plan Review as provided by **Article X**.
 3. Additional Information. Upon review of the application, the Planning Commission may determine that additional information is necessary to make a determination of the compliance of the proposed use with the provisions of this Code. The Commission may determine that additional studies or expert advice are necessary to evaluate a proposed conditional use relative to the requirements of this Code and shall advise the applicant if such studies or advice are required. The Commission may accept the required studies prepared by qualified professionals engaged by the applicant or may require the applicant to deposit with the Village funds as required to pay for such studies.

11.04: NOTICE AND HEARING

- A. At the first regularly-scheduled meeting at which an application for a conditional use permit is received for review, the Planning Commission shall set a date, time, and place for a public hearing and shall instruct the Secretary of the Commission to publish notice.
- B. Notice of public hearing shall be published as follows:
 1. Notice of the time and place of the hearing and general subject matter of the hearing, including the location for which the permit is requested, shall be published in a newspaper of general circulation in the Village not less than ten (10) business days prior to the hearing; and
 2. Notice of the time and place of the hearing and general subject matter of the hearing, including the location for which the permit is requested, shall be sent by certified mail to the owners of property within, contiguous to, and directly across the street from the property which is the subject of the application not less than ten (10) business days prior to the hearing.
- B. The Planning Commission shall conduct a public hearing on the date and time published.

11.05: REVIEW AND ACTION BY COMMISSION AND COUNCIL

- A. Action by Planning Commission. The Commission shall review the application for conformance with the provisions of this Code, including the standards set forth in **Section 11.07**: Standards for all Conditional Uses and, as applicable, of **Section 11.08**: Standards for Specific Conditional Uses, and shall, within a reasonable time after conclusion of the public hearing, take one of the following actions:

1. Recommend that Village Council approve the proposed conditional zoning certificate and site plan. In making the recommendation for approval, the Planning Commission may recommend appropriate conditions and safeguards in conformance with the intent and purposes of this Code for the protection of nearby property and the public health, safety and general welfare.
 2. Deny the application, stating in the motion for denial the reason(s) for disapproval.
- B. Notice to Council. The Secretary of the Commission shall, within two (2) business days after the Commission recommends approval of a conditional zoning certificate, forward the recommendation to the Clerk of Council.
- C. Action by Council.
1. Council shall review the application, the record, and the recommendation of the Commission and shall take one of the following actions within a reasonable time after the first Council meeting agenda on which the application is considered:
 - a) Approve the proposed conditional use permit. In granting approval, Council may confirm the conditions and safeguards approved by the Commission or amend them.
 - b) Deny the application, stating in the motion for denial the reason(s) for disapproval.
 2. Effect of Council Action. If Council approves the conditional zoning certificate, then the Zoning Inspector shall be authorized to issue the conditional use permit.
 3. If Council denies the conditional use permit, then the Clerk of Council shall notify the applicant in writing and no further action shall be taken.
- D. Appeal. An applicant may, no later than ten (10) business days after receipt of written notice of denial of an application by the Commission, submit a written appeal to Council. The Zoning Inspector shall submit the record of the application to the Clerk of Council for Council's use in determining the appeal.

11.06: ISSUANCE, EXPIRATION, REVOCATION, TRANSFER

- A. Upon conclusion of the procedures in Sections 11.03, 11.04, and 11.05, the Zoning Inspector may issue a Conditional Use Permit.
- B. Expiration of Approval. A conditional use permit shall expire one (1) year from the date of approval by Council unless construction has commenced. If the work described in the permit has not begun within one (1) year from the date of approval, the permit shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in the permit has not been substantially completed within two (2) years of the date of issuance thereof, the permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new conditional use permit has been obtained or extension granted. A single extension of the conditional use permit, not to exceed six (6) months, may be granted by the Planning Commission after written request by the applicant.
- C. No application for a Conditional Use Permit which has been denied wholly or in part by the Commission or by Council shall be resubmitted until the expiration of one (1) year or

- more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Commission.
- D. Revocation.
1. If the Zoning Inspector finds that any provision of this Article relating to a conditional use permit is being violated or that any condition, safeguard, or requirement of a conditional use permit is being violated or breached, the Zoning Inspector shall send a written notice to the owner of the property, indicating the nature of the violation and ordering the action necessary to correct it.
 2. The notice shall state what action the Zoning Inspector intends to take if the violation is not corrected and shall advise that the Inspector's decision or order may be appealed to Village Council within ten (10) business days of receipt of the notice.
 3. If no appeal is filed, the Zoning Inspector shall take necessary and appropriate action required to resolve the violation. If an appeal is filed, all action shall be stayed unless the Zoning Inspector prepares a statement, as approved by the Solicitor, certifying that the situation poses imminent peril to the public health, safety and welfare and that immediate action is warranted.
 4. If an appeal is filed, Village Council shall set a date for hearing. At least ten (10) business days prior to the hearing, written notice shall be issued to the property owner.
 5. Village Council shall conduct the hearing at the date and time established, shall consider the appeal and the record and shall determine the action to be taken. The Village Council may take any of the following actions:
 - a) Amend the terms of the conditional use permit.
 - b) Revoke the conditional use permit.
 - c) Order the Zoning Inspector to take action necessary to correct the violation.
 6. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this chapter or pose a danger to the public health, safety, or welfare, the Zoning Inspector may seek enforcement without prior written notice.
- E. Transfer of Conditional Use Permit to New Owner. A conditional use permit shall expire when ownership of the lot is transferred to a new owner. A conditional use permit may be transferred to a new owner of the lot for which the original permit was granted provided that the new owner shall submit a written request for transfer of the permit. The request shall include a statement ensuring compliance with all conditions of the original permit. The Zoning Inspector shall inspect the premises for conformance with the original permit, shall review the record regarding the permit, and shall make a recommendation to the Commission. The Commission shall determine whether the original permit shall be transferred to the new owner or if it shall expire.
- F. Amendment of Permit. A conditional use permit may be amended subject to application and review procedures as required for a new permit.

11.07: STANDARDS FOR ALL CONDITIONAL USES

The Planning Commission shall determine, in making a recommendation for approval of a conditional use permit that the proposed use will comply with the general standards in this Section and the specific standards in **Section 11.08** pertinent to each use indicated therein. The Commission may also recommend such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of this Zoning Code will be observed.

The Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:

- A. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Village plans of current adoption;
- B. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
- E. Will be served adequately by essential public facilities and services such as roads, police and fire protection, drainage structures, refuse disposal or schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. As applicable, shall be in compliance with the Subdivision Regulations;
- G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public roads; and
- H. Will not have exterior lighting or audio equipment which is incompatible with the uses of the district.

11.08: STANDARDS FOR SPECIFIC CONDITIONAL USES

In addition to the Standards for All Conditional Uses in **Section 11.07** above, the following standards shall apply to the conditional uses listed herein:

- A. **Home Occupation** A home occupation may be permitted as a conditional use accessory to a dwelling unit according to the following standards:
 1. A home occupation shall be clearly incidental and subordinate to the use of the lot and structure as a dwelling.
 2. A home occupation shall only be owned and conducted by persons residing in the dwelling.
 3. Not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation. The total of all floor area used for the home occupation, inclusive of floor areas in all buildings on a lot and inclusive of any basement floor area used for the home occupation, shall not exceed eight hundred (800) square feet. Garage floor area may be used if the

- home occupation does not occupy parking spaces required for the dwelling use by the provisions of this Code.
4. A home occupation, including any storage of materials or equipment related thereto, shall be carried on entirely within the dwelling and not in an accessory building. No activity, material, goods, or equipment indicative of the occupation shall be visible from any public right-of-way or adjacent property. A home occupation shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted on another lot. No activity, materials, goods or equipment indicative of the home occupation shall be visible from any public way or adjacent property.
 5. No exterior alteration of the dwelling shall be permitted which is inconsistent or incompatible with the normal scale, orientation, or appearance of typical dwellings in the neighborhood.
 6. The proposed use shall not generate noise, odor, fumes, smoke or vehicular or pedestrian traffic or other disturbance or nuisance in an amount which would tend to depreciate the residential character of the neighborhood in which the proposed use is located or which exceeds that impact normally generated by a dwelling.
 7. No more than one (1) passenger car or other motor vehicle, designed to carry a load of no more than one (1) ton and used in the conduct of the business, shall be parked on the lot. It shall be parked in a garage or on a paved exterior parking area on the lot. Other equipment, including trailers, shall only be stored in a garage which is part of the main building or in an approved accessory structure. No vehicle used in the conduct of the home occupation or by any permitted visitor to the home occupation shall be parked on the public road for a period greater than fifteen (15) minutes in any one hour.
 8. No home occupation shall have more than one (1) customer or visitor to the lot during any one-half (1/2) hour.

***Change: No. 8, one hour to ½ hour, Ordinance 03-07-02, September 9, 2003.

B. Gasoline Station; Vehicle Repair or Service.

1. Parking of employee vehicles, vehicles used in the operation of the business, vehicles awaiting service or return to customers after servicing, and vehicles held for disposal shall only be permitted in the locations approved in the conditional use permit. Parking and storage of vehicles not related to the principal use of the site, or to an approved accessory use, shall not be permitted.
2. Vehicle sales, service, rental, or leasing shall not be permitted on the site unless specifically approved.
3. Retail sales of products other than vehicular fuels shall be permitted only within an enclosed structure which shall comply with all provisions of the district, including requirements for parking. Outdoor display, storage, or sale of goods shall not be permitted on the site unless specifically approved in conformance with the supplementary standards for outdoor sales, display, or storage as provided in **Section 11.08 (F)**.

4. Temporary outdoor storage of discarded materials, vehicle parts, scrap and other waste prior to collection shall only be permitted within a storage area completely surrounded by a fence or wall six (6) feet in height or other screening approved in the site plan. Such screening shall be set back from residential districts at least forty (40) feet and landscaped.
 5. Air compressor pumps (e.g., for tire inflation) and other outdoor equipment shall be identified in the conditional zoning certificate and shall be located and screened in a manner which minimizes noise impacts on residential areas.
 6. Curb cuts shall be limited to two (2) per site. On corner lots, curb cuts shall be limited to one (1) per road.
 7. Gas stations shall provide no less than two (2) waiting spaces per accessible side of a gasoline pump island.
- C. Vehicle Sales, Rental, Leasing.**
1. Outdoor storage or parking areas for vehicles for sale, rent, lease, serviced or to be serviced, or in storage shall be paved with asphalt or concrete and shall not be located closer to the public right-of-way than ten (10) feet. The area between the right-of-way and the vehicle parking or storage area shall be landscaped according to the approved site plan. Parking of employee vehicles, vehicles used in the operation of the business, vehicles awaiting service or return to customers after servicing, and vehicles held for disposal shall only be permitted in the location approved on the site plan. Parking and storage of vehicles not related to the principal use of the site shall not be permitted.
 2. The application shall specifically state the types of vehicles to be sold, serviced, rented, or leased, including automobiles, vans, trucks (pickup, light hauling, semi tractors, etc.).
 3. All repair, testing, cleaning, and other service activities shall be performed within an enclosed building unless the nature and location of such activities outdoors are specifically described in the approved site plan.
 4. Vehicle and man-door openings in all structures shall be identified in the site plan and shall be located to direct equipment noise away from nearby residential areas.
 5. Temporary outdoor storage of discarded materials, vehicle parts, scrap, and other waste shall only be permitted within a storage area completely surrounded by a fence or wall six (6) feet in height or other screening approved by the Commission. Such screening shall be set back from the residential districts at least six (6) feet and landscaped according to the approved site plan. Damaged or partially dismantled vehicles shall only be stored in locations screened from view from adjoining properties and public rights-of-way.
 - a. Exterior loudspeakers shall not be permitted.
- D. Drive-Thru Facility; Auto Wash.**
1. Drive-thru facilities which utilize microphones or other audible signals shall be designed to minimize sound impacts upon abutting uses.

2. Lanes required for vehicle access to and waiting for use of a drive-thru or drive-up facility shall be designed to have sufficient length to accommodate the peak number of vehicles projected to use the facility at any one time, to provide escape/abort lanes for vehicles desiring to leave the stacking lanes or to avoid disabled vehicles, and to minimize impacts on the use of other required parking or drives or on the use of abutting roads and hazards to pedestrians. The applicant shall provide a traffic study which documents to the satisfaction of the Commission the projected vehicular use of the proposed facilities and evidence of compliance with the provisions of this Code.
 3. The applicant shall so design the site plan or otherwise provide assurances as to reduce the impacts of lighting, litter, noise, and exhaust resulting from the facility, especially impacts on nearby residential uses.
 4. Drive-thru facilities shall be located on that part of a site which is most distant from or most screened from the boundaries of abutting residential districts. Where site conditions necessitate locating a drive-thru facility near to such district, the area between the uses shall be heavily screened as directed by the Commission.
 5. Drive-thru facilities, their stacking areas, and routes of access shall be located to not interfere with or cause interference with vehicles or pedestrian movement on the public road or within the site. Stacking areas for drive-thru facilities shall not be the sole or primary site egress route. Stacking areas shall not utilize parking or aisles required for access to parking.
 6. Business establishments with drive-thru facilities, such as banks, restaurants, or automatic auto wash, shall provide a minimum of twelve (12) waiting spaces, but not less than six (6) spaces per drive-thru facility.
- E. Bed and Breakfast Inn.**
1. Bed and Breakfast Inns shall be incidental and accessory to the dwelling which is the principal residence of the operator.
 2. Maximum two (2) bedrooms shall be used for Bed and Breakfast guests.
 3. Bed and Breakfast Inns shall comply with all applicable home occupations as provided in Section 12.70 (I).
 4. A breakfast meal may be served, but only to overnight guests.
 5. Guest parking shall only be permitted on paved areas in the side or rear yards in compliance with all parking requirements for the residential district.
- F. Outdoor Sales, Display, or Storage,** accessory to a permitted use or approved conditionally permitted use.
1. Outdoor sales, storage, or display shall only be permitted in areas identified on the approved site plan and shall not exceed an area greater than 20% of the enclosed floor area of the use and shall not exceed five thousand (5000) square feet. No such activity shall be located closer than fifty (50) feet to a residential zoning district boundary or road right-of-way abutting any residential zoning district or

within ten (10) feet of any road right-of-way. Such activities shall not occupy any required sidewalk, parking area or driveway.

2. Any outdoor sales, storage, or display area located closer than one hundred (100) feet to a residential district shall, if determined to be visible from such district, be screened by a landscape buffer strip or other means indicated on the approved site plan.
3. Illumination of outdoor sales, storage, or display areas shall be designed to prevent glare or direct light from the illumination source into residential areas.
4. Outdoor displays shall be maintained in a neat and orderly fashion.
5. The site plan submitted with an application for a conditional use permit shall indicate the types of merchandise to be displayed, and any seasonal changes of display.
6. Outdoor repair, preparation, cleaning, assembly, disassembly, or other outdoor activities shall not be permitted unless the nature and location of such activity is specifically identified in the application and approved in the conditional use permit.

G. Similar Uses.

1. The determination as to whether a use is similar to uses permitted by right shall be considered as an interpretation of the use regulations of the district and not as a variance.
2. An application for a permit for a building or use not specifically listed in a district shall be submitted to the Planning Commission who shall make a recommendation to Village Council. Council shall take action to either approve, approve with amendments, or deny the recommendation. The Commission and Council shall make the determination of similar use giving consideration to the following standards:
 - a. Whether the use is listed in any other district;
 - b. Whether the use is more appropriate and conforms to the basic characteristics of the district in which it is proposed than to any other classification;
 - c. Whether the use creates dangers to health and safety, or creates offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is added; and
 - d. Such use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.

H. Child Day Care Center.

1. The applicant shall demonstrate compliance with all applicable licensing requirements of the State of Ohio.
2. Curb cuts, parking, drop-off and pick-up areas shall be designed to accommodate peak traffic at the facility in a safe and efficient manner without causing

obstruction of the public road. Parking shall not be permitted on the public road for purposes of the proposed use.

3. The site shall provide sufficient fenced outdoor space for outdoor recreation for the children and located in a manner, which minimizes disturbance of abutting residential areas.

I. Residential Conservation Development.

1. **Minimum Project Area.** An area approved for residential conservation development shall be at least twenty-five (25) contiguous acres, except that a smaller area or two areas divided by an existing public right-of-way may be approved where the Planning Commission finds that the properties and the proposed development promote the public welfare and the intent and purposes of this Code.
2. **Open Space Requirements.**
 - a. Minimum restricted open space shall be forty percent (40%) of the area approved for residential conservation development.
 - b. Restricted open space shall be located and designed to conserve significant natural features and historical and cultural elements, to preserve open areas, or to provide public or private recreation.
 - c. All portions of the restricted open space within a residential conservation development shall be: preserved in its natural state; or designed and improved for the use and enjoyment of residents of the development or for the general public; or utilized for agriculture.
 - d. Restricted open space shall be interconnected with open space area on abutting parcels wherever feasible.
 - e. Utilities and storm water management facilities may be located within easements within restricted open space provided that the areas are restored or improved in accord with the development agreement.
 - f. The following areas shall not be calculated as part of restricted open space: private roads and public road rights-of-way; parking areas, access ways, driveways; required setbacks and minimum spacing between buildings, parking areas, and project boundaries or roads; private yards within private lots; small, fragmented or isolated areas that have a dimension less than seventy-five (75) feet in any direction.
 - g. No more than twenty percent (20%) of the restricted open space shall be developed for permitted recreation uses.
 - h. Restricted open space shall be protected from further subdivision by means of legal documents prepared by the applicant and approved by the Planning Commission and Village Solicitor and duly recorded. Ownership of restricted open space and control of conservation easements shall be as approved by the Planning Commission and established by means of legal documents approved by the Solicitor and duly recorded. Ownership may be held by a homeowner association, condominium association, the Village of Orwell, Ashtabula County park district, the

- State of Ohio, a land trust, or other entity, provided that any proposed owner shall demonstrate capacity to preserve and maintain the land according to the provisions of this Code.
3. Density Regulations. The maximum overall number of dwelling units permitted in a residential conservation development shall be the maximum density permitted in the district, provided that the Planning Commission may require a lower density based on site conditions and the provisions of this Code.
 4. Development and Site Planning Standards.
 - a. The form of ownership of structures, pavement, roads, and land other than restricted open space shall be as established in a document approved by the Planning Commission and the Village Solicitor.
 - b. Units are not required to be placed on individual lots, but shall be as approved by the Planning Commission.
 - c. No part of a wetland, riparian area, or flood plain area shall be subdivided into private lots, except if approved by the Planning Commission within a conservation easement.
 - d. Structures shall be set back from an existing public right-of-way no less than forty (40) feet. The minimum setback from any other boundary of the residential conservation development shall be thirty (30) feet.
 - e. The minimum setback from a proposed public right-of-way or from the edge of pavement of a private road shall be not less than twenty-five (25) feet.
 - f. The minimum separation between dwellings shall be fifteen (15) feet.
 - g. No structures, except fences which permit the passage of water and paved walkways, shall be located in the flood way, wetland, wetland buffer, or riparian buffer.
 - h. A buffer area of at least twenty (20) feet width from all edges of wetlands shall be preserved in its natural state. There shall be no regrading or mowing in this area, except as approved by the Planning Commission.
 - i. No building shall be constructed closer than thirty-five (35) feet to a wetland.
 - j. A riparian buffer of at least fifty (50) feet in width (or greater as otherwise provided in this Code) shall be preserved in its natural state along the banks of a river or perennial stream channel.
 - k. The Planning Commission shall evaluate the proposed residential conservation development using current professional references and guidelines.
 5. Special procedures for residential conservation development as a conditionally permissible use. In addition to the conditional use procedures otherwise required in this Article, the following additional procedures shall apply:
 - a. No grading of land or cutting of vegetation, except for maintenance cutting of existing grassed areas, shall be permitted on lands proposed for residential conservation development subsequent to submittal of an application for a conditional zoning certificate.

- b. The applicant shall complete all steps necessary to submit a complete application for a preliminary plat, as required by the Subdivision Regulations, at the time of submitting the application for conditional zoning certificate. The applicant shall also submit a draft development agreement addressing all provisions of this Code.
- d. The Commission shall give notice and conduct a hearing as required by this Code.
- e. The Planning Commission shall take action to approve or deny the conditional zoning certificate, the preliminary plat, and a preliminary development agreement within ninety (90) days after the public hearing is closed.
- f. Approval of the conditional zoning certificate shall authorize the applicant to make application for final plat approval. If the Planning Commission denies the application, the developer may appeal to Village Council.
- g. The developer shall submit a development agreement with the application for final plat, which shall include all conditions established by Village Council in approval of the conditional zoning certificate. The Planning Commission may require additional conditions in the agreement before approval of the final plat. The Planning Commission shall approve the development agreement as part of the approval of the final plat.
- h. The development agreement shall include, at a minimum: the number and type(s) of dwellings; the areas to be preserved and legal provisions relating to their character, ownership and maintenance; the areas to be developed; and such other provisions as the Village may determine necessary to ensure development and maintenance of the residential conservation development as approved.

J. TELECOMMUNICATION FACILITIES

- 1. Purpose. The purpose of this chapter is to regulate the placement, construction, and modification of wireless telecommunication facilities and their support structures in order to protect the public health, safety and welfare, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the Village and surrounding area. Specifically, the purposes of the chapter are:
 - a. To direct the location of various types of towers and wireless telecommunication facilities into appropriate areas of the Village;
 - b. To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunication facilities;
 - c. To minimize adverse visual impacts of towers and wireless telecommunication facilities through careful design, siting, landscaping and innovative camouflaging techniques;
 - d. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single use towers;

- e. To avoid potential damage to adjacent properties caused by towers and wireless telecommunication facilities by ensuring such structures are soundly designed, constructed, and modified, are appropriately maintained, and are fully removed;
 - f. To the greatest extent feasible, ensure that towers and wireless telecommunication facilities are compatible with surrounding land uses; and
 - g. To the greatest extent feasible, ensure that towers and wireless telecommunication facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.
2. **Applicability.** All towers, antenna support structures, and wireless telecommunication facilities, any portions of which are located within the Village, are subject to this Code. Except as provided in this Code, any use being made of an existing tower or antenna support structure on the effective date of this Code shall be deemed a nonconforming structure and allowed to continue, even if in conflict with the terms of this Code. Any tower site that has received approval in the form of a zoning permit, but has not been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired.
3. **Standards Applicable to All Wireless Telecommunication Facilities**
- a. **Location Standards.**
 - I. In the I Industrial District, telecommunication facilities shall be located not less than two hundred (200) feet from any residential district.
 - II. In any district other than the I Industrial District, telecommunications facilities shall only be installed in or on an existing structure but not extending more than twenty (20) feet above the structure.
 - b. **Construction Standards.** All wireless telecommunication facilities and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally sound and, at a minimum, in conformance with Ohio Basic Building Code.
 - c. **Color and Appearance Standards.** All wireless telecommunication facilities shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by a federal or state agency having jurisdiction.
 - d. **Advertising Prohibited.** No advertising is permitted anywhere upon or attached to the wireless telecommunication facility.
 - e. **Lighting Restricted.** Illumination of wireless telecommunication facility shall be limited to requirements of a federal or state agency having jurisdiction or as otherwise approved by the Village for purposes of security.
 - f. **Co-location.** All wireless telecommunication facilities shall be subject to the following co-location requirements:

- I. No new tower shall be constructed in Village unless such tower is capable of accommodating at least one (1) additional wireless telecommunication facility owned by another person.
 - II. Authorization for a tower shall be issued only if there is no technically suitable space reasonably available on an existing tower or structure within the geographic area to be served. With the conditional use permit application, the applicant shall list the location of every tower, building or structure within a reasonable proximity that could support the proposed antenna. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building, or structure within such area. If another communication tower owned by another party within such area is technically suitable, applicant must show that an offer was made to the owner of such tower to co-locate and antenna on a tower owned by the applicant on reciprocal terms within the Village, and the offer was not accepted. If such co-location offer has not been attempted by the applicant, then such other tower is presumed to be reasonably available.
- g. Abandonment. All wireless telecommunication facilities shall be subject to the following requirements.
- I. Required Notification. Every provider utilizing a telecommunication facility shall submit a written notification to the Planning Commission when the provider determines to discontinue use of the facility and the date this use will cease. The notification shall be filed with the Planning Commission thirty (30) days prior to the cessation date. If at any time the use of the facility is discontinued for one hundred and eighty (180) days, the Zoning Inspector may declare the facility abandoned. The one hundred and eighty (180) day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility will receive written notice from the Zoning Inspector and be instructed to either reactivate use of the facility within one hundred and eighty (180) days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the Village will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.
 - II. Required Notice to Owner. The Village must provide the tower owner thirty (30) day notice and an opportunity to be heard before the Planning Commission before initiating such action. After such notice has been provided, the Village shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the current fair market value at that time, or in the alternative, order the demolition of the tower and all appurtenances.

- III. Right to Public Hearing by Owner. The Village shall provide the tower owner with the right to a public hearing before the Planning Commission, which public hearing shall follow the thirty (30) day notice required in Subsection (b) hereof. All interested parties shall be allowed an opportunity to be heard at the public hearing.
 - IV. Of Abatement or Demolition. After a public hearing is held pursuant to Subsection (c) hereof, the Planning Commission may order the abatement or demolition of the tower. The Planning Commission may require licensee to pay for all expenses necessary to acquire or demolish the tower.
 - V. Security Enclosure Required. All towers and equipment shelters shall be enclosed either completely or individually as required in the conditional use permit. Emergency personnel and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
 - VI. Existing Vegetation and Buffer Plantings. Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as required in the conditional use permit. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.
 - VII. Access Control and Emergency Contact. “No Trespassing” signs shall be posted around the wireless telecommunication facility, along with a telephone number of who to contact in the event of an emergency.
 - VIII. If the applicant proposes to locate the telecommunication equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located above ground within any required front or side yard.
4. Application and Review. In addition to any information required for a conditional use permit application by this Article, the following is required for wireless telecommunication facilities, including towers:
- a. Plot Plan. When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted. This plot plan shall indicate all building and land uses within four hundred (400) feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.
 - b. Technical Necessity. The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant’s service area. There shall be

- an explanation of why a tower and the proposed site are technically necessary.
- c. Review by Radio Frequency Engineer. The evidence submitted by the applicant shall be reviewed by a radio frequency engineer, who will support or refute the evidence.
 - d. Site and Landscaping Plan. The applicant shall present a site and landscaping plan showing the following:
 - I. Specific placement of the wireless telecommunication facility on the site.
 - II. The location of existing structures, trees, and other significant site features.
 - III. Type and locations of plant materials used to screen the facilities.
 - IV. The proposed color of the facilities.
 - e. Co-location and Removal Agreement. The applicant shall present signed statements indicating that:
 - I. The applicant agrees to allow for the potential co-location of additional wireless telecommunication facilities by other providers on the applicant's structure or within the same site location; and
 - II. The applicant agrees to remove the facility within one hundred eighty (180) days after its use is discontinued.
5. Denial by Jurisdiction. Any decision to deny a request to place, construct or modify a wireless telecommunication facility and/or tower shall be in writing and supported by evidence contained in a written record.

ARTICLE XII: VARIANCES & ADMINISTRATIVE APPEALS

- 12.05 Purpose
- 12.06 Duties; Authorities, Standing to Appeal
- 12.07 Procedures for Appeals and Variances
- 12.08 Standards for Variances

12.01: PURPOSE

This Article provides requirements, procedures, and standards for the granting of relief where it is shown that there is an error in any order, requirement, decision, grant, or refusal in administration or enforcement of this Code, or where it is shown that compliance with one or more of the provisions of this Code results in undue hardship or practical difficulty.

12.02 DUTIES, AUTHORITIES, STANDING TO APPEAL

- A. It is the intent of this Code that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Code that the duties of the Village Council in connection with this Code shall not include hearing and deciding questions of interpretation and enforcement that may arise.
- B. Variances and Appeals of Administrative Actions. The Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.
 - 1. Variances. The Board may authorize upon appeal in specific cases such variance from the terms of this Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship or practical difficulties as determined by the standards at **Section 12.04**.
 - 2. Appeals of Administrative Actions. Where it is alleged by an appellant that there is an error in any order, requirement, decision, grant or refusal by the Zoning Inspector or by any officer or bureau of the legislative authority of the Village in the interpretation or administration of this Code, the Board may affirm or reverse, wholly or partly, or modify the order, requirement, decision, grant or refusal appealed from.
- C. Standing for Appeal.
 - 1. An owner of property, or a person authorized by the owner, shall apply for a zoning permit as provided in **Article IX** and, subsequent to written denial of the permit by the Zoning Inspector, shall have standing to appeal for a variance to the Board of Zoning Appeals.

2. Any person aggrieved by a decision or action of the Zoning Inspector or of any officer or bureau of the legislative authority of the Village in the interpretation or administration of this Code, shall have standing to appeal to the Board of Zoning Appeals for a stay, reversal, or amendment of such decision or action. Appeal shall be taken within twenty (20) business days after the action or decision by filing with the Zoning Inspector and with the Board, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector or officer or bureau which is the subject of the appeal shall transmit to the Board all the papers constituting the record upon which the action or decision appealed from was taken.

12.03: PROCEDURES FOR APPEALS AND VARIANCES

- A. Application. A written application for a variance or appeal shall be submitted to the Board and, as applicable, shall include the following information:
 1. Name, address, and phone number of applicant;
 2. Legal description of property;
 3. Description of nature of variance requested or of the relief sought from administrative action or decision; and
 4. A narrative statement demonstrating that the requested variance conforms to the applicable standards stated in **Section 12.04**.
 5. A fee as provided in **Section 9.08**.
- B. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.
- C. Notice. Notice of public hearing shall be issued as provided in the Charter.
- D. Hearing. The Board shall hold a public hearing and issue notice thereof as provided in the Charter.
- E. Action by Board:
 1. Within a reasonable time after the public hearing, the Board shall approve, approve with supplementary conditions, or deny the request for appeal or variance.
 2. A variance shall not be granted unless the Board makes specific findings of fact based on the evidence presented to it, which support conclusions that the application and the decision comply with the standards for variances stated in **Section 12.04**.
 3. In granting any appeal or variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Code.

4. The decision of the Board shall be final on the date the decision is made, at which time the period for perfection of any appeal thereto shall begin.

12.04: STANDARDS FOR VARIANCES

The Board of Zoning Appeals may approve a variance where it finds that the following standards apply:

- A. Area Variance. Where the appeal requests an area variance, that is, a variance involving provisions relating to yard dimensions, setback, height, or similar spatial or dimensional requirements, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of practical difficulties:
 1. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.
 2. Whether the variance is substantial.
 3. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
 4. Whether the variance will adversely affect the delivery of governmental services.
 5. Whether the property owner purchased the property with knowledge of the zoning restriction.
 6. Whether the property owner's predicament can be obviated through some method other than a variance.
 7. Whether the spirit and intent of the Code will be observed and substantial justice done by granting the variance.
 8. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
- B. Use Variance. Where the appeal requests a use variance, that is, a variance for the approval of a use which is not permitted in the district, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of an unnecessary hardship:
 1. Whether uses permitted in the district may be reasonably established on the property and whether they are economically viable on the property in question without the variance.
 2. Whether the variance is the minimum variance which will afford relief to the property owner.
 3. Whether the essential character of the neighborhood will be substantially altered or adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
 4. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
 5. Whether the hardship condition was created by actions of the applicant.

6. Whether the spirit and intent of the Zoning Code will be observed and substantial justice done by granting the variance.
7. Whether the use requested is similar in character to the permitted uses in the subject district.
8. Whether the subject property is adequate to meet the needs and requirements of the proposed use.

ARTICLE XIII: CODE & MAP AMENDMENTS

- 13.01 General
- 13.02 Initiation of Zoning Amendments
- 13.03 Application
- 13.04 Planning Commission Recommendation
- 13.05 Council Action

13.01: GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may amend, supplement, change or repeal this Zoning Code and the Zoning Map which is a part hereof, including the regulations, restrictions, and boundaries or classifications of property, subject to procedures provided by law and the Charter.

13.02: INITIATION OF ZONING AMENDMENTS

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

- A. By adoption of a motion by the Planning Commission;
- B. By adoption of a resolution by Village Council; and
- C. By the filing of an application, as provided herein, with the Zoning Inspector by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

13.03: APPLICATION

- A. Applications for amendments to the Official Zoning Map, adopted as part of this Code, shall contain the following information:
 - 1. Name, address, and phone number of applicant;
 - 2. Proposed amending ordinance, approved as to form by the Village Solicitor;
 - 3. Present use;
 - 4. Present Zoning District;
 - 5. Proposed use;
 - 6. Proposed Zoning District;
 - 7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
 - 8. A correct legal description of the property to be rezoned;
 - 9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
 - 10. A statement on how the proposed amendment relates to the Village Plan;

- 11. A fee as required by Section 9.08; and
 - 12. Other items as required by the Planning Commission to adequately evaluate the proposed amendment.
- B. Application for amendments proposing to amend, supplement, change, or repeal portions of this Code other than the Official Zoning Map shall include items (1), (2), (9) and (10) listed above.

13.04: PLANNING COMMISSION RECOMMENDATION

- A. Immediately after the adoption of a resolution by Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Planning Commission.
- B. The Planning Commission shall transmit its recommendation to Village Council as provided by the Charter. The Planning Commission may recommend that the amendment be approved, approved with modifications, or disapproved.

13.05: COUNCIL ACTION

- A. Upon receipt of the recommendation from the Planning Commission, Village Council shall take action as provided by the Charter.

***Change: delete state law, Ordinance 03-07-02, September 9, 2003.

ARTICLE XIV: DEFINITIONS

- 14.01 General Rules of Construction
- 14.02 Definitions

14.01: GENERAL RULES OF CONSTRUCTION

For the purpose of this Code, certain terms or words used herein shall be interpreted as follows:

- A. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word “shall” is a mandatory requirement, and the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- D. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied”.
- E. The word “lot” includes the words “plot” or “parcel”.

14.02: DEFINITIONS

ACCESS DRIVE. An area approved for vehicular travel from a road to a lot.

AMUSEMENT ARCADE: A place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.

ASSEMBLY HALL: A public or quasi-public meeting place associated with a community center, place of worship, or school.

AUTO SERVICE: The maintenance, repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service and the painting and cleaning of vehicles. The term does not include auto wash or gasoline filling station.

AUTO WASH: A permanent facility for washing the exterior of vehicles by machine, by employees of the business, or by customers and may include facilities for waxing, drying, or vacuuming vehicles. An auto wash is a drive-in facility.

BASEMENT: A story all or partly underground but having at least one-half (1/2) of its height below the average of the adjoining ground.

BED AND BREAKFAST INN: An accessory use of a dwelling which:

- a) is the permanent residence of the owner and operator;
- b) contains no more than five (5) guest rooms;
- c) provides for lodging for guests for a period of less than two (2) weeks per guest for compensation; and
- d) has one (1) kitchen used to provide breakfast for guests, but no other meals are provided.

BUFFER: An area of land, typically a strip of land abutting a lot line, improved with fences, earth mounds, trees, shrubs, other natural vegetation, or other characteristics or improvements for the purposes of separating a use from noise, lights, appearance, litter, and other impacts, incompatibilities, or nuisances of abutting or nearby use.

BOARDING HOUSE: A building other than a hotel or motel or bed and breakfast in where, for compensation and by arrangement, meals or lodging and meals are provided for three (3) or more persons but not exceeding six (6) persons.

BUILDING, terms relating to:

BUILDING: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property, other than a boundary wall or fence.

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

BUILDING HEIGHT: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING, PRINCIPAL: The building within which is conducted the main or principal use of the lot on which the building is situated.

CHILD DAY CARE, terms relating to:

CHILD DAYCARE: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home. The following are child daycare facilities:

CHILD DAYCARE CENTER: Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purpose of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

***Change: Ordinance 10-10-02, February 14, 2011, Amended Article XIV, Definitions, 14.02.

CHILD DAYCARE, TYPE A: A permanent residence of the administrator in which child daycare is provided for seven (7) to twelve (12) children at any one time, if four (4) or more

children are under two (2) years of age. In counting children for the purpose of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home, shall be counted. The term “Type A” does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

CHILD DAYCARE, TYPE B: A permanent residence of the administrator in which child daycare or child daycare services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purpose of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term “Type B” does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

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

COMMISSION: The Village Planning Commission of Orwell, Ohio.

COMMUNITY CENTER: A structure in a neighborhood and designated as a meeting place or adult recreation center. This center can be part of a picnic area. The center shall be administered by a unit of local government or by a homeowner’s association for the neighborhood or subdivision in which it is located.

CONDITIONAL USE PERMIT: A permit issued by the Zoning Inspector upon approval by the Planning Commission to allow a conditional use under specified conditions.

COUNCIL: The Village Council of Orwell, Ohio.

DAY: A calendar day, including Saturday, Sunday, or a legal holiday,

DAY, BUSINESS: A day on which Village Hall administrative offices are open for normal service.

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

DISTRICT: A part, zone, or geographic area within the Village within which certain zoning or development regulations apply.

DISTRICT, BUSINESS: Generally, a district in which the predominant permitted uses are retail activities and services for household consumers. The GC, CB, and NC Districts are business districts.

DISTRICT, INDUSTRIAL: Generally, a district in which the predominant permitted uses are manufacturing and similar uses. The I District is an industrial district.

DISTRICT, RESIDENTIAL: Generally, a district in which the predominant permitted uses are dwellings. The RA, R1, R2, and R3 Districts are residential districts.

DRIVE-THRU FACILITY: Any use which involves sales or services to customers in or on vehicles or a facility where vehicles are lined up or queued for service such as washing or oil change. Examples of drive-thru facilities include drive up food windows at restaurants, drive up bank tellers, drive up ATMs, book or video tape drop offs, auto wash, and parcel or material pick up facilities for retail businesses.

DWELLING, terms relating to:

DWELLING: A building which contains one or more dwelling units. The term “dwelling” includes traditional “site built” buildings and permanently sited manufactured homes. The term “dwelling” does not include a recreational vehicle or a mobile home as defined herein and does not include a hotel, motel, or other building used for transient residents.

DWELLING UNIT: One or more rooms within a building arranged, intended, designed, and equipped for independent occupancy by a household for living purposes and containing cooking, bathing, toilet, and sleeping facilities for the exclusive use of the occupants. The term does not include mobile homes, house trailer, recreational vehicle, motel, hotel, tourist home, or other structure designed for transient residents.

DWELLING, SINGLE FAMILY: A dwelling containing only one (1) dwelling unit and which is separated from other dwelling units by open space.

DWELLING, TWO FAMILY: A dwelling containing two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING, MULTI-FAMILY: A dwelling containing three (3) or more dwelling units.

EASEMENT: A grant of one (1) or more of the property rights by the property owner to and/or for use by public, a corporation, or another person or entity.

FENCE: An accessory structure which is an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas, but not including any building or non-fence structure otherwise regulated by this Code.

FLOOR AREA, terms relating to:

FLOOR AREA OF A DWELLING: The sum of the gross horizontal area of the several floors of a dwelling, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roof terraces. All dimensions shall be measured between interior faces of walls.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS): The floor area of the specified use excluding stairs, wash-rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

FLOOR AREA, GROSS: The floor area used or intended to be used for service to the public as customers, patrons, clients or patients, or as tenants including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not mean floors or parts of floors used principally for nonpublic uses, such as for storage, incidental repair, processing or packaging of merchandise, for show windows or for offices incidental to the management or maintenance of stores or buildings.

GARAGE: A detached or attached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles, and/or boats of the occupants of the premises.

GASOLINE FILLING STATION: Any area of land including any structure or structures thereon that is or are used or designed to be used for the supply of gasoline, oil or other fuel for the propulsion of vehicles. The term gasoline filling station does not include automotive repair or auto wash.

GOLF COURSE: An area designated as and arranged for the playing of golf. Conventional golf courses consist of a series of fairways and greens with holes numbering one (1) through nine (9) or multiples of nine (9).

GRADE: The average level of the finished surface of the ground adjacent to the exterior walls of the building.

HOME OCCUPATION: An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the principal use of a premises as a dwelling.

HOTEL: A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in contradistinction to a boarding house, or bed and breakfast which are separately defined.

HOUSEHOLD: A person living alone, or two (2) or more persons, not necessarily related by blood, marriage, adoption, or guardianship living together as a single housekeeping unit in one (1) dwelling unit, as distinguished from individuals or a group occupying a boarding house, motel, or hotel.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

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

LANDSCAPED AREA: An area that is permanently devoted to and maintained for the growing of shrubbery, grass and other plant material.

LOADING SPACE, OFF-STREET: A space within the main building or on the same lot therewith, which provides for the standing, loading or unloading of trucks and complying with the provisions of this Code.

LOT, terms relating to:

LOT: A lot is a parcel of land of sufficient size to meet minimum zoning requirement for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street.

LOT AREA: The total area within lot lines of a lot, excluding any street rights-of-way.

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

LOT FRONTAGE: The length of the front lot line measured at the street right-of-way line.

LOT DEPTH: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT WIDTH: The horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

LOT OF RECORD: A lot, individually or part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, CORNER: A lot abutting two (2) or more streets at their intersection, provided that the rights-of-way of the streets do not form an interior angle of greater than 135 degrees.

LOT LINE: A legally defined line dividing one lot from another or from a public street.

LOT LINE, FRONT: The lot line separating a lot from a street right-of-way.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line other than the front or rear lot line.

MAINTENANCE AND STORAGE FACILITIES: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

MANUFACTURED HOME, PERMANENTLY SITED. A permanently sited manufactured home as defined by the Ohio Revised Code.

MOTEL: An establishment, as distinguished from a hotel, providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

NON-CONFORMING LOT: A lot which does not conform with the lot area, lot width, or lot depth requirements of the district in which it is located.

NON-CONFORMING STRUCTURE: A structure or portion thereof lawfully existing at the time this Zoning Code became effective, which was designed, erected or altered for a use that does not conform to the use, area, height, setback or yard regulations of the district in which it is located.

NON-CONFORMING USE: A use which does not conform with the use regulations applicable to the district in which it is located, which use lawfully existed at the time this Zoning Code became effective.

NURSING HOME: A home for the aged or infirm in which three (3) or more persons not of the immediate family are received, kept, or provided with food or shelter, or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

OPEN SPACE: An area substantially open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Planning Commission deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

RESTRICTED OPEN SPACE means land within a residential conservation development which is preserved in a natural condition, or in an approved post-development condition, as approved by the Village and a controlled by the provisions of the development agreement.

OUTDOOR DISPLAY OR SALES: The use of a yard for the purpose of exhibiting goods, equipment, vehicles, or other products for sale, rent, or other gain or for the purpose of attracting attention to the availability of such goods, equipment, vehicles, or other products for sale, rent, or other gain.

OUTDOOR STORAGE: The use of a yard for the purpose of storing goods, equipment, vehicles, waste materials, or other matter used or produced by a business enterprise, except the storage of vehicles used in the conduct of the business or the vehicles of employees or customers.

PARKING SPACE, OFF-STREET: An area designated for parking an automobile outside of a public right-of-way.

PICNIC AREAS: An area either public or private designated as a site for picnic tables, pavilions, rest rooms and necessary accessories.

PLACE OF WORSHIP: A building designated as a place for religious services on a regular basis by one or more religious denominations.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types or other uses are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

PREMISES: A lot together with all building and structures thereon.

PUBLIC USES: Public parks, schools, administrative, governmental and cultural buildings and structures.

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

RECREATIONAL FACILITIES: Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land include, but need not be limited to hunting, fishing, riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to golf courses, swimming facilities, picnic areas, playgrounds, ball fields, tennis courts, and country clubs.

RESIDENTIAL CONSERVATION DEVELOPMENT means an area of land, developed with dwellings according to the terms of a conditional use permit and designed with the purpose of preserving open space, protecting wetlands, or riparian areas, protecting high quality habitat, or protecting other natural, rural, or agricultural characteristics of the area of land.

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

SCHOOL, PRIVATE: An educational use operated by the local school board, pre-school/kindergarten, elementary, middle school, or high school or trade school, but not child day care, operated by an organization accredited by the Ohio Department of Education, but other than the local school district.

SCHOOL, PUBLIC. An educational use operated by the local school board, including child day care, pre-school/kindergarten, elementary, middle school, or high school or trade school.

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

SETBACK. The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected and placed.

SEXUALLY ORIENTED BUSINESS, terms relating:

ADULT ARCADE A commercial use where, for any form of consideration, one (1) or more still motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by their depiction or description of specified sexual activities.

ADULT BOOKSTORE, ADULT NOVELTY, ADULT VIDEO STORE: A commercial use in which 50% or more of its revenues or 50% or more of its interior business or advertising is

devoted to the sale, rental, and/or for any form of consideration, of any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representation which are characterized by the depiction of specified sexual activities or specified anatomical areas;
- B. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

ADULT CABARET: A nightclub, bar, restaurant bottle club, or similar commercial use, whether or not alcoholic beverages are served, in which persons appear in a state of nudity in the performance of their duties.

ADULT MOTEL: A motel, hotel or similar commercial use which:

- A. offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- B. offers a sleeping room for rent for a period of time less than ten (10) hours;
- C. allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

ADULT MOTION PICTURE THEATER: A commercial use where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

ADULT THEATER: A theater, concert hall, auditorium, or similar commercial use which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

ESCORT AGENCY: A commercial use which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purpose for a fee, tip, or other consideration.

ESCORT: A person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

MASSAGE PARLOR: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision

of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

NUDE MODEL STUDIO: Any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. **NUDE MODEL STUDIOS** do not include: a proprietary school licensed by the State of Ohio, or a college, junior college, or university supported entirely on in part by public taxation; a private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely on in part by public taxation; or a use where classes are held in a structure that has no sign visible from the exterior of the structure and not other advertising that indicates a nude or semi-nude person is available for viewing, where a student must enroll at least three (3) days in advance of the class in order to participate and where no more than one nude or semi-nude model is on the premises at any one time.

SEXUAL ENCOUNTER ESTABLISHMENT: A business or commercial establishment, that as one (1) of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

NUDITY OR STATE OF NUDITY: The showing of either of the following:

1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
2. The female breast with less than a fully opaque covering on any part of the nipple.

SEMI-NUDE: A state of dress in which clothing covers no more than the genitals, public region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

SPECIFIED ANATOMICAL AREAS: The phrase "SPECIFIED ANATOMICAL AREAS" means and includes any of the following:

1. Less than completely opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: The phrase SPECIFIED ANATOMICAL AREAS means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated;
4. Human genitals in a state of sexual stimulation, arousal or tumescence;
5. Excretory functions as a part of or in connection with any of the activities set forth in subdivisions (A) through (D) above.

SEXUALLY ORIENTED BUSINESS. Businesses as described herein, including adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, massage parlor, nude model studio, and sexual encounter establishment.

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

SIGN, terms relating to:

1. **SIGN:** A structure or part thereof, or any device attached to land, buildings or any object of any nature, which is displayed for purposes of advertisement, announcement, declaration, demonstration, identification, or expression or to direct attention to a person, institution, organization, activity, place, object, product or business.
2. **SIGN, FREE-STANDING:** A sign erected on a free-standing frame, mast, pole, wall, or other brace or support structure, and not attached to any building.
3. **SIGN, TEMPORARY:** A sign constructed of cloth, paper, wood, fabric, or other temporary material, with or without a structural frame, and intended or designed for a limited period of display.
4. **SIGN, WINDOW:** A sign painted on, attached or affixed to the interior or exterior surface of windows or doors of a building or otherwise intended to be seen through a window or door.
5. **SIGN, WALL:** a sign erected on, attached to, painted on the surface of, or integral with the wall of any building, located in a plane parallel to the plane of the wall, and supported by the building.

SOLID WASTE: Unwanted residual solid or semisolid material as results from residential, industrial, commercial, agricultural, and community mining, or demolition operations, or other waste material of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, slag and other substances that are not harmful or contrary to public health, and non-combustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or hazardous waste.

SPECIAL RESIDENTIAL FACILITY. A dwelling complying with any of the following definitions:

1. As regulated by the Ohio Department of Health and the Ohio Revised Code, an adult family home providing accommodations for three to five unrelated adults.
2. As regulated by the Ohio Department of Mental Retardation and Developmental Disabilities and the Ohio Revised Code, a foster family home for not more than five mentally retarded or developmentally disabled persons; or a family home for six to eight persons with the same characteristics.
3. As regulated by the Ohio Revised Code, a foster family home or family foster home for juveniles.

STRUCTURE, terms relating to:

STRUCTURE: That which is constructed having a location on or in the ground or attached to that having location on or in the ground; the term shall include buildings, outdoor seating facilities, outdoor theaters, swimming pools, platforms, tents, towers, bridges, fences, barrier poles, signs and tanks above or below ground.

STRUCTURE, ACCESSORY: A structure which is clearly incidental to and customarily found in connection with a principal structure or use; is subordinate to and serves a principal structure or use; is subordinate in area, extent or purpose to the principal structure or use served; contributes to the comfort, convenience or necessity of occupants, business, or industry in the principal structure or use served. Except as otherwise provided in this Code, signs, fences, and parking lots are accessory structures.

STRUCTURE PRINCIPAL: A structure in which is conducted the main use or uses of the lot on which the structure is located.

SUBDIVISION: The division of a lot, tract, or parcel into two (2) or more lots, tracts, or parcels or other divisions of land for sale, development, or lease or as otherwise defined in the Subdivision Regulations.

SWIMMING POOLS: A structure intended primarily for swimming or wading containing at least twenty-four (24) inches-of water at any point and maintained by the owner or manager:

PRIVATE SWIMMING POOL: Exclusively used without paying additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of club, or the patrons of a motel or hotel; an accessory use.

COMMUNITY SWIMMING POOL: Operated with a charge for admission, a principal use.

TELECOMMUNICATION FACILITY, terms relating to:

ANTENNA means any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.

ANTENNA SUPPORT STRUCTURE means any building or other structure other than a tower which can be used for location of wireless telecommunication facilities.

CO-LOCATION means the use of a wireless telecommunication facility by more than one wireless telecommunications provider.

EQUIPMENT SHELTER means the structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.

TOWER means a self supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunication facilities. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC. "Monopole" means a support structure constructed to a single, self supporting hollow metal tube securely anchored to a foundation.

TELECOMMUNICATIONS FACILITY means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception or communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, the term wireless telecommunication facilities shall not include:

1. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial.
2. Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category.
3. Antennas used by amateur radio operators.

THOROUGHFARE: terms relating to:

THOROUGHFARE, STREET OR ROAD: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

ALLEY: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

ARTERIAL STREET: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.

COLLECTOR STREET: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

CUL-DE-SAC: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

LOCAL STREET: A street primarily for providing access to residential or other abutting property.

TREE; SHRUB. For purposes of this Code and the landscaping requirements herein:

TREE. A “tree” is a plant having at least one well-defined stem or trunk and normally attaining a mature height of at least 15 feet, with an average mature spread of at least 15 feet, and having a trunk which shall be kept clear of leaves and branches at least six feet above grade at maturity. A “tree” shall be installed with a minimum caliper of two (2) inches.

SHRUB. A “shrub” is a multi-stemmed, woody plant, evergreen or deciduous, which usually grows to a mature height of less than 15 feet, and which shall be installed at a minimum 3-gallon container size and a minimum height of two (2) feet.

USE, terms relating to:

USE: The purpose for which a building is arranged, designed or intended or for which either land, lot, piece or parcel thereof or a building located thereon is for may be occupied or maintained.

USE, ACCESSORY: A use customarily incidental to, subordinate to, and located on the same lot as the principal or main use. Among other things, accessory uses include anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, and poles. Except as otherwise required in this Code, an accessory use shall be a permitted use.

USE, CONDITIONAL: A use which, due to certain characteristics of the use or potential for impact upon the district or upon abutting districts, may only be established subsequent to approval of a conditional use permit.

USE, PERMITTED: A use which is authorized to be established in a district provided that it otherwise complies with the provisions of this Code applicable to all permitted uses in the district.

USE, PRINCIPAL: The main use or activity on the premises.

USE, SIMILAR. As provided in this Code, a use which is not listed as a permitted or conditional use in a district but which is interpreted by the Planning Commission as being a use sufficiently similar to those listed in a district that it may be established under a conditional use permit.

VARIANCE: Permission to depart from the literal requirements of this Code granted according to the procedures and standards for variances established in Article XII and other provisions of this Code. Generally, a variance is granted as relief from practical difficulty of compliance with a specific provision of this Code.

VEHICLE, terms relating to:

VEHICLE: Anything on wheels or runners, including motorized bicycles, but not including vehicles operated exclusively on rails or tracks or from overhead trolley wires and not including vehicles of a police department or fire department and vehicles used by such department in the discharge of functions.

DISABLED MOTOR VEHICLE: Any type of motor vehicle, recreational vehicle, mobile home that meets any one of the following criteria:

- A. Does not have a current license.
- B. Is apparently mechanically inoperable.
- C. Is extensively damaged (i.e. missing wheels, motor, tires or transmission)
- D. Is in a dilapidated or broken down state.

JUNK: Old or scrap, copper, brass, rope, rags, trash, waste, batteries, paper, rubber; junked, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous materials.

JUNK YARD: An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk.

RECREATIONAL VEHICLE: A vehicle, portable structure built on or carried on a chassis, designed to be used as a temporary dwelling for travel and recreational purpose, having a body width not exceeding eight (8) feet and a length not exceeding forty (40) feet. Types of Recreational Vehicles include, but are not limited to:

- A. PARK TRAILER: As defined in Section 4501.01 of the Ohio Revised Code.
- B. TRAVEL TRAILER: As defined in Section 4501.01 of the Ohio Revised Code.
- C. TRAILER: Any vehicle without motive power designed or used for carrying property of persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semi-trailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five (25) miles per hour.

- D. Motor home, travel trailer, pickup truck camper, pop-up trailer.

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

VILLAGE: The Village of Orwell, Ohio.

VILLAGE PLAN: A plan, or any portion thereof, adopted by the Planning Commission and Village Council of the Village of Orwell, showing the general location and extent of present and proposed land uses and physical facilities, which may include housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. A Village Plan may also be called a land use plan, master plan, comprehensive plan, or other.

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

WHOLESALE TRADE. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

YARD, terms relating to:

YARD: An area of land located between a lot line and the principal building or buildings on a lot, and which is unoccupied and unobstructed from the ground upward except as specifically provided in this Code.

YARD, FRONT: The area of land extending the full width of the lot and bounded by the front lot line, the side lot lines, and the front of the principal building.

YARD, REAR: The area of land extending across the full width of the lot and bounded by the rear lot line, the side lot line, and the rear of the principal building.

YARD, SIDE: The area of land bound by the side lot line, the front setback line, the rear setback line, and the sides of the principal building.

YARD DEPTH: The shortest horizontal distance from a lot line to the principal building.

ZONING INSPECTOR: The person designated by Village Council to administer and enforce zoning regulations and related resolutions.

ZONING MAP, OFFICIAL: A map that graphically shows all zoning district boundaries and classifications within the Village, as contained within this Code.

ZONING PERMIT: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses, in compliance with the provisions of this Code.