



Village of Swanton, OH

Updates to Title XV Land Usage Codes

Chapter 150 Zoning Code

Chapter 151 Subdivision & Site Construction Code

Chapter 152 Flood Damage Reduction Code

Phase 3: Adoption of Text Amendments

Prepared for Review
For the Village of Swanton, OH
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Chapter 150 Zoning Code

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**ARTICLE 150.11
General Provisions**

150.111	Title.	150.115	Validity.
150.112	Purpose and Intent.	150.116	Form of Code.
150.113	Relation to Other Laws.	150.117	Compliance with Regulations.
150.114	Rules of Interpretation.	150.118	Rules Governing Transition from Prior Regulations.

150.111 TITLE.

This chapter is the Zoning Code for the Village of Swanton.

150.112 PURPOSE AND INTENT.

- (A) The purpose of the Zoning Code and the intent of the legislative authority in its adoption is to promote and protect to the fullest extent permissible under state laws, the public health, safety, convenience, comfort, prosperity and the general welfare of the village; by regulating the use of buildings, other structures and land for residences, public facilities, business, services, industry or other purposes; by regulating and restricting the bulk, height, design, percent of lot coverage and location of buildings; by regulating and limiting population density; and, for the aforesaid purposes, to divide the land within the corporation limits of the village into districts of such number and dimension in accordance with the objectives of the Zoning Code; and to provide procedures for the administration and amendment of said Zoning Code.
- (B) This Zoning Code is intended to achieve, among others, the following objectives:
 - (1) To protect the character and values of residential, institutional and public use, business, commercial and manufacturing uses; and to ensure their orderly and beneficial development;
 - (2) To provide adequate open spaces for light, air and outdoor use;
 - (3) To prevent overcrowding of the land;
 - (4) To prevent excessive concentration of population; and, on the other hand, to prevent sparse and uncoordinated development;
 - (5) To regulate and control the location and spacing of buildings on the lot and in relation to the surrounding property so as to maintain the public health and the village;
 - (6) To regulate the location of buildings and intensity of uses in relation to streets according to plans so as to cause the least interference with, and be damaged least by traffic movements, hence result in lessened street congestion and improved safety;
 - (7) To establish zoning patterns that ensure economical extensions for sewers, water supply, waste disposal and other public utilities as well as development of recreation, schools and other public facilities; and
 - (8) To accomplish the specific intent and goals set forth in the introduction to the respective sections.

150.113 RELATION TO OTHER LAWS.

- (A) The provisions of this Zoning Code shall supplement any and all laws of the state, ordinances of the Village or any and all rules and regulations promulgated by authority of such law or ordinance relating to the purpose and scope of such Zoning Code.
- (B) The provisions of the Zoning Code shall not annul or in any way interfere with existing deed or plat restrictions, easements or other agreements between persons, codes, laws, rules, regulations or permits previously adopted or issued except those ordinances or sections thereof which are contrary to and in conflict with this Zoning Code.
- (C) Whenever this Zoning Code imposes greater restrictions upon the use of buildings or land, the heights or bulk of buildings, or requires larger land or building areas, yards or other open spaces than are otherwise required or imposed by other deed or plat restrictions, codes, laws, ordinances, rules or regulations, this Zoning Code shall control; and conversely, other regulations shall control where they impose greater restrictions than this code. The Village of Swanton cannot enforce deed or plat restrictions. Only property owners can enforce such requirements.

150.114 RULES OF INTERPRETATION.

- (A) Minimum Requirements. In interpreting and applying the provisions of this Zoning Code, such provisions shall be held to be the minimum requirements of the promotion of public health, safety, convenience, comfort, prosperity and general welfare and to accomplish the objectives set forth throughout this code. Except as specifically provided herein, it is not intended by the Zoning Code to repeal, abrogate or annul any existing provision of any law or ordinance or any rule or regulation previously adopted or issued pursuant to law relating to the use of structures and land and the design, erection, alteration or maintenance of structure thereon.
- (B) Conflicts or Inconsistency. Unless otherwise specifically stated within this Zoning Code, and unless the context clearly indicates the contrary, if two or more provisions of this Zoning Code are in conflict or are inconsistent with each other, then the most restrictive provision shall apply.
- (C) Text to Govern. In case of any difference of meaning or implication between the text of this Zoning Code and any caption, illustration, figure, or illustrative table, the text shall control.
- (D) Illustrations. All illustrations in this Zoning Code are intended to help the reader understand terminology and concepts used in this Zoning Code, unless otherwise indicated. Illustrations are not drawn to scale and are not to be interpreted as examples of character or design that must be matched.
- (E) Time Frames. Any time frames stated within this Zoning Code shall be calculated to include weekdays, weekends, and holidays, unless stated otherwise. If a time frame ends on a Saturday, Sunday, or holiday on which the city offices are closed, the time frame will be extended to the end of the next business day unless specifically stated otherwise within this Zoning Code.

- (F) Delegation of Authority. If a provision in this Zoning Code requires the Zoning Administrator or other village official to perform an act or duty, such provision shall also include designated subordinates unless specified otherwise.
- (G) Fractions. Where application of a numerical standard results in a fraction, the fraction shall be rounded as follows:
- (1) Where the standard is a minimum requirement, the fraction shall be rounded up the nearest whole number; and
 - (2) Where the standard is a maximum allowed or permitted under this Zoning Code, the fraction shall be rounded down to the nearest whole number.
- (H) Defined Terms. Terms used in this Zoning Code are generally used in their ordinary English usage. Certain terms are, however, specifically defined in Article 150.90 and whenever used in this Zoning Code, they shall have the meaning as set forth in Article 150.90, except where the context clearly indicates a different meaning.
- (I) Rules of Word Usage. The following rules of word usage apply to the text of this Zoning Code:
- (1) The particular shall control the general.
 - (2) The words "shall" and "must" are always mandatory and not discretionary. The words "may" and "should" are permissive.
 - (3) Unless the context clearly indicates otherwise, words used in a specific tense (past, present or future) shall be construed to include all tenses, and words used in the singular number shall include the plural, and the plural the singular.
 - (4) A "structure" includes a "building" and any part thereof unless the context clearly indicates otherwise.
 - (5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 - (a) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (c) "Either...or" indicates that the connected items, conditions, provision, or events shall apply singly but not in combination.
 - (6) The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.
 - (7) Terms not defined herein or in Article 150.90 shall have the meanings customarily assigned to them in common, ordinary usage, except that legal or technical terms shall be interpreted in their legal or technical sense.

150.115 VALIDITY.

Should any section or provision of this Zoning Code be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Zoning Code as a whole, or any part thereof, other than the section or provision so declared to be invalid. Nor shall the decision affect its application to different facts or circumstances.

150.116 FORM OF CODE.

This Zoning Code is included as Chapter 150 under "Village of Swanton, Ohio Code of Ordinances". Chapter 150 is subdivided into articles and sections. The article and section headings herein have been inserted for convenience in reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Zoning Code.

150.117 COMPLIANCE WITH REGULATIONS.

- (A) No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, nor shall any land be subdivided within the limits of the village except in full compliance with all the provisions of this Zoning Code and, when required, after the lawful issuance of the permit(s) required by this Zoning Code.
- (B) Lawfully existing lots, buildings, structures and uses of land that do not comply with the regulations of this Zoning Code are subject to the regulations set forth in Article 150.41, Non-conforming Uses, Lots, Buildings and Sites.
- (C) No lot, setback, parking area, open space, or other space shall be reduced in area or dimensions so as to make such area or dimension less than the minimum required by this Zoning Code.
- (D) No part of a setback, parking area, open space or other space provided about or for any building or structure for the purpose of complying with the provisions of this Code shall be included as part of a required setback, parking area, or other space required under this Code for another building or structure.
- (E) In computing the area of a lot, no portion of the street right of way shall be included, regardless of whether or not the owner holds title to the same.

150.118 RULES GOVERNING TRANSITION FROM PRIOR REGULATIONS.

- (A) Repeal of Former Zoning Code. Chapter 150: Zoning Code of the Village of Swanton, Ohio, adopted _____ and as subsequently amended together with the Zoning Map, is hereby repealed. The adoption of this chapter, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, an existing violation of prior regulations.
- (B) Effective Date. This Zoning Code shall become effective from and after the date of its approval and adoption, as provided by law.
- (C) Approved Permits.

- (1) All buildings, structures, and land uses for which a permit has been obtained and the construction or a portion of which has begun, prior to the effective date of this Zoning Code, may be completed and used in accordance with the plans for which the permit was granted.
 - (2) If the building, structure, or use is not completed within the time allowed under the original permit or any extension granted thereof, then the building, structure, or use may be constructed, completed, or occupied only in compliance with this Zoning Code.
 - (3) Any application for which the zoning permit has expired and construction has not begun shall meet the standards in effect at the time the application is resubmitted
- (D) Vested Rights. The provisions of Section 150.118(A) through Section 150.118(C) of this Zoning Code are subject to Ohio's vested rights laws.

ARTICLE 150.15
Establishment of Districts and Zoning Map

- 150.151 Purpose.
- 150.152 Establishment of districts.
- 150.153 Establishment of regulations.
- 150.154 Establishment of zoning map.
- 150.155 District boundary lines.
- 150.156 Annexed territory.
- 150.157 Subdivisions and parcel splits.

150.151 PURPOSE.

The purpose of this chapter 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.

150.152 ESTABLISHMENT OF DISTRICTS.

(A) In order to carry out the purpose of this zoning code, the village is hereby divided into the following districts, all of which are designated on the zoning map by symbols and boundaries, said districts shall be known as:

<u>Base Zoning Districts</u>	<u>Abbreviation</u>
<u>Residential Districts</u>	
One-Family Estate (15,000 sq ft lot)	R-E
One-Family (9,600 sq ft lot)	R-1
One-Family (8,400 sq ft lot)	R-2
One-Family (6,000 sq ft lot)	R-3
Multi-Family (low density)	R-4
Multi-Family (high density)	R-5
Manufactured Home Park	MH
<u>Business / Industrial Districts</u>	
Neighborhood Business	B-1
Downtown Business	B-2
General Business	B-3
Light Industrial	M-1
<u>Other Districts</u>	
Public/Open Space	P/OS
 <u>Overlay Zoning Districts</u>	
Planned Residential Development Overlay	PRDO
Airport Highway Corridor Overlay	AHCO
Floodplain Overlay	FPO

(B) Whenever the abbreviated terms, such as R-1, R-2, B-1, M-1 and the like, are used in this zoning code, they shall be construed as referring to their corresponding district titles.

- (C) The above classification of districts shall not be construed as an enumeration of most restrictive to less restrictive districts.

150.153 ESTABLISHMENT OF REGULATIONS.

- (A) Base Zoning Districts. Each of the base zoning districts listed in Section 150.152(A) above lists the land uses allowed for that base district, subject to the development standards applicable to that type of development and the requirements for development approval. On the Official Zoning Map, a standard zoning district shall be labeled using the two-character abbreviation shown in Section 150.152(A).
- (B) Overlay Zoning Districts.
- (1) The overlay zoning districts shown in Section 150.152(A) supplement, but do not replace, the base zoning district regulations in the areas where the overlay zoning districts are applied.
 - (2) An overlay zoning district may add restrictions on the use of property in the underlying base zoning district or may remove restrictions on the use of property in the underlying zoning district, or both.
 - (3) In the event of an inconsistency between the overlay zoning district regulations and the base zoning district regulations, the overlay zoning district regulations shall apply.
 - (4) The Official Zoning Map designates where overlay zoning districts apply.
- (C) Compliance with Regulations.
- (1) Any building, structure or parcel of land may be used; and the use of any building, structure or parcel of land may be changed or extended; and any existing building or structure may be altered, converted, enlarged, reconstructed, moved or maintained, only for the principal and accessory uses specifically enumerated in the district in which the building, structure or parcel of land is located and for no other use, except as may otherwise be specifically authorized in this Code.
 - (2) The use, change, extension, alteration, conversion, enlargement, reconstruction, relocation or maintenance of buildings, structures and land shall be subject to all area, yard, height, off-street parking and all other regulations set forth for the district in which the building, structure or parcel of land is located and to all other applicable regulations of this zoning code.

150.154 ESTABLISHMENT OF ZONING MAP.

- (A) The aforesaid districts are designated by symbols and the locations and boundaries of said districts are established on a map entitled, "Zoning Map of the Village of Swanton, Ohio", on file in the office of the Village Administrator. All notations, schedules and other information shown thereon are hereby made a part of this zoning code as enacted on January 25, 1988 or subsequently amended in the same manner as other parts of this zoning code.

- (B) No changes of any nature shall be made to the Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Zoning Code.
- (C) Regardless of the existence of purported copies of the Zoning Map, which may from time to time be made or published, the official Zoning Map shall be the Zoning Map located in the office of the Village Administrator, which shall be the final authority as to the current zoning status of land, buildings and other structures.
- (D) In the event that the official Zoning Map becomes damaged, destroyed or lost, Village Council may, by ordinance, adopt a new Zoning Map which shall supersede the prior official Map. The new official Zoning Map may correct drafting or other errors or omissions in the prior official Zoning Map but no such corrections shall have the effect of amending the original Zoning Map or subsequent amendments thereof.

150.155 DISTRICT BOUNDARY LINES.

- (A) The district boundary lines of the Zoning Map enclose an area of a designated district, and generally follow recorded lot lines, the centerline of streets, railroad rights-of-way or their extensions, provided, however:
 - (1) Where boundaries apparently follow lot lines and are not more than ten feet therefrom, the lot lines shall be construed to be such boundaries;
 - (2) Where the district boundary line is shown by dimension or relationship as being located a specific distance from and/or parallel to a street line, said distance shall control;
 - (3) Where a district boundary line is shown as adjoining a railroad, it shall be determined by scale, and each part of the parcel shall comply with the regulations of the district in which it is located; or
 - (4) Where a district boundary line does not coincide with any of the previously mentioned lines, and where it is not located by dimensions or fixed points shown on the Zoning Map, it shall be determined by the scale appearing thereon.
- (B) Vacation of Public Ways. Whenever any street or public way is vacated by official action of Council, the zoning district adjoining each side of the street or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.
- (C) Where physical features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by any of the above statements on District Boundaries, or if there is a dispute concerning the exact location of zoning district boundaries, the Village Planning Commission shall interpret the district boundaries.

150.156 ANNEXED TERRITORY.

All territory, which may hereafter be annexed to Swanton Village and is already zoned, shall be continued in its existing zone classification until amended in conformance with the amendment procedures outlined in this Zoning Code and the Ohio Revised Code.

- (A) The Planning Commission may make a zoning recommendation to Council when land outside the village limits is to be annexed to the village. Zoned areas that are proposed for annexation shall be compatible with or similar to the zoning district located within the village.
- (B) Land annexed to the village shall be in conformity with the village zoning classifications and with the Comprehensive Plan.

150.157 SUBDIVISIONS AND PARCEL SPLITS.

Proposed subdivisions, including parcel splits and lot consolidations, shall be reviewed and approved in accordance with the procedures set forth in Chapter 151 Subdivision Regulations.

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**ARTICLE 150.21
Residential District Regulations**

150.211	Intent.	150.218	General Provisions For Accessory Uses And Structures.
150.212	Use Regulations.	150.219	Family Day Care Home, Type B.
150.213	General Provisions For Development Standards.	150.220	Home Occupations.
150.214	Development Standards For Detached One-Family Dwellings.	150.221	Outdoor Parking and Storage of Trucks and Recreational Vehicles.
150.215	Development Standards For Dwellings in R-4 and R-5 Districts.	150.222	Private Swimming Pools.
150.216	Floor Area Requirements For Dwelling Units.	150.223	Landscaping, Screening, Fencing, And Lighting Regulations.
150.217	Permanently Sited Manufactured Homes.	150.224	Requirements for Owners Associations.
		150.225	Development Plan Review.

150.211 INTENT.

Residential districts and their regulations are established herein in order to achieve, among others, the following purposes:

- (A) To regulate the bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each lot appropriate for the district;
- (B) To regulate the density and distribution of population to avoid congestion and to maintain adequate services;
- (C) To provide protection from noxious fumes, odors, dust excessive noises, invasion of abnormal vehicular traffic and other objectionable influences; and
- (D) To protect the desirable characteristics of existing residential development; the promotion of stability and the most desirable and beneficial use of the land.

150.212 USE REGULATIONS.

(A) Use Schedule Summary. Schedule 150.212(D) below sets forth the uses allowed in residential districts. The abbreviations used in the Schedule indicate the following:

- (1) Uses Permitted By Right. A "P" in a cell indicates that the use is allowed by-right as a principal use in the respective district.
- (2) Conditional Uses. A "C" in a cell indicates that the use is regulated as a conditional use. The use is permitted in the respective district only after an applicant receives Conditional Use approval pursuant to Article 150.67.
- (3) Accessory Uses. An "A" in a cell indicates that the use is a permitted accessory use, provided it is clearly incidental and subordinate to a permitted principal or conditional use listed in Schedule 150.212(D).

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- (4) Conditional Accessory Uses. A “CA” in a cell indicates that the use is permitted only as an accessory use and only after an applicant receives Conditional Use approval pursuant to Article 150.67.
 - (5) Uses Not Permitted. The letters “NP” in a District column indicate that the use is not allowed in that zoning district.
 - (6) Use-Specific Standard Cross-Reference. An “*” in a cell indicates that a Use-Specific Standard cross-referenced in the right-hand column of the Schedule applies to the use in that zoning district.
- (B) Compliance with Standards. Although a use may be indicated as a permitted use in a particular district, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and lot in question, including but not limited to any supplemental use-specific standards cross-referenced in Schedule 150.212(D).
- (C) Organization of Use Table. In the Use Table, land uses are classified into general use categories and specific uses based on common physical or functional characteristics, such as type of dwelling unit, amount of activity generated by the use, and site conditions. Whenever a standard or reference is made to a general use category throughout this code, it shall include the specific uses in that category.
- (D) Schedule 150.212(D) Permitted Uses. Schedule 150.212(D) sets forth the uses allowed in the Residential Districts.

Schedule 150.212(D) Permitted Uses in Residential Districts							
As defined in 150.212(A): P = permitted use; C = conditional use; A = accessory use; CA = conditional accessory use; NP = not permitted * = subject to use-specific standards as cross-referenced							
	R-E	R-1	R-2	R-3	R-4	R-5	*Use-Specific Standards
Residential/Lodging							
Dwelling, multi-family	NP	NP	NP	NP	P	P	--
Dwelling, one-family (attached)	NP	NP	NP	NP	P	P	--
Dwelling, one-family (detached)	P	P	P	P	NP	NP	--
Dwelling, two-family	NP	NP	NP	C*	NP	NP	150.333(E)
Manufactured home, permanently sited	P*	P*	P*	P*	NP	NP	150.217
Bed & breakfast inn	NP	NP	NP	C*	NP	NP	150.333(B)
Congregate care facility/nursing home	NP	NP	NP	C*	C*	C*	150.333(C)
Family day care, Type "B"	P*	P*	P*	P*	P*	P*	150.219
Group home, large (max 16 residents)	NP	NP	NP	NP	C*	C*	150.333(F)
Group home, small (max 8 residents)	P*	P*	P*	P*	P*	P*	150.333(F)
Short-term rental	C*	C*	C*	C*	NP	NP	150.333(B)
Civic Uses							
Cemetery	C*	C*	C*	NP	NP	NP	150.334(A)
Community facility, building, recreation amenity privately operated by HOA	C*	C*	C*	C*	C*	C*	150.334(B)
Country club (public, private/semi-private), including golf course	C*	C*	NP	NP	NP	NP	150.334(C)
Day care center, adult or child (accessory to a principal use such as place of worship)	CA*	CA*	CA*	CA*	NP	NP	150.334(D)

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Schedule 150.212(D) Permitted Uses in Residential Districts							
As defined in 150.212(A): P = permitted use; C = conditional use; A = accessory use; CA = conditional accessory use; NP = not permitted * = subject to use-specific standards as cross-referenced							
	R-E	R-1	R-2	R-3	R-4	R-5	*Use-Specific Standards
Government office building	C*	C*	C*	C*	P*	P*	150.334(E)
Place of worship	C*	C*	C*	C*	NP	NP	150.334(E)
Public library	C*	C*	C*	NP	NP	NP	150.334(E)
Public parks and playgrounds	P	P	P	P	P	P	--
Public sports fields and active recreation facilities	C*	C*	C*	C*	NP	NP	150.334(B)
School, elementary/secondary (public or private)	C*	C*	C*	C*	NP	NP	150.334(E)
Utilities, Communication and Other Uses							
Agriculture (crops)	C*	NP	NP	NP	NP	NP	150.336(B)
Electric vehicle charging station	A*	A*	A*	A*	A*	A*	150.336(C)
Essential services	P*	P*	P*	P*	P*	P*	150.336(D)
Plant nursery or greenhouse, commercial	C*	NP	NP	NP	NP	NP	150.335(N)
Solar collector system, ground-mounted	CA*	CA*	CA*	NP	NP	NP	150.336(F)
Solar collector system, roof-mounted	A*	A*	A*	A*	A*	A*	150.336(F)
Utility substation and transmission facility	P*	P*	P*	P*	P*	P*	150.336(G)
Small wind energy system	C*	C*	C*	C*	C*	C*	150.336(H)
Wireless telecommunication facility	CA*	CA*	CA*	CA*	CA*	CA*	150.336(I)
Accessory Uses/Structures							
Accessory living suite	CA*	CA*	CA*	CA*	NP	NP	150.333(A)
Carport	A	A	A	A	A	A	--
Detached private garage and parking area	A	A	A	A	A	A	--
Detached storage/utility building	A	A	A	A	A	A	--
Detached storage/utility building, oversized	CA*	CA*	CA*	NP	NP	NP	--
Fences, walls	A	A	A	A	A	A	--
Greenhouse, noncommercial	A	A	A	NP	NP	NP	--
Home occupation	A*	A*	A*	A*	A*	A*	150.220
Private garden, associated garden structures, gazebo, and recreational uses	A	A	A	A	A	A	--
Private swimming pool	A*	A*	A*	A*	A*	A*	150.222
Signs	A	A	A	A	A	A	Article 150.35
Noncommercial antenna	A	A	A	A	A	A	150.336(I)
Similar Use	P	P	P	P	P	P	150.635

150.213 GENERAL PROVISIONS FOR DEVELOPMENT STANDARDS.

(A) Minimum Lot Area. The area of a lot or development site shall not be less than the area set forth in Schedules 150.214 and 150.215 or as modified in subsequent sections.

(B) Minimum Lot Width.

- (1) The width of a lot shall be not less than the width set forth in Schedules 150.214 and 150.215, or as modified in subsequent sections.
- (2) Each lot shall abut upon a dedicated street for the required lot width, except for one-family lots fronting on a cul-de-sac or curved street, which shall comply with the lot frontage requirement as set forth in Schedule 150.214.

- (3) The width of a corner lot shall be sufficient to comply with the side yard requirements. An alley shall not be considered a street for the purposes of determining a corner lot.
- (C) One Principal Building per Lot. There shall not be more than one principal building constructed on a residential lot in an R-E, R-1, R-2, and R-3 District.
- (D) Minimum Front Setback.
- (1) The minimum required front setback on a lot shall not be less than the depth set forth in Schedules 150.214 and 150.215 or as modified in subsequent sections.
 - (2) Where 50% or more of the aggregate street frontage between two successive intersecting streets is occupied by buildings of the type and use permitted in the district before the effective date of this zoning code, or any amendments thereto, the minimum required front setback for new principal buildings shall be the average setback of existing buildings located within 100 feet on either side of a given lot; provided, however, the depth of the front yard resulting there from shall be not less than one-half of the minimum dimension, specified in Schedules 150.214 and 150.215.
- (E) Minimum Side Setbacks.
- (1) A side setback shall be provided for each side lot line on a one-family dwelling lot. The width of each minimum required side setback shall not be less than the dimension specified in Schedule 150.214.
 - (2) Where an existing side setback does not comply with the required side setback for the district in which the lot is located and which was owned separately from all other tracts of land on the effective date of this zoning code or any amendment thereto, and is still so owned, the principal building may be maintained or altered but shall not be enlarged unless the total width of the side setback complies with the regulations of this zoning code.
- (F) Minimum Side Setback on Corner Lots. Where new construction or an addition to an existing building is proposed for a corner lot, such building or building addition shall maintain a corner side setback that complies with the following:
- (1) When the rear lot line of a corner lot coincides with the side lot line of an interior lot, the corner side setback shall comply with the minimum front setback requirements.
 - (2) When the rear lot line of a corner lot coincides with the rear lot line of another corner lot, or is separated from such lot by an alley, the corner side setback shall comply with the minimum side setback set forth in Schedules 150.214 and 150.215 for the district in which it is located.
- (G) Minimum Rear Setback. The rear setback of a lot for a one-family dwelling shall not be less than the depth set forth in Schedule 150.214 for the district in which it is located, or not less than 25% of the depth of the lot, whichever is the lesser.
- (H) Minimum Setback from Project Boundary. In the R-4 and R-5 Districts, the setback of a dwelling from any project boundary shall be not less than the distance set forth in Schedule 150.215. The project boundary shall include all lot lines that divide the development site from adjacent lots

not included in the development and shall be the boundaries of the minimum area set forth in Schedule 150.215.

(I) Projections into Setbacks. A projection is that part or feature of a building that extends beyond the enclosing walls of the dwelling. Certain building features may project into the minimum required setback as noted below:

- (1) Architectural features. A belt course, balcony, cornice, gutter, chimney or similar architectural feature may project into the minimum front, side or rear setback for a maximum distance of two (2) feet.
- (2) Entrance features and unenclosed shelters. An entrance hood, or an open platform, landing, steps, terrace or other feature not extending above the first floor level of the principal building, or an open but roofed porch, patio or deck, shall not extend more than six (6) feet into the minimum front setback and three (3) feet into the minimum side setback. Unenclosed shelters are roofed but unenclosed projections from the main wall of a building, which may or may not use columns or other ground supports for structural purposes, and which do not meet the definition of enclosed shelter in 150.213(I)(3) below.
- (3) Enclosed porches and other shelters. An enclosed entry, porch, patio or other shelter that is covered by a roof attached to the dwelling, and enclosed on two or more sides with walls, siding, windows or other material including, but not limited to, screening shall be considered an integral part of the principal building and shall meet the setback requirements for principal buildings in the applicable zoning district.

150.214 DEVELOPMENT STANDARDS FOR DETACHED ONE-FAMILY DWELLINGS.

Detached one-family dwellings in the R-E, R-1, R-2, and R-3 Districts shall be erected, altered, moved, and maintained only in accordance with the development standards set forth in Schedule 150.214.

Schedule 150.214				
Development Standards for Detached One-Family Dwellings				
	R-E Residential Estate	R-1 One-Family	R-2 One-Family	R-3 One Family
(A) Minimum lot area	15,000 sq. ft.	9,600 sq. ft.	8,400 sq. ft.	6,000 sq. ft.
(B) Minimum lot width at minimum front setback line ⁽¹⁾	90 feet	80 feet	70 feet	50 feet
(C) Minimum lot frontage on curved street and cul-de-sac	50 feet	45 feet	40 feet	40 feet
(D) Minimum front setback (from public street right-of-way) ⁽²⁾	40 feet	40 feet	25 feet	25 feet
(E) Minimum side setback ⁽³⁾	12 feet	10 feet	7 feet	5 feet
(F) Minimum corner side setback	(4)	(4)	(4)	(4)
(G) Minimum rear setback ⁽⁵⁾	40 feet	30 feet	25 feet	25 feet
(H) Maximum number of stories ⁽⁶⁾	2.5 stories	2 stories	2 stories	2 stories
(I) Maximum height of principal building	35 feet	35 feet	35 feet	35 feet
Notes to Schedule 150.214: (1) See Section 150.213 (B) (2) See Section 150.213 (D)				

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Schedule 150.214				
Development Standards for Detached One-Family Dwellings				
	R-E Residential Estate	R-1 One-Family	R-2 One-Family	R-3 One Family
(3) See Section 150.213 (E)				
(4) See Section 150.213 (F)				
(5) See Section 150.213 (G)				
(6) But in no case shall the height of the dwelling exceed the maximum height set forth in Schedule 150.214(l)				

150.215 DEVELOPMENT STANDARDS FOR DWELLINGS IN R-4 AND R-5 DISTRICTS.

(A) Dwellings shall be erected, altered, moved or maintained in the R-4 and R-5 Districts only in accordance with the development standards set forth in Schedule 150.215(A).

Schedule 150.215(A)		
Development Standards for Dwellings In R-4 and R-5 Districts		
	R-4 Multi-family (Low Density)	R-5 Multi-family (High Density)
(1) Minimum development area	2 acres	3 acres
(2) Minimum lot width at minimum front building setback line	200 feet	300 feet
(3) Maximum density (du/ac - dwelling units per acre)		
(a) One-family attached dwellings	8 du/ac	12 du/ac
(b) Multi-family dwellings	12 du/ac	20 du/ac
(4) Maximum lot coverage ^(a)	65%	65%
(5) Minimum front building and parking setback (from public street right-of-way)	40 feet	40 feet
(6) Minimum building setback from project boundary abutting an R-4, R-5 or nonresidential district	20 feet	20 feet
(7) Minimum building setback from project boundary abutting an R-E, R-1, R-2 or R-3 District	30 feet	40 feet
(8) Minimum parking setback from project boundary abutting an R-4, R-5 or nonresidential district	10 feet	10 feet
(9) Minimum parking setback from project boundary abutting an R-E, R-1, R-2 or R-3 District	20 feet	20 feet
(10) Minimum building separation	15 feet	15 feet
(11) Maximum height of principal building	38 feet	50 feet
Notes to Schedule 150.215(A):		
(a) Defined as the maximum coverage by impervious surface (e.g. building, parking, sidewalks)		

(B) Maximum Dwelling Units.

(1) Maximum Density. The residential density of a multi-family development shall not exceed the number of dwelling units per acre set forth in Schedule 150.215(A) for the district in which the development is located.

- (2) Calculating Units. The total number of dwelling units permitted shall be calculated by multiplying the total land area, exclusive of public rights-of-way existing at the time the development plan is submitted, by the number of dwelling units permitted per acre.
- (3) Maximum Number of Attached One-Family Units. A building comprised of attached one-family units shall have not more than six such units attached.
- (C) Maximum Coverage. The maximum coverage of the development site, including all areas covered by buildings, vehicular drives, and parking areas shall not exceed the percentage of the total area of the development project set forth in Schedule 150.215(A).
- (D) Multi-family District Location Guidelines. The purpose of these Multi-family District Location Guidelines is to provide evaluation criteria for reviewing applications requesting rezoning of a property to an R-4 or R-5 Multi-Family District.
 - (1) Located along a collector or arterial street;
 - (2) Located along a local street when it serves as a transition between an existing one-family neighborhood and a more intense use/development;
 - (3) Adjacent to a business or industrial district.

150.216 FLOOR AREA REQUIREMENTS FOR DWELLING UNITS.

In order to provide healthful living conditions and to preserve the character of neighborhoods, dwellings shall be erected, altered, moved, maintained or occupied only in accordance with the following standards establishing minimum areas of dwelling units.

- (A) Area of a dwelling unit shall be the sum of the gross floor area above the basement level, and not more than three feet below finished grade; rooms above the first floor may be included which are directly connected by a permanent stairs and hall, and spaces under pitched roofs having a minimum knee wall height of four feet is one-half of the room area and has a minimum ceiling height of seven feet.
- (B) The area for frame buildings shall be measured from the exterior face of the enclosed walls at the respective floor line. For brick veneer buildings no more than four inches of exterior wall thickness may be included in the area calculation. For two-family and multi-family dwellings, where applicable, measurements will be made to the centerline of party walls. All areas within garages, porches, public halls and general storage rooms in multi-family dwellings shall be excluded in this measurement.
- (C) Minimum floor area for One-Family Dwelling Units (detached and attached) shall be not less than established in Schedule 150.216(C).

Schedule 150.216(C)			
Floor Area Requirements for One-Family Detached and Attached Dwelling Units			
Dwelling Type	1 Story^(a)	1-1/2 Story^(a)	2 Story^(a)
(1) One-family Detached Dwelling			
(a) Ground floor area (sq. ft.)	1,000	780	600
(b) Total floor area (sq. ft.)	1,000	1,200	1,200
(2) One-family Attached Dwelling Unit			

(a) Ground floor area (sq. ft.)	750		450
(b) Total floor area (sq. ft.)	750		900
Notes to Schedule 150.216(C): (a) The floor area is the minimum square footage required for a dwelling unit with a basement. An additional 100 square feet shall be required for a dwelling unit without a basement.			

(D) Minimum floor area for Multi-Family Dwelling Units shall be not less than established in Schedule 150.216(D):

Schedule 150.216(D) Floor Area Requirements for Multi-family Dwelling Units	
Dwelling Unit Type	Minimum Floor Area Per Multi-family Dwelling Unit
(1) Unit with no bedroom	500 square feet
(2) 1 bedroom unit	600 square feet
(3) 2 bedroom unit	750 square feet
(4) 3 or more bedroom unit	850 square feet plus 100 sq ft for each bedroom over 3

150.217 PERMANENTLY SITED MANUFACTURED HOME STANDARDS.

Permanently sited manufactured homes shall be permitted where they meet the following provisions:

- (A) The structure complies with all zoning requirements for a one-family dwelling.
- (B) The structure is affixed to a permanent masonry or concrete foundation and is connected to appropriate facilities.
- (C) The structure, excluding any addition, has a minimum width of at least twenty-two feet, a minimum length of at least twenty-two feet, and a total living area, excluding garages, porches, or attachments, equal to or greater than the minimum floor area required for any dwelling within a Residential District.
- (D) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering.
- (E) The structure was manufactured after January 1, 1995.
- (F) The structure is not located in a manufactured home park as defined by O.R.C. §4781.01, or as amended. Travel trailers, park trailers, and mobile homes, as defined in O.R.C. §4501.01, or as amended, do not qualify as a permanently sited manufactured home.

150.218 GENERAL PROVISIONS FOR ACCESSORY USES AND STRUCTURES.

- (A) An accessory use shall not be established nor an accessory building or structure constructed in a residential district without a prior existing or concurrent construction of a principal building, structure or use.
- (B) Any accessory use permitted in a residential district may occupy a part of the principal building or occupy a separate accessory building or constitute an accessory land use.

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(C) Accessory buildings and structures in an R-E, R-1, R-2, and R-3 District shall comply with the location requirements in Schedule 150.218(C).

Schedule 150.218(C)				
Permitted Accessory Structures in Front, Side and Rear Yards in R-E, R-1, R-2 and R-3 Districts				
Use	Yard Permitted	Minimum Setback from Lot Line		
		Front	Side	Rear
(1) Attached accessory buildings and structures, including porches	(a)	(a)	(a)	(a)
(2) Detached accessory buildings such as garages, carports and storage sheds.	Rear	NA	5 ft.	5 ft.
(3) Driveways	Front, corner side, side, rear	NA	0 ft. ^(b)	0 ft. ^(b)
(4) Patios and unattached, uncovered decks, not exceeding two feet above grade	Front, corner side, side	(c)	(c)	NA
	Rear	NA	5 ft.	5 ft.
(5) Fences, walls ^(d)	Corner side, side, rear	0 ft.	0 ft.	0 ft.
(6) Outdoor storage of a recreation vehicle, or a storage or work trailer	Rear, Side ^(e)	See Section 150.221		
(7) Outdoor swimming pool	Rear	NA	5 ft. and requirements in Section 150.222	
(8) Noncommercial antenna, freestanding	Rear, Side	NA	5 ft.	
Notes to Schedule 150.218(C):				
(a) Shall comply with the setback requirements for principal buildings set forth in Schedule 150.214 except as permitted for projections into setbacks in Section 150.213(l).				
(b) A driveway shall be located wholly on the lot to which it is accessory and shall comply with the construction standards in Section 151.608 of the Subdivision & Site Construction Code.				
(c) Shall comply with the requirements for projections into setbacks in Section 150.213(l).				
(d) As further regulated by Section 150.402.				
(e) The recreational vehicle or trailer may be parked or stored in the side yard if the side yard is too narrow to allow access to the rear yard provided that the no portion of the stored recreational vehicle extends in front of the principal residential building and that the recreational vehicle is parked or stored a minimum of five feet from the side lot line				
NA Not Applicable				

(D) Accessory Buildings and Structures on Corner Lots. On corner lots, an accessory building or structure shall be set back from the side street line not less than required for the adjacent principal building on the abutting lot.

(E) Maximum Height of Accessory Buildings and Structures.

- (1) The height of accessory buildings and structures shall not exceed fifteen feet or the height of the principal building, whichever is lower, except as otherwise permitted below.
- (2) Exception to Height Regulations. Noncommercial antennas for individual, private use, including but not limited to, amateur radio antennas, shall be permitted as an accessory use in all residential districts provided the height of the noncommercial antenna shall not exceed 50 feet, whether the antenna is freestanding or mounted on the roof.

(F) Additional Development Standards for Accessory Buildings in the R-E, R-1, R-2, and R-3 Districts. An accessory building including but not limited to a detached garage, shed, carport, or pole barn shall comply with the following:

- (1) No more than one accessory building shall be permitted per residential address in an R-E, R-1, R-2 or R-3 District.
 - (2) Maximum Area of an Accessory Building. An accessory building shall not exceed 20% of the ground floor area of the principal building or 600 square feet whichever is greater, unless the Planning Commission approves a conditional use permit for an oversized detached accessory building according to subsection 150.218(G).
 - (3) Required Distance from Dwelling. An accessory building shall be located not less than ten feet from any dwelling on the same lot or an adjacent residential lot.
- (G) Oversized Detached Storage/Utility Building, Permitted as a Conditional Use. An oversized, detached storage/utility building may be constructed on a lot in the R-E, R-1, and R-2 Districts with a minimum lot size of 15,000 square feet, when authorized as a conditional use approved by the Planning Commission in compliance with the following minimum requirements.
- (1) Permitted Location: An oversized detached storage/utility building shall only be located in the rear yard and shall comply with the minimum side and rear setbacks for detached one-family dwellings in the applicable zoning district.
 - (2) Permitted Size: The area of an oversized, detached storage/utility building shall not exceed four (4) percent of the lot area.

150.219 FAMILY DAY CARE HOME, TYPE B.

The Code recognizes that the availability of safe, affordable, high quality child day care is needed by parents and is important to the wellbeing of children. In accordance with ORC §5104.054, any type B family day care home, whether certified by the county director of human services or not certified, is considered a residential use of property and is a permitted residential use in any residential zoning district. The day care shall be conducted solely by the occupants of the residence where the family day care home is located.

150.220 HOME OCCUPATIONS.

It is the intent of this section to eliminate as home occupations all uses except those that conform to the standards set forth in this section. The standards for home occupations in this section are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly accessory status in relation to the residential use of the principal building as the criteria for determining whether a proposed accessory use qualifies as a home occupation. Home occupations are permitted accessory uses in residential zones only so long as all the following conditions are observed. In the event the operation of a home occupation violates any requirement in this Code, the home occupation may be terminated by the Zoning Administrator.

- (A) Such occupations shall be conducted solely by resident occupants in their residence.
- (B) No more than one room or 25% of the gross area of one floor of said residence, whichever is less, shall be used for such purpose. Use of accessory buildings for these purposes is prohibited.
- (C) No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.

- (D) No home occupation will cause an increase in the use of any one or more utilities (water, sewer, electricity, telephone, garbage and the like) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
- (E) There shall be no outside storage of any kind.
- (F) The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time.
- (G) No use shall create noise, dust, vibration, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
- (H) Only one sign shall be allowed. Such sign shall not exceed one square foot in area, shall be non-illuminated, and attached flat to the principal structure or visible through a window. The limitation of one sign is intended to apply to all lots, including corner lots.
- (I) No home-based business/occupation shall require the daily services of a commercial freight carrier which produces traffic in greater frequency or of a different nature than normally found in the surrounding residential area. Delivery services normally and customarily associated with a residential use are permitted.
- (J) No retail or wholesale transactions shall be made on the premises.

150.221 OUTDOOR PARKING AND STORAGE OF TRUCKS AND RECREATIONAL VEHICLES.

In R-E, R-1, R-2 and R-3 Districts, the outside parking and storage of trucks and recreational vehicles shall be permitted as an accessory use subject to the following conditions and limitations:

- (A) In one-family residential districts, one truck that is used solely by the occupant and does not exceed one ton in rated capacity may be stored on the residential lot.
- (B) Prior to parking and storing a recreational vehicles on a lot in an R-E, R-1, R-2, or R-3 District, an application for a Zoning Certificate for such an accessory use shall be filed with the Zoning Administrator. Unless otherwise provided in this Code, a one-time fee, as established by the Village's Fee Schedule/Ordinance, which can be obtained from the Zoning Administrator, shall be charged for such Zoning Certificate. Any change in the recreational vehicle involved shall terminate the Certificate, and a new application must thereafter be filed and processed.
- (C) Only one recreational vehicle such as a motorhome, or one or more off-road vehicle(s) stored on one trailer used to transport such vehicles, or one storage or work trailer shall be parked or stored on a lot, accessory to a permitted principal use.
- (D) Such vehicle(s) shall be owned or leased by an occupant of the premises, except for the temporary parking of a recreational vehicle owned by a guest of the occupant.
- (E) In addition to the locational requirements set forth in Schedule 150.218(C), recreational vehicles, storage trailers and work trailers shall be parked or stored in compliance with the following:

- (1) On an impervious surface, such as asphalt or concrete, or suitable pervious surface.
 - (2) Schedule 150.218(C) notwithstanding, the temporary outside parking of a recreational vehicle shall be permitted in the front yard and side yard for a period not to exceed a total of seventy-two (72) hours in a consecutive twenty-one (21) day period.
 - (3) Proper care shall be taken to prevent gasoline, motor oils, or other hazardous fluids from leaking onto the ground or draining into a storm drain or water course.
 - (4) Under no circumstances shall any recreational vehicle have connections to electricity, water, gas or sanitary sewer facilities, nor shall such equipment be used at any time for living, storage, or housekeeping purposes.
- (F) Every truck, trailer and recreational vehicle parked or stored shall be kept in good repair, operational and shall display current license/registration with the Ohio Bureau of Motor Vehicles.
- (G) No truck, trailer or recreational vehicle shall be parked or stored on a vacant lot.

150.222 PRIVATE SWIMMING POOLS.

A private swimming pool, including farm ponds, shall be any pool, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, shall be allowed an "R" District except as an accessory use and unless it complies with the following conditions and requirements:

- (A) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- (B) Private swimming pools, including any walks or paved areas or accessory structures adjacent thereto, shall not be closer than five feet to any property line of the property on which located.
- (C) Below-ground swimming pools located within the corporate limits of the village shall be surrounded by a fence, not less than four feet in height and all openings, doorways and entrances into said pool area shall be equipped with gates of equal height with said fence, which gates shall be provided with latches, all in good condition. Above-ground pools shall have a locking ladder, side walls or a fence, or a combination of, at least four feet in height and openings and entrances shall conform to below ground pool requirements.

150.223 LANDSCAPING, SCREENING, FENCING, AND LIGHTING REGULATIONS.

- (A) Fences shall comply with the regulations set forth in Article 150.402.
- (B) Screening and landscaping shall be provided for all nonresidential development in any residential district and residential development in the R-4 and R-5 Districts in accordance with the provisions set forth in Article 150.39, Landscaping, Screening, Fencing, and Lighting Regulations.

150.224 REQUIREMENTS FOR OWNERS ASSOCIATIONS.

Whenever a residential subdivision includes any type of common area, facility or feature dedicated to common use, such as but not limited to stormwater management areas, common open space and signage, a homeowner's association, community association, or similar legal entity shall be created to be responsible for the maintenance and control of all common areas, facilities and features. The Village Solicitor shall determine that the association's or entity's bylaws or code of regulations incorporate the following requirements:

- (A) Membership in the association shall be mandatory for each owner of a lot in the development or unit in a condominium.
- (B) The association shall be responsible for maintenance, control, and insurance of all common areas, facilities and features.
 - (1) The association shall guarantee maintenance of all common areas, facilities and features within the boundaries of the development.
 - (2) In the event of a failure to maintain such common areas, facilities or features, the Village may seek to enforce the association's non-performance of its obligations and duties through an injunction or any other civil remedy.
- (C) The association shall have the power to impose assessments on members to pay for the maintenance, control and insurance of open space and common areas, and the power to record liens against individual properties for failure to pay assessments as permitted by the Ohio Revised Code.
- (D) The conditions and timing of transfer of control from the developer to the association shall be specified.
- (E) The association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without:
 - (1) An affirmative vote of 75% of its members;
 - (2) Creating a successor entity under Ohio law to accept the property pursuant to the Village's Zoning Code; and
 - (3) The approval of Village Council.
- (F) The association shall convey to the Village of Swanton and other appropriate governmental bodies, after proper notice, the right to enter common areas for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the Village shall have the right to proceed against the association for reimbursement of costs, including the right to file liens against individual condominium units, houses, and vacant building lots.
- (G) A certified copy of all covenants and restrictions that may be applicable and amendments thereto recorded with the Fulton County or Lucas County Recorder's Office (whichever is applicable) shall be submitted to the Zoning Administrator within ten (10) days of recording.

150.225 DEVELOPMENT PLAN REVIEW.

All uses in the R-4 and R-5 Districts shall be permitted only after a development plan has been reviewed and approved according to the procedures set forth in Article 150.65 Development Plan Review Procedures.

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ARTICLE 150.23

Planned Residential Development Overlay District Regulations

150.231	Purpose.	150.238	Development and site planning standards.
150.232	Designation of PRD Overlay District.	150.239	Design Criteria.
150.233	Scope of regulation.	150.240	Project Submittal Procedures.
150.234	Minimum District Area.	150.241	Waiver.
150.235	Use Regulations.	150.242	Phased development.
150.236	Maximum Density.		
150.237	Restricted Open Space Requirements.		

150.231 PURPOSE.

The purpose of the Planned Residential Development Overlay District (PRDO) and associated regulations is to encourage and accommodate unique, well-designed, unified residential developments through flexible site planning concepts that are consistent with the Village’s planning policies and which would not otherwise be achievable in a standard residential district pursuant to this Zoning Code. More specifically, these PRDO regulations are intended to:

- (A) Encourage site design practices that provide for efficient layout of infrastructure and preserve open space and natural features, while maintaining density control compatible with the base zoning district;
- (B) Foster a variety of housing types and styles for village residents.
- (C) Encourage development that minimizes roadway lengths to reduce maintenance and snow plowing; clusters uses to minimize the length of water, sewer and other utility lines; minimizes impervious surfaces and maximizes natural stormwater detention and percolation.

150.232 DESIGNATION OF PRD OVERLAY DISTRICT.

An overlay district is a mapped zone that establishes a development option with a set of design requirements that are in addition to those of the base zoning district, so that any parcel of land lying in a PRD Overlay District shall also lie in one or more base district. The PRD Overlay District gives property owners the ability of developing according to the PRDO regulations in a manner that is compatible with the underlying and/or surrounding base districts.

150.233 SCOPE OF REGULATION.

The provisions in this Article 150.23 set forth the list of permitted uses and flexible site planning requirements that govern the design and layout of a Planned Residential Development and the terms and conditions governing the development review and approval process.

- (A) Relationship to Base District.
 - (1) In the PRD Overlay District, the use and dimensional specifications of the base zoning district are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

- (2) The base zoning district shall be used as a guide for development, with any adjustment relative to use, density and building layout reviewed and approved through the PRDO review process set forth in Section 150.240.
 - (3) In the event a proposed PRD is located in more than one base zoning district, the regulations of base zoning district with the highest density shall be used as the guide for the entire project.
- (B) The standards contained in this Article prevail whenever there is a conflict or difference between the provisions of this Article and those of other Articles and Sections in this Zoning Code.
- (C) If a provision found elsewhere in this Zoning Code has not been explicitly modified by this Article, the standard shall govern unless such standard is waived by the Planning Commission and/or Council, as applicable pursuant to Section 150.241.

150.234 MINIMUM DISTRICT AREA.

- (A) A site of ten (10) contiguous acres or more with a minimum of 200 feet of frontage shall be required for application of the PRD Overlay District, unless specifically permitted otherwise.
- (B) The Planning Commission and Village Council may approve a rezoning to the PRD Overlay District for an area less than ten (10) acres when it finds that:
- (1) Ownership of adjacent land cannot be readily consolidated to reach the ten (10) acre minimum, or restrictions on the abutting property prevent the developer from reasonably acquiring the additional land necessary to satisfy the minimum area required; and/or,
 - (2) The smaller land area has unique features that cannot be preserved if the parcel is developed applying the standard requirements for a major residential development; and
 - (3) The proposed project will not have any unreasonable or adverse impacts on adjacent areas; and
 - (4) The proposed project will yield a sufficient number of residents to adequately fund and maintain all common areas, including private infrastructure in the PRD.

150.235 USE REGULATIONS.

- (A) Use Schedule Summary. Schedule 150.235(C) sets forth the uses allowed in a PRD Overlay District. The abbreviations used in the Schedule indicate the following:
- (1) A "P" indicates that the use is allowed as a principal use.
 - (2) An "A" in a cell indicates that the use is a permitted accessory use, provided it is clearly incidental and subordinate to a permitted principal use listed in Schedule 150.235(C).

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(3) Use-Specific Standard Cross-Reference. An “*” in the “Allowed Use” column indicates that a Use-Specific Standard cross-referenced in the right-hand column of the Schedule applies to the use.

(B) Additional Uses. Additional uses may be authorized for a PRD as part of the rezoning and preliminary plan approval, provided the Planning Commission and Village Council find that:

- (1) The additional uses are necessary or desirable and are appropriate with respect to the purpose and character of the PRD.
- (2) The additional uses will not create a detrimental influence on the neighborhoods surrounding the PRD, or upon the internal character of any part of the PRD itself.

(C) Schedule 150.235(C) Permitted Uses. Schedule 150.235(C) sets forth the uses allowed in a PRD Overlay District. The abbreviations used in the Schedule are defined in 150.235(A).

Schedule 150.235(C) Uses in PRD Overlay Districts		
	Allowed Use	Use Specific Standards
(1) Single Family Dwelling – Detached	P	
(2) Single Family Dwelling - Attached	P	
(3) Family day care home, Type B (1-6 children)	P*	150.219
(4) Group Home, small	P*	150.333(F)
(5) Accessory Uses		
A. Fences, walls	A*	150.402
B. Private garages	A	
C. Other accessory structures approved as part of the preliminary plan	A	
D. Home occupation	A*	150.220
E. Community recreation facilities for use of residents of the PRD	A	
F. Signs	A*	150.356

150.236 MAXIMUM DENSITY.

(A) The maximum gross density in a PRD shall be as set forth in Schedule 150.236(A) as determined by the base zoning, except as otherwise permitted in 150.236(B) and 150.236(C).

Schedule 150.236(A) PRD Density	
Base Zoning District	Maximum Gross Density
R-E	2.7
R-1	4.0
R-2	4.5
R-3	6.5

(B) Notwithstanding Section 150.236(A), the Planning Commission and Village Council may approve a preliminary development plan with a greater maximum gross density at the time a rezoning application is being considered in compliance with the following.

- (1) The Planning Commission and Village Council shall find that:
 - (a) The density of the underlying zoning is inappropriate or unreasonable for the land being considered for a PRD based on, but not limited to, such factors as: location, adjacent uses, current community objectives, and natural constraints; or
 - (b) The land, at the time of rezoning is not in an R-E, R-1, R-2, or R-3 District; and.
 - (c) The density will have no material adverse impact on the adjacent properties compared to other reasonable uses that might be contemplated for the property.
 - (2) In such case, the Planning Commission and Village Council shall establish the maximum gross density in the ordinance adopting the PRD Overlay District.
- (C) Notwithstanding Section 150.236(A), the Planning Commission and Village Council may establish a lower maximum gross density for a proposed development when it finds that the PRD, at the density permitted in Section 150.236(A), will have an adverse effect on the character of the immediate residential area when considering any one or more of the following:
- (1) The unusual size and shape of the PRD parcel;
 - (2) The location and extent of sensitive natural areas such as floodplain, steep slopes, streams, and wetlands;
 - (3) Limited size or shape of buildable area(s) because of characteristics in subsection (C)(1) and (C)(2) above.
 - (4) The proximity of adjacent buildings and/or structures.
 - (5) The actual lot sizes of the immediate residential area.

150.237 RESTRICTED OPEN SPACE REQUIREMENTS.

- (A) Minimum Area. A minimum of twenty-five percent (25%) of the total land area in the Planned Residential Development (PRD) shall be designated as restricted open space.
- (B) Use of Restricted Open Space. Areas designated as restricted open space shall be provided according to the following:
- (1) Irreplaceable natural features shall be included in the restricted open space and conserved to the maximum extent feasible. Examples of irreplaceable natural features include, but are not limited to, streams, significant stands of mature trees, significant habitat, unique flora, wetlands, rock outcroppings and ravines.
 - (2) A minimum area of 260 square feet of open space for every dwelling unit shall be devoted to active recreation. Useable recreation opportunities shall include active recreational activities such as playgrounds with play apparatus, court games areas, walking/jogging trails and the like provided for the residents of the Planned Residential Development.
 - (3) Stormwater management facilities may be located partially or entirely within restricted open space areas, not to exceed 5% of the restricted open space area. Where such facilities are so located, easements satisfactory to the Planning Commission shall be

established to require and enable maintenance of such facilities by the appropriate parties.

- (C) Calculating Restricted Open Space. In order to encourage the creation of large areas of contiguous open space, the following areas do not qualify when calculating restricted open space:
- (1) Public street right-of-way or private street easement;
 - (2) Parking areas, access drives, common drives and driveways, except as permitted by the Planning Commission to provide access to facilities in the restricted open space;
 - (3) Required setbacks from project boundaries and streets for buildings and parking areas;
 - (4) Required spacing between buildings and between buildings and parking areas; and,
 - (5) Private yards within a subplot.
- (D) Design Criteria for Restricted Open Space.
- (1) The suitability of open space for scenic value and purposes shall be determined by its visibility from dwelling units and the length of the streets, sidewalks, or walking trails from which it is visible.
 - (2) The usability of open space intended for recreation or scenic use shall be determined by the size, shape, topography, and location requirements of the particular recreational activity.
 - (3) Open space areas within the PRD shall be interconnected.
 - (4) An open space area may vary in width but shall not be less than 50 feet wide at any point.
- (E) Treatment of Restricted Open Space. Any area within the restricted open space that is disturbed during or after construction and is not preserved or restored to its natural state, shall be landscaped with vegetation that is compatible with the remaining flora and trees in the restricted open space.
- (F) Ownership of Restricted Open Space. Restricted open space shall be owned by the PRD's Homeowners Association or a land trust or other conservation organization approved by the Village. A Homeowners Association which takes title to the restricted open space shall comply with Section 150.224 Requirements for Homeowners Associations. Further division or development of the restricted open space shall be prohibited unless the Final Development Plan (FDP) is amended.

150.238 DEVELOPMENT AND SITE PLANNING STANDARDS.

The developer shall comply with the following development standards in the design and layout of a PRD.

- (A) Building Requirements. Single-family attached dwellings shall not have more than six units attached in a single building

(B) Minimum Setbacks. All buildings, structures and parking areas shall comply with the minimum setbacks in Schedule 150.238(D).

(C) Minimum Spacing between Buildings. To promote privacy and separation, individual buildings including terraces, decks and patios, shall be separated by the minimum distance in Schedule 150.238(D). The Council may approve a waiver reducing the distance of building separation when adequate landscaping and screening are provided to create privacy between dwelling units. The following definitions shall apply to terms used in this Section.

- (1) Front Wall. The outside wall of a building that contains the primary entrance to the dwelling unit and the principal windows of the living, family, or dining room
- (2) Rear Wall. The outside wall of a building that contains the principal windows of any living, family or dining room but not the primary entrance to the dwelling unit.
- (3) Side Wall. An outside wall that does not contain the primary entrance or principal windows to a living, family or dining room; the wall may contain other windows or have no openings.

(D) Schedule 150.238(D).

Schedule 150.238(D)	
Minimum Setback and Spacing Requirements	
	PRD
(1) Setback from public right-of-way of an Existing Public Street	50 ft.
(2) Setback from PRD boundary, other than a public street	50 ft.
(3) Setback from interior street:	
(a) Public right-of-way	25 ft.
(b) Private street - pavement or sidewalk line	30 ft.
(4) Spacing between buildings:	
(a) Between 2 front walls	50 ft.
(b) Between 2 side walls	10 ft.
(c) Between a side wall and a front or rear wall	25 ft.
(d) Between 2 rear walls	40 ft.

(E) Lot Requirements.

- (1) There is no minimum lot size or minimum lot width for individual lots or sublots. However, when lots for standard detached one-family dwellings or condominium sublots for one-family cluster dwellings or one-family attached dwellings are included as part of a PRD, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.
- (2) Each dwelling shall have a dedicated access easement with a minimum width of twelve (12) feet to a public right-of-way or private street.
- (3) Land not owned by an individual dwelling unit owner shall be designated as common area and owned and controlled by the owner's association.
- (4) All fee simple lots, common areas, building site boundaries and building footprints that

indicate where the dwelling unit and accessory structures such as decks and patios will be located, shall be shown on the development plan. The setbacks for each building location shall be shown to establish compliance with the spacing requirements of this Section.

- (F) Dwelling Unit Requirements. Each dwelling unit shall comply with the minimum floor area for dwelling units in Section 150.216 (Floor Area Requirements for Dwelling Units).
- (G) Accessory Uses. The parameters for accessory buildings, structures and uses – such as, but not limited to garages, sheds, patios, decks, fences, pools, etc. - whether in common open space or on individual lots, shall be set forth in the PDP submitted at the time of rezoning. If the PDP or FDP fails to address these matters, then on fee simple lots the requirements of Section 150.218 (General Provisions for Accessory Uses and Structures) shall apply.
- (H) Parking Requirements.
- (1) Parking spaces for each dwelling unit shall be provided in compliance with Schedule 150.376.
 - (2) Additional parking shall be provided at all community facilities including cluster mailbox units, and community recreation facilities.
- (I) Protection, Maintenance and Operation of Common Areas. Adequate provision shall be made for the long-term protection, maintenance and/or operation of all common areas within the PRD in compliance with Section 150.224 (Requirements for Owners Associations).

150.239 DESIGN CRITERIA.

- (A) The Planned Residential Development shall be planned, designed and constructed in accordance with all applicable requirements in the Land Usage Code, except as otherwise approved by the Planning Commission and Village Council as authorized in Section 150.663.
- (B) The topography, natural features, views, traffic access and the arrangement of the restricted open space shall be integrated in the arrangement of land uses and buildings on the site.
- (C) Individual lots, buildings, dwelling units, and parking areas shall be arranged and situated to avoid the adverse effects of noise, and traffic upon the residents of the property.
- (D) Individual lots, buildings, dwelling units and parking areas shall be arranged and situated to promote favorable views from buildings and reduce the visibility of areas of motor vehicle access, ingress and egress.

150.240 PROJECT SUBMITTAL PROCEDURES.

- (A) Establishment of a Planned Residential Development Overlay District requires a change of zoning classification of the property pursuant to Article 150.73, Amendments. The boundaries of the Planned Residential Development Overlay District shall be shown on the Zoning District Map with the symbol "PRDO" followed by the PRD ordinance number (i.e. PRD-XXXX).
- (B) A Preliminary Development Plan (PDP) and supporting documentation shall be submitted, reviewed, revised if necessary, and approved concurrently with the rezoning application. The

PDP shall be submitted consistent with the requirements of Article 150.65 and reviewed by the Planning Commission and Village Council as prescribed in Section 150.657.

- (C) Following approval of the rezoning to apply the PRD Overlay District and associated preliminary development plan, the applicant shall proceed in accordance with Section 150.658 to complete the development plan review process.
- (D) Conditions of Approval. The Planning Commission and Council may impose terms and conditions of approval and grant waiver(s) in accordance with Section 150.241, which shall be included in the ordinance adopting the rezoning of the land to the PRD Overlay District, as may be determined necessary to maintain harmony with neighboring uses and to promote the objectives and purposes of the comprehensive plan and the intent of these zoning regulations.

150.241 WAIVER.

- (A) Council may approve a waiver to a requirement set forth in this Article or other section of the Zoning Code or Subdivision Regulations when the applicant proposes an alternative that achieves the objectives of the PRDO; and the waiver result is equivalent to or greater than compliance with the minimum regulation or standard.
- (B) The terms and conditions of approval of a PRD shall be stated in the ordinance approving the PRD Overlay District rezoning, which shall serve as a supplement to these regulations.
- (C) After adoption of the ordinance approving the PRDO rezoning by Council, the Planning Commission may grant minor waivers with terms and conditions of approval that meet all of the following criteria for minor waivers:
 - (1) The application for waiver does not require a change in the permitted uses, an increase in the number of dwelling units, or increase in the approved size of nonresidential buildings approved by ordinance.
 - (2) Application for waiver, if granted, will not be contrary to other provisions of the PRDO regulations.
 - (3) If the application for a minor waiver does not meet the criteria set forth herein, the application shall be considered by Council. The applicant may appeal the Planning Commission's decision regarding waiver to Council, in accordance with the requirements of Article 150.69, Appeals and Variances.

150.242 PHASED DEVELOPMENT.

Each phase of the PRD to be developed shall provide adequate access, parking, storm water management, and other public improvements to serve the PRD phase in compliance with the criteria in this Article. Each phase shall include temporary or permanent transitional features, buffers, or protective areas while a phase is under construction in order to reduce the adverse impact of construction on completed phases, future phases and adjoining property. Restricted open space area shall be provided in each phase of the project generally in proportion to the open space required for the total development. Construction of recreation facilities shall be clearly identified on the plan for each phase.

ARTICLE 150.25
Manufactured Home Park District Regulations

<p>150.251 Intent.</p> <p>150.252 Permitted uses.</p> <p>150.253 General standards for manufactured home parks.</p>	<p>150.254 Compliance with Ohio's manufactured home park requirements.</p>
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150.251 INTENT.

The provisions of this chapter provide for the regulation of existing manufactured home parks in order to ensure their continual maintenance as an integral and stable part of the community.

150.252 PERMITTED USES.

Structures or land within a Manufactured Home Park District shall be used, and structures shall hereafter be erected, altered, enlarged, repaired or rebuilt, moved, or designed to be used, stored or installed upon property within such Districts only in accordance with the rules and regulations contained in this chapter. Permitted uses shall be as follows:

- (A) Manufactured homes, mobile homes and house trailers;
- (B) Sanitary and laundry facilities and other service buildings, not constituting commercial enterprises;
- (C) Management and sales offices, provided that such offices only pertain to the management of the manufactured home park and such sales offices are confined only to the sales of manufactured homes within the associated manufactured home park and no other products or vehicles.
- (D) Accessory buildings or structures, for park management or park resident use only and not exceeding two stories or 25 feet in height.
- (E) Signs visible from the public right-of-way shall comply with Article 150.35.

150.253 GENERAL STANDARDS FOR MANUFACTURED HOME PARKS.

Each manufactured home park development shall comply with the following development standards:

- (A) Park size. Minimum site size for manufactured home parks shall be ten acres.
- (B) Setbacks. All manufactured homes shall be set back not less than 25 feet from all property lines. Accessory buildings shall be set back not less than five feet from all property lines. One accessory building is permitted per lot.
- (C) The park shall be served adequately by essential services, provided either publicly or privately, such as highways, streets, drainage, refuse disposal, schools, police and fire protection.

(D) All manufactured home parks shall have access to a paved major thoroughfare. The vehicular approaches to the park property shall be so designed as not to create traffic interference or congestion on surrounding public streets or roads.

(E) Perimeter fences shall comply with Section 150.402.

150.254 COMPLIANCE WITH OHIO'S MANUFACTURED HOME PARK REQUIREMENTS.

All manufactured home parks shall comply with the requirements of Ohio Administrative Code Chapter 4781 and Chapter 4781 of the Ohio Revised Code.

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ARTICLE 150.27

Business and Industrial District Regulations

150.271	Intent.	150.277	Performance Standards.
150.272	Use Regulations.	150.278	Accessory Buildings.
150.273	General Provisions For Development Standards.	150.279	Landscaping, Screening, Fencing, & Lighting Regulations.
150.274	Development Standards.	150.280	Signs Permitted.
150.275	Required Design Standards.	150.281	Development Plan Review.
150.276	Off-Street Parking, Loading and Service Area Regulations.		

150.271 INTENT.

Business and Industrial districts and their regulations are established herein in order to achieve, among others, the following purposes:

- (A) To provide in appropriate and convenient locations, zoning districts of sufficient size for the exchange of goods and services and other business and industrial activities.
- (B) To provide a Neighborhood Business District (B-1) to serve the needs for convenience goods in proximity to the immediate neighborhood which do not attract large volumes of traffic. The character of these districts is intended to be compatible with that of surrounding residential neighborhoods. Buildings in these districts are typically smaller in scale than those found in the general business district.
- (C) To provide a Downtown Business District (B-2) to:
 - (1) Reflect and reinforce the existing and desired pedestrian-scaled development pattern while accommodating the need for future growth;
 - (2) Preserve, maintain, enrich, and promote downtown Swanton as a core area for retail sales and mixed uses, which enhance the existing historic, compact pedestrian orientation of the downtown by permitting buildings to be close to the street and to one another.
- (D) To provide a General Business District (B-3) to accommodate businesses that require large land areas and generate large volumes of traffic serving the needs for shopping, convenience goods and services of the entire community.
- (E) To provide for a Light Industrial District (M-1) and associated regulations in order to achieve, among other things, the following:
 - (1) To provide in appropriate and convenient districts sufficient areas for carrying on research, providing commercial services, manufacturing and distributing goods to serve the community, to promote employment and to strengthen the economy of the community;
 - (2) To provide for business, contracting, storage, distribution and transportation services, and related types of minor production processes in appropriate and convenient areas;

- (3) To provide for limited heavier industrial uses in appropriate locations for those products and processes that normally require a large amount of motor vehicle trucking for the transportation of the raw materials and finished products, but in which dust, smoke, fumes, glare, odors or other objectionable influences can be controlled;
- (4) To improve the general environment by prohibiting dwellings, institutions and public facilities in industrial districts, and by so doing, make land more readily accessible for industry;
- (5) To protect adjacent residential districts by restricting the types of manufacturing uses in the surrounding areas to only those not creating objectionable influences beyond industrial district boundaries and by separating and insulating them from the most intense manufacturing activities; and,
- (6) To protect manufacturing and related development against congestion and promote the appropriate regulation of the size of buildings in relation to the land and provide off-street parking and loading facilities.

150.272 USE REGULATIONS.

- (A) Use Schedule Summary. Schedule 150.272(D) sets forth the uses allowed in Business and Industrial Districts. The abbreviations used in the Schedule indicate the following:
- (1) Uses Permitted By Right. A "P" in a cell indicates that the use is allowed by-right as a principal use in the respective district.
 - (2) Conditional Uses. A "C" in a cell indicates that the use is regulated as a conditional use. The use is permitted in the respective district only after an applicant receives Conditional Use approval pursuant to Article 150.67.
 - (3) Accessory Uses. An "A" in a cell indicates that the use is a permitted accessory use, provided it is clearly incidental and subordinate to a permitted principal or conditional use listed in Schedule 150.272(D).
 - (4) Conditional Accessory Uses. A "CA" in a cell indicates that the use is permitted only as an accessory use and only after an applicant receives Conditional Use approval pursuant to Article 150.67.
 - (5) Uses Not Permitted. The letters "NP" in a District column indicate that the use is not allowed in that zoning district.
 - (6) Use-Specific Standard Cross-Reference. An "*" in a cell indicates that a Use-Specific Standard cross-referenced in the right-hand column of the Schedule applies to the use in that zoning district.
- (B) Compliance with Standards. Although a use may be indicated as a permitted use in a particular district, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and lot in question, including but not limited to any supplemental use-specific standards cross-referenced in Schedule 150.272(D).

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(C) Organization of Use Table. In the Use Table, land uses are classified into general use categories and specific uses based on common physical or functional characteristics, such as type of dwelling unit, amount of activity generated by the use, and site conditions. Whenever a standard or reference is made to a general use category throughout this code, it shall include the specific uses in that category.

(D) Schedule 150.272(D) Permitted Uses. Schedule 150.272(D) sets forth the uses allowed in the Business and Industrial Districts.

Schedule 150.272(D) Permitted Uses in Business and Industrial Districts					
As defined in 150.272(A): P = permitted use; C = conditional use; A = accessory use; CA = conditional accessory use; NP = not permitted					
* = subject to use-specific standards as cross-referenced					
	Neighb'd Business	Downtown	Gen Comm	Light Industrial	*Use-Specific Standards
	B-1	B-2	B-3	M-1	
Residential					
Dwelling, multi-family (freestanding building)	NP	C*	C*	NP	150.333(D)
Dwelling units on upper floor(s) of multi-story mixed-use building	NP	P*	*C	NP	150.333(D)
Congregate care facility/nursing home	NP	NP	C*	NP	150.333(C)
Civic Uses					
Day care center, adult or child	C*	C*	P*	NP	150.334(D)
Country club (public, private/semi-private), including golf course	NP	NP	C*	NP	150.334(C)
Government office building	P	P	P	P	--
Government service facilities	NP	NP	P	P	--
Meeting hall, and similar social, fraternal clubs	C*	P*	P*	NP	150.334(F)
Museum, gallery and similar cultural facilities	C*	C*	P*	NP	150.334(G)
Place of worship	C*	C*	P*	NP	150.334(E)
Public library	C*	C*	P*	NP	150.334(E)
Public park	P	P	P	NP	--
Office, Business and Professional Services					
Financial institution	NP	P	P	P	--
Funeral home, mortuary	NP	NP	P	NP	--
Medical clinic/urgent care	C*	NP	P	NP	150.335(H)
Office: administrative, business, executive, professional	P	P	P	P	--
Radio or television station	NP	P	P	P	--
Research and testing laboratories	C*	NP	P	P	150.335(O)
Sales office with only samples of products	NP	P	P	NP	--
Vocational, Trade or Technical School	NP	NP	P	P	--
Retail/Entertainment/Personal Services					
Animal boarding, Kennel	NP	NP	NP	P*	150.335(A)
Animal grooming/animal day care	C*	C*	P*	NP	150.335(A)
Animal hospital, veterinarian office	NP	NP	C*	P*	150.335(A)
Artisan studio/workshop	C*	P*	P*	NP	150.335(B)
Auction warehouse, showroom	NP	NP	NP	C*	150.335(C)
Brewpub	NP	C*	C*	NP	150.335(D)
Business equipment and supplies	NP	NP	P	P	--
Hotel/motel	NP	C*	P*	NP	150.335(F)
Indoor amusement/recreation services	NP	NP	P	NP	--
Indoor Entertainment: dancing and live entertainment, in association with a permitted use	NP	C*	C*	NP	150.335(G)
Micro-Brewery, Micro-Distillery, Micro-Winery	NP	C*	C*	NP	150.335(D)
Personal services in completely enclosed building	P	P	P	NP	--
Restaurant	NP	P	P	NP	--
Retail sales in completely enclosed building	NP	P	P	NP	--

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Schedule 150.272(D) Permitted Uses in Business and Industrial Districts					
As defined in 150.272(A): P = permitted use; C = conditional use; A = accessory use; CA = conditional accessory use; NP = not permitted					
* = subject to use-specific standards as cross-referenced					
	Neighb'd Business	Downtown	Gen Comm	Light Industrial	*Use-Specific Standards
	B-1	B-2	B-3	M-1	
Retail, large-format	NP	NP	P*	C*	150.335(P)
Outdoor Facilities					
Outdoor commercial recreation	NP	NP	C*	NP	150.335(I)
Outdoor dining	NP	C*	C*	NP	150.335(J)
Outdoor overnight storage of fleet vehicles	NP	NP	C*	P*	150.335(K)
Outdoor sales/display, in association with a permitted use	NP	P*	*P	NP	150.335(L)
Outdoor storage, in association with a permitted use	NP	NP	C*	P*	150.335(M)
Vehicles and Equipment	NP				
Drive-in / drive-thru facilities	NP	NP	C*	NP	150.335(E)
Sales and service of construction equipment, buses, farm machinery, recreational vehicles and other large equipment	NP	NP	NP	P	--
Vehicle and equipment major repair services	NP	NP	P	P	--
Vehicle fuel station	NP	C*	P*	NP	150.335(Q)
Vehicle sales and rental	NP	NP	P	NP	--
Vehicle service station, minor	NP	C*	P*	P	150.335(Q)
Vehicle wash	NP	NP	P*	NP	150.335(Q)
Storage, Warehousing, Distribution					
Distribution Operations	NP	NP	NP	P	--
Self-storage units/Mini Storage	NP	NP	NP	C*	150.336(C)
Transportation services - storage and maintenance of trucks; loading and unloading equipment or supplies	NP	NP	NP	P	--
Warehouses, similar storage establishments, parcel delivery stations	NP	NP	NP	P	--
Wholesale offices and showrooms, storage limited to samples	NP	NP	NP	P	--
Production/ Manufacturing					
Brewery, Winery or Distillery Production Facility	NP	NP	NP	P	--
Cleaning Establishments, such as laundries, dyeing, dry cleaning, carpet cleaning, towel supply & auto wash	NP	NP	NP	P	--
Commercial Greenhouses	NP	NP	NP	P	--
Fabrication and assembly operations, including metal and non-metal production and fabrication	NP	NP	NP	P	--
Food & Drink Preparation	NP	NP	NP	P	--
Light manufacturing uses	NP	NP	NP	P	--
Machine shop	NP	NP	NP	P	--
Printing and publishing	NP	NP	P	P	--
Shops/Offices of Contractors; packing and crating and monument works	NP	NP	NP	P	--
Storage of materials and product within buildings and processing operations which are clearly incidental to the permitted principal use	NP	NP	NP	A	--
Utilities, Communication, Other					
Adult oriented business	NP	NP	P	NP	150.336(A)
Electric vehicle charging station	A*	A*	A*	A*	150.336(C)
Essential services	P*	P*	P*	P*	150.336(D)
Solar collector system, ground-mounted	CA*	CA*	CA*	CA*	150.336(F)
Solar collector system, roof-mounted	A*	A*	A*	A*	150.336(F)
Telephone exchanges and transformer stations.	NP	NP	P	P	--
Transmitting towers	NP	NP	P	P	--
Utility substation	NP	P*	P*	P*	150.336(G)
Small wind energy system	C*	C*	C*	C*	150.336(H)
Similar Uses	P	P	P	P	150.635

150.273 GENERAL PROVISIONS FOR DEVELOPMENT STANDARDS.

- (A) Setbacks for Dwellings. The setback requirements established for the adjacent residential districts shall apply to the buildings, or the parts thereof, used for dwelling purposes. However, dwellings which are nonconforming in regards to the applicable development standards on the effective date of this zoning code may be continued to be used in accordance with the nonconforming provisions in Article 150.41.
- (B) Minimum Lot Area. The area of zoning lot shall not be less than the area set forth in Schedule 150.274(B) or as modified in subsequent sections.
- (C) Lot Width. The width of a zoning lot shall be not less than the width set forth in Schedule 150.274(B) or as modified in subsequent sections.
- (D) Supplementary Setback Regulations. Setbacks may be used for off-street parking, loading, traffic circulation, illumination, landscaping and signs as regulated in other sections of this zoning code.
- (E) Side Setbacks. Whenever a business building is located adjacent to another business building having one or more party walls, there shall be no side setback required. Absent a party wall, buildings shall be separated by not less than six feet from the nearest business building, with no minimum side setback required unless the site abuts a residential district pursuant to Schedule 150.274(B).
- (F) Maximum Coverage. The maximum coverage of the development site, including all areas covered by buildings, vehicular drives, and parking areas shall not exceed the percentage of the total area of the development project set forth in Schedule 150.274(B).

150.274 DEVELOPMENT STANDARDS.

- (A) In the business and industrial districts, land shall be divided and developed, and buildings shall be located, designed, erected, altered, moved or maintained in whole or in part only in accordance with schedule 150.234(B).
- (B) Schedule 150.234(B) - Development Standards for the Business and Industrial Districts. Every permitted use of land and all principal buildings and off-street parking areas shall be located on a lot in a manner that maintains the required front, side, and rear setbacks set forth in Schedule 150.274(B) for the district in which the lot is located, measured from the appropriate lot line, except as otherwise regulated in this Code and in Article 150.33 for Use-Specific Regulations. The area within each setback shall remain unobstructed by structures except as otherwise permitted in this Code.

Schedule 150.274(B)				
Development Standards for the Business and Industrial Districts				
	B-1 Neighborhood Business	B-2 Downtown	B-3 General Business ^(b)	M-1 Light Industrial
(1) Minimum lot area	None	None	None	1 acre
(2) Minimum lot width at building setback line	None	None	None	100 feet

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Schedule 150.274(B)				
Development Standards for the Business and Industrial Districts				
	B-1 Neighborhood Business	B-2 Downtown	B-3 General Business^(b)	M-1 Light Industrial
(3) Maximum lot coverage by principal & accessory structures	50%	100% ^(a)	50%	75%
(4) Minimum Front Setback (from public street rights-of-way) ^(b)	20 feet	NA	20 feet	30 feet
(5) Maximum Front Setback (from public street rights-of-way)	NA	10 feet	NA	NA
(6) Minimum Side Setback Abutting Nonresidential District	None or minimum 6 ft. between buildings ^(c)	None or minimum 6 ft. between buildings ^(c)	None or minimum 6 ft. between buildings ^(c)	5 feet
(7) Minimum Side Setback Abutting Residential District	10 feet	10 feet	15 feet	50 feet
(8) Minimum Rear Setback abutting Nonresidential District	20 feet	20 feet	20 feet	20 feet
(9) Minimum Rear Setback abutting a Residential District	20 feet	20 feet	20 feet	50 feet
(10) Maximum height of principal building	35 feet	40 feet	50 feet	50 feet ^(d)
(11) Minimum Off-Street Parking Area Setback				
(a) Public Rights-of-Way	15 feet	10 feet	15 feet	15 feet
(b) Residential Districts	10 feet	10 feet	10 feet	10 feet
(c) All Other Lot Lines	5 feet ^(e)	5 feet ^(e)	5 feet ^(e)	10 feet
Notes to Schedule 150.274(B):				
^(a) Accessory off-street parking spaces may be provided off-site only in conformance with Section 150.276(B).				
^(b) For parcels located on Airport Highway, see the development standards in Article 150.29 .				
^(c) See Section 150.273(E).				
^(d) Chimneys, spires, cupolas, domes, towers (excluding telecommunication towers), flagpoles, waste tanks, monuments and other mechanical appurtenances located upon or constituted, as an integral part of a main building shall not exceed a height of 100 feet above finished grade.				
^(e) See Section 150.276				
NA = Not Applicable				

150.275 REQUIRED DESIGN STANDARDS.

(A) Purpose. The buildings in the Village’s Downtown Business District define Swanton’s built environment and contribute to the character of the community. Enhancing the quality and compatibility of these buildings and thereby protecting the character of this areas is of utmost importance. The standards set forth below are intended to achieve among others the following purposes:

- (1) To strengthen, protect, enhance and improve the existing visual and aesthetic character of the B-2, Downtown, District;
- (2) To protect and enhance property values; and,

- (3) To provide guidelines for property owners, architects, and contractors to aid in the preparation of appropriate plans.
- (B) Applicability of Regulations. In addition to the development standards set forth in Section 150.274, the design standards set forth in Section 150.275(C) shall apply to the exterior appearance and design of all new construction and building renovations in the B-2, Downtown District.
- (1) The Planning Commission may grant an exemption from these standards when the exterior building modifications are minor in nature, meaning the design modifications will have no discernable impact on neighboring properties, the public, the public right-of-way, or those intended to occupy or use the proposed development.
- (2) The Planning Commission may grant an exception or modification to the Design Standards in Section 150.275(C) if the applicant demonstrates that, due to the unusual shape or topography of the lot or an adjoining lot, or due to the location or design of existing structures, mature trees, or other features, the application of the design standards would be unreasonable. The Planning Commission may grant a complete exception from the standard, or it may modify the standard in view of the peculiarities of the site. Any modification of the standard shall be considered an "exception." In determining whether to grant an exception, the Planning Commission shall consider:
- (a) The purposes of the Zoning District;
- (b) The intent of the guideline from which the exception is requested; and,
- (c) Whether the intent of the standard may be met by an alternate means.
- (C) Design Standards. The design standards set forth in this subsection shall apply to the exterior appearance and design of all new construction and building renovations in the B-2, Downtown District.
- (1) Buildings and principal building entrances shall be oriented toward the public street so as to define the street edge and contribute to a dynamic pedestrian and street environment.
- (2) The primary pedestrian entrance to the principal building shall be located on a frontage line, adjacent to the public sidewalk.
- (3) Windows and Doors on Primary Facades Facing a Street. Building facades facing a street shall meet the following window and door design standards:
- (a) First Floor (Building Base) Façade. Transparent glass or framed facade open areas consisting of display windows, entries and doors shall comprise at least 60% of the wall/facade area between the height of two (2) feet and ten (10) feet above the nearest sidewalk grade. The bottom edge of such window shall not be higher than 30 inches above grade.
- (b) Upper Floors facing a Street. Transparent glass or façade openings shall comprise at least 30% of the wall/façade area for each floor above the first floor.

- (c) Window frames shall incorporate windowsills and lintels and/or window heads that are visually distinct from the primary exterior finish materials used on the façade on which it is located.
 - (d) A maximum of twenty (20) percent of the windows that can be seen from all public rights-of-way, excluding alleys, shall be opaque.
- (4) Each building façade, other than the front façade, that is visible from a private right-of-way, public parking area or public circulation area should incorporate design elements at least every 30 horizontal feet, such as changes in color or texture and material modules; projections, recesses, and reveals; arcades or pergolas providing pedestrian interest; or equivalent elements that subdivide the wall into human scale proportions.
 - (5) Facade openings, including windows, shall be vertical in proportion.
 - (6) Facades may be supplemented by awnings, which shall be straight sheds with or without side flaps or curved.
 - (7) All roof top equipment shall be concealed in building materials that match the structure or shall be painted to be visually compatible with the structure.

150.276 OFF-STREET PARKING, LOADING AND SERVICE AREA REGULATIONS.

- (A) Cross Access to Off-Street Parking Lots. Parking lots in the B-1 and B-3 Districts should be interconnected with non-residential parking lots on adjacent properties to the maximum extent feasible.
- (B) Off-Site Facilities. Whenever the required accessory off-street parking facilities are proposed to be located on a parcel other than the one occupied by the principal building served, the Planning Commission shall require a copy of the agreements covering such an arrangement as set forth in 150.381 to ensure availability of shared parking to users.
- (C) Setbacks for Joint Parking Facilities. When cross access between two parking areas is required or provided, the parking setback shall not be required for the opening which accommodates the drive aisle, but it shall be required in all other areas that abut the shared property line. When shared parking, which spans the mutual property line, is required or provided, the parking setback is not required to be provided.
- (D) Off Street Parking, Loading and Service Areas.
 - (1) Parking spaces shall be provided in compliance with Article 150.37, Off-Street Parking & Loading Regulations.
 - (2) Off-street loading and service areas shall be located in the rear yard in compliance with the applicable parking setback requirements set forth in Schedule 150.274(B), unless the Planning Commission determines that placement in a side yard would lessen the impact on adjacent residential uses.
 - (3) Landscaping and Screening. The off-street parking areas, off-street loading areas and service areas shall be landscaped and screened in accordance with Article 150.39, Landscaping, Screening, Fencing, and Lighting Regulations.

- (4) Off-street parking shall be permitted on a lot only as an accessory use to a permitted principal use. Off-street parking shall not be permitted as the sole use of a lot.

150.277 PERFORMANCE STANDARDS.

- (A) Any use established in any business or industrial district after the effective date of this zoning code shall comply with the performance standards set forth in this section prior to occupancy or initiation of that use. Any use already established in such districts shall not be altered, added to or otherwise modified so as to conflict with, or further conflict with the performance standards set forth in this section for the district in which such use is located as a precedence to any future use.
- (B) Statements may be required by the Planning Commission from the owner that such uses comply or will comply with the performance standards enumerated in this section. The Village reserves the right to select and arrange for an independent survey by a professional engineer qualified in the particular field and the costs for such services shall be paid by the owner.
- (C) All uses shall comply with the following performance standards:
- (1) Enclosure. All permitted principal and accessory uses and operations except off-street parking shall be performed wholly within an enclosed building except where accessory, outdoor activities are permitted pursuant to Schedule 150.272(D) and this Code.
 - (2) Fire and Explosive Hazards. The storage, handling and use of flammable or explosive materials shall be permitted only in structures having incombustible exterior walls, and all operations in connection therewith shall be provided with adequate safety and protective devices against hazards of fire and explosion as well as with adequate firefighting and suppression equipment and devices standard to the operation involved. The storage, handling and use of flammable or explosive materials shall conform to the requirements of the codified ordinances of the village and all applicable laws of the state.
 - (3) Emission of Pollutants. The emission of any atmospheric pollutant shall not exceed the level permitted by applicable federal or state regulations.
 - (4) Noise. The noise level, when measured in decibels, shall not exceed that level specified or permitted by the Interim Noise Assessment Guidelines (1980) HUD.
 - (5) Vibration. Vibrations shall not be permitted beyond the lot line occupied by the use which would be perceptible without the aid of instruments.
 - (6) Radioactive or Electrical Disturbances. Radioactive or electrical disturbances shall not be created which would adversely affect any form of life or equipment at or beyond the boundaries of the lot occupied by the use.
 - (7) Refuse. In the M-1, Light Industrial District only, incineration facilities are permitted as an accessory use provided they meet the requirements of the State EPA.
 - (8) Waste Materials. Liquid wastes shall not be discharged into an open reservoir, stream or other open body of water or a sewer unless treated or controlled so that the amount of solid substances, oils, grease, acids, alkalizes and other chemicals shall not exceed the amount permitted by other codes of the state, county or village.

- (9) Trash Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal, conditional, or accessory use shall either be disposed of, stored in buildings, or completely enclosed in containers. Such building, container, or dumpster shall be located in a side or rear yard and shall comply with the applicable parking setback set forth in Schedule 150.274(B) and shall be screened in accordance with the provisions set forth in Section 150.399, Screening of Accessory Uses and Structures.
- (10) No activities shall be established which, when conducted in compliance with the provisions of this Code, are or may become hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, gas, or fumes.

150.278 ACCESSORY BUILDINGS.

The height of the accessory building shall not exceed twenty (20) feet. Accessory buildings that have a gross floor area of 200 square feet or less may be located in a side or rear yard and shall comply with the applicable parking setbacks set forth in Schedule 150.274(B). All other accessory buildings shall be considered principal buildings and shall conform to all lot and setback regulations and development plan review for the appropriate zoning district.

150.279 LANDSCAPING, SCREENING, FENCING, AND LIGHTING REGULATIONS.

Screening and landscaping shall be provided for all lots in the Business and Industrial Districts in accordance with the provisions set forth in Article 150.39, Landscaping, Screening, Fencing, and Lighting Regulations.

150.280 SIGNS PERMITTED.

Signs shall be permitted in the Business and Industrial Districts only in accordance with Article 150.35, Sign Regulations.

150.281 DEVELOPMENT PLAN REVIEW.

All uses, structures, and buildings in the Business and Industrial Districts shall only be permitted after development plans have been reviewed and approved according to the procedures set forth in Article 150.65, Development Plan Review Procedures.

ARTICLE 150.29

Airport Highway Corridor Overlay District Regulations

150.291	Intent.	150.296	Off-Street Parking Regulations.
150.292	Airport Highway Corridor District Boundaries.	150.297	Access to Individual Parcels.
150.293	Use Regulations.	150.298	Sign Regulations.
150.294	Development Standards.	150.299	Other Requirements.
150.295	Design Guidelines.	150.300	Development Plan Review.

150.291 INTENT.

- (A) In addition to the underlying zoning district and the permitted and conditional uses and all applicable development requirements, the following overlay district has been enacted imposing additional restrictions on the use and development of the land within the district. To regulate the bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district.
- (B) The purpose of the Airport Highway Corridor Overlay District is to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering Airport Highway in the village. Airport Highway is a high traffic volume and major roadway corridor in the village. Therefore, it is the further purpose of the Airport Highway Corridor Overlay District to preserve the aesthetic qualities of those adjacent and bordering properties through the promotion of coordinated parcel development in the district and the establishment of consistent parcel development standards;

150.292 AIRPORT HIGHWAY CORRIDOR DISTRICT BOUNDARIES.

The boundaries of the district are hereby established as shown on the zoning district map. The district includes those parcels that front along the right-of-way of Airport Highway (except Turtle Creek Business Park) within the village, not to exceed a depth of 400 feet from the right-of-way along both sides of Airport Highway.

150.293 USE REGULATIONS.

- (A) Permitted uses. All uses that are permitted by right or conditionally in the underlying zoning district(s), except the uses expressly excluded by division (B) below, are permitted in the Airport Highway Corridor Overlay District.
- (B) Excluded uses. The following uses shall not be permitted in the Airport Highway Corridor Overlay District:
 - (1) Vehicle and equipment major repair services
 - (2) Self-storage units/mini storage
 - (3) Outdoor storage of materials and equipment

(C) Use Restrictions.

- (1) Minor Vehicle Service Stations and Vehicle Fuel Stations shall not be located within 2,000 feet of another such establishment within the Airport Highway Corridor Overlay District.
- (2) Outdoor overnight storage of fleet vehicles shall be located a minimum of 200 feet from the Airport Highway centerline.

150.294 DEVELOPMENT STANDARDS.

- (A) Applicability. The standards of the Airport Highway Corridor Overlay District are superimposed onto those of the underlying zoning district that pertains to any given parcel. The regulations and requirements of both the underlying zoning district(s) and the Airport Highway Corridor Overlay District shall apply; however, in any case where there is a conflict between the Airport Highway Corridor Overlay District and the underlying zoning district, the provisions of the Airport Highway Corridor Overlay District take precedence.
- (B) Schedule 150.294(B) - Development Standards for the Airport Highway Corridor Overlay District. Every permitted use of land and all principal buildings and off-street parking areas shall be located on a lot in a manner that conforms to the development standards set forth in Schedule 150.294(B), except as otherwise regulated in this Code and in Article 150.33 for Use-Specific Regulation. The area within each required setback shall remain unobstructed by structures except as otherwise permitted in this Code.

Schedule 150.294(B)	
Development Standards for the Airport Highway Corridor Overlay District	
	Requirement
(1) Front Setback, measured from centerline of Airport Highway	
(a) Minimum Front Setback	55 feet ^(a)
(b) Maximum Front Setback	85feet
(2) Front Setback along all other streets, measured from the public street right-of-way line	
(a) Minimum Front Setback	25 feet
(b) Maximum Front Setback	30 feet
(3) Minimum Side Setback	
(a) Abutting Nonresidential District	20 feet
(b) Abutting Residential District	20 feet
(4) Minimum Rear Setback	
(a) Abutting Nonresidential District	20 feet
(b) Abutting Residential District	50 feet
(5) Minimum Off-Street Parking Area Setback	
(a) Along Airport Highway	In a side or rear yard, located no closer to the street than the principal building
(b) Side street Right-of-Way	10 feet
(c) Residential Districts	50 feet
(d) All Other Lot Lines	20 feet

Schedule 150.294(B)	
Development Standards for the Airport Highway Corridor Overlay District	
	Requirement
(b) In those instances where a parallel service road is provided along Airport Highway, the minimum front yard setback shall be 10 feet.	

150.295 DESIGN GUIDELINES.

(A) Applicability of Regulations. The design guidelines set forth in Section 150.295(B) shall apply to the exterior appearance and design of all new construction in the Airport Highway Corridor Overlay District. Building expansion shall comply with these guidelines at such time that the expansion totals 50% or more of the existing square footage of the building.

(B) Design Guidelines.

(1) Primary and Secondary Exterior Finishes. Building materials should be typical of those prevalent along the Corridor. Facades shall consist of one or more of the following primary and secondary exterior finish materials:

(a) Primary Exterior Finish Materials

- i. Cementitious siding;
- ii. Masonry;
- iii. Brick;
- iv. Natural stone;
- v. Precast concrete;
- vi. Decorative block;
- vii. Glass; and/or
- viii. Decorative metal panels.

(b) Secondary Exterior Finish Materials

- i. Brick;
- ii. Wood;
- iii. EIFS; or
- iv. Other products that replicate the appearance and durability of the above materials, as approved by the Planning Commission.

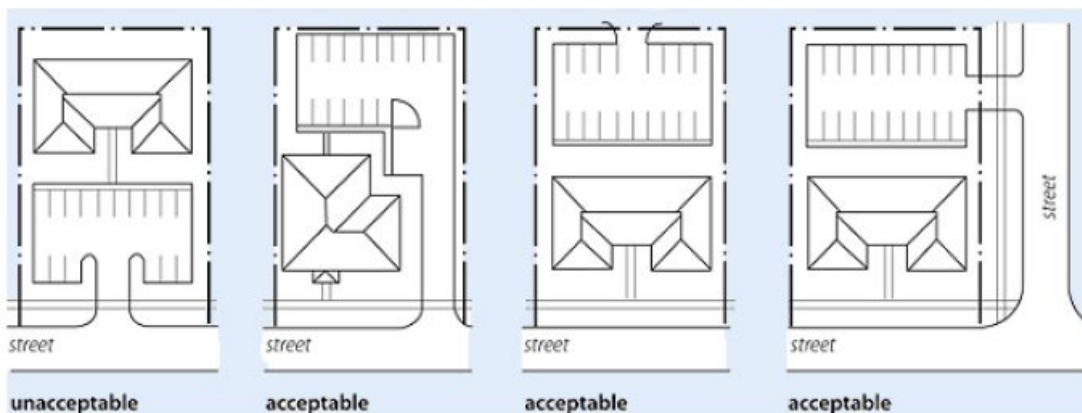
(c) Materials within ten (10) feet of the ground or the sidewalk shall be of a durable material to withstand pedestrian and vehicular traffic. If “dry vit” or E.I.F.S is used as an exterior building material, impact resistant E.I.F.S., as classified by EIMA (EIFS Industry Members Association), shall be used on all wall areas within ten (10) feet of the ground or sidewalk.

(d) No facade visible from adjoining property or the public right-of-way shall be constructed of reflective glass unadorned or unpainted CMU or concrete block, smooth vinyl, corrugated metal, or sheet metal.

- (2) Accessory structures. Building materials and colors on accessory structures shall be compatible with that approved for the primary structure. For example, canopies permitted as part of a vehicle fuel station shall use a combination of brick columns and a metal canopy that is similar in color to the primary structure.
- (3) Type of Construction. Manufactured, mobile, and metal units are prohibited except as may be allowed for temporary office management or storage uses during the construction phase.
- (4) Orientation. Building facades and entrances should be oriented toward Airport Highway, not toward internal parking areas.
- (5) Facades. Architectural elements such as windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details should be used on all facades facing public or private street rights-of-way. Building wall offsets, including projections, and recesses are encouraged in order to: add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions. In order to offer pedestrian interest, the ground level of any building should include windows, entrances, architectural details and shed awnings. Architectural details should continue on all facades visible from the public right-of-way.

150.296 OFF-STREET PARKING REGULATIONS.

- (A) Parking Location. Off-street parking areas shall be located to the rear or side of the principal building on the lot and no closer to the front lot line than the front façade of the largest principal building on the lot.
- (B) Example of Appropriate Siting of Off-Street Parking Areas.



- (C) Cross Access to Off-Street Parking Areas. Off-street parking areas shall be interconnected with non-residential parking areas on adjacent properties.
- (D) Planning Commission Exceptions. The Planning Commission may grant an exception to the requirements in Section 150.296 where necessary due to the shallow depth of the parcel, the shape of the parcel, the location of mature trees or other significant environmental features, the location of existing buildings, the proximity of residential uses, the location of existing traffic

control devices, the location on access points onto Airport Highway, or other similar circumstances.

150.297 ACCESS TO INDIVIDUAL PARCELS.

- (A) Access along Airport Highway shall be reviewed relative to the distance from other drive approaches and from roadway intersections. In some instances, a frontage road shall be provided to allow access to other parcels and to the adjoining parcel(s). In other instances, cross access easements and/or a shared drive approach shall be required for adjoining parcels, unless specially waived, in writing by the Village Engineer or the Ohio Department of Transportation. Access shall be reviewed by the designated Village Engineer, Planning Commission and/or the Ohio Department of Transportation. A traffic impact study shall be required by the developer if the proposed use of the property generates 100 or more peak hour trips, consistent with the Institute of Transportation Engineers (ITE) Generation Manual, unless such requirement is specifically waived, in writing, by the Village Engineer.
- (B) If requested, where there is a change of use to an existing development, the designated Village Engineer, the Planning Commission or Ohio Department of Transportation may make a recommendation to close access points within the overlay district, which are deemed to be hazardous.

150.298 SIGN REGULATIONS.

See Article 150.35 for sign regulations governing the Airport Highway Corridor Overlay District.

150.299 OTHER REQUIREMENTS.

- (A) Utilities. All utilities shall be underground.
- (B) Overnight parking. There shall be no overnight parking of any vehicles or trailers, except passenger vehicles, in the front yard.

150.300 DEVELOPMENT PLAN REVIEW.

- (A) In the Airport Highway Corridor Overlay District, review and approval of development plans according to the procedures set forth in Article 150.65, Development Plan Review Procedures shall be required for:
- (1) All new development;
 - (2) Development that includes a structure that is enlarged by 50%; and
 - (3) Whenever the enlargement contains 5,000 square feet or more in floor area.
- (B) When there is a change of use to an existing facility or development, the Planning Commission shall review such use for conformance to the zoning code and impact on the district. The Planning Commission may further require the developer to make transportation improvements, in order to comply with standards set forth in this Article. If there will be a significant increase in traffic or parking, the Planning Commission may require a traffic impact study.

**ARTICLE 150.31
Public/Open Space District Regulations**

150.311	Intent.	150.315	Outdoor Storage.
150.312	Use Regulations.	150.316	Signs Permitted.
150.313	Development Standards.	150.317	Development Plan Review.
150.314	Off-Street Parking and Loading Regulations.		

150.311 INTENT.

The purpose of the Public/Open Space (P/OS) District is to protect and preserve public open space land as a limited and valuable resource; to permit and facilitate the reasonable use of open space land, while simultaneously preserving and protecting the inherent characteristics of the open space to ensure the continued availability for scenic, recreational, conservation, and educational purposes; for the containment of urban sprawl and the structuring of urban development; and for the retention of land in its natural or near-natural state within the village.

150.312 USE REGULATIONS.

(A) Use Schedule Summary. Schedule 150.312(D) sets forth the uses allowed in the Public/Open Space District. The abbreviations used in the Schedule indicate the following:

- (1) Uses Permitted By Right. A "P" in a cell indicates that the use is allowed by-right in the Public/Open Space District.
- (2) Conditional Uses. A "C" in a cell indicates that the use is regulated as a conditional use. The use is permitted in the respective district only after an applicant receives Conditional Use approval pursuant to Article 150.67.
- (3) Accessory Uses. An "A" in a cell indicates that the use is a permitted accessory use, provided it is clearly incidental and subordinate to a permitted principal or conditional use listed in Schedule 150.312(D).
- (4) Uses Not Permitted. The letters "NP" in a cell indicates that the use is not allowed in the Public/Open Space District.
- (5) Use-Specific Standard Cross-Reference. An "*" in a cell indicates that a Use-Specific Standard cross-referenced in the right-hand column of the Schedule applies to the use in that zoning district.

(B) Compliance with Standards. Although a use may be indicated as a permitted use in a particular district, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and lot in question, including but not limited to any supplemental use-specific standards cross-referenced in Schedule 150.312(D).

CHAPTER 150 ZONING CODE

(C) **Organization of Use Table.** In the Use Table, land uses are classified into general use categories and specific uses based on common physical or functional characteristics, such as type of dwelling unit, amount of activity generated by the use, and site conditions. Whenever a standard or reference is made to a general use category throughout this code, it shall include the specific uses in that category.

(D) **Schedule 150.312(D) – Permitted Uses.** Schedule 150.312 (D) sets forth the uses allowed in the Public/Open Space District.

Schedule 150.312(D) Permitted Uses in Public Open Space Districts		
As defined in 150.312(A): P = permitted use; C = conditional use; A = accessory use; CA = conditional accessory use; NP = not permitted * = subject to use-specific standards as cross-referenced		
	P/OS	*Use-Specific Standards
Civic Uses		
Government office building	P	--
Government service facilities	P*	150.334(E)
Place of worship	C*	150.334(E)
Public library	P	
School, elementary/secondary (public or private)	P	--
Open Space/Recreation Uses		
Agriculture (crops)	C*	150.336(B)
Cemetery	P*	150.334(A)
Conservation area	P	--
Country club (public, private/semi-private) including golf course	C*	150.334(C)
Public parks and playgrounds	P	--
Public sports fields and active recreation facilities	P*	150.334(B)
Parking lot extension	C	--
Utilities and Communication Uses		
Electric vehicle charging station	A*	150.336(C)
Essential services	P*	150.336(D)
Solar collector system, ground-mounted	CA*	150.336(F)
Solar collector system, roof-mounted	A*	150.336(F)
Utility Substation and Transmission Facility	P*	150.336(G)
Small wind energy system	C	150.336(H)
Wireless telecommunication facility	CA*	150.336(I)
Accessory Uses/Structures		
Fences, walls	A	--
Accessory uses and structures	A	--
Signs	A	--

150.313 DEVELOPMENT STANDARDS.

Principal and accessory buildings and structures shall be erected, altered, moved, and maintained only in accordance with the development standards set forth in Schedule 150.313.

Schedule 150.313 Development Standards in the Public/Open Space District	
Category	Standard
(A) Minimum lot area	None
(B) Minimum lot width at building setback line	None
(C) Maximum lot coverage	
(1) Civic Uses	60%
(2) All other uses	5%
(D) Front Setback (from public street right-of-way) ^(b)	50 feet
(E) Side Setback	15 feet
(F) Rear Setback ^(c)	30 feet
(G) Minimum Off-Street Parking Area Setback	
(1) Public Rights-of-Way	20 feet
(2) Residential Districts	50 feet
(3) All Other Lot Lines	10 feet
(H) Maximum height of principal & accessory building	2 stories
	30 feet

150.314 OFF-STREET PARKING AND LOADING REGULATIONS.

Off-street parking and loading regulations as set forth in Article 150.37 shall apply to all uses established within the P/O District.

150.315 OUTDOOR STORAGE.

The outdoor storage of general materials and equipment in association with a permitted use shall comply with the following:

- (A) Outdoor storage of materials and equipment shall only include the storage of goods, materials, equipment or products customary associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
- (B) All outdoor storage of goods, materials, and equipment shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at grade level. However, in no case shall the height of the fence or wall be less than six feet. The solid wall or fence and the associated gates shall be maintained in good condition. No barb or razor wire shall be permitted.
- (C) All outdoor storage shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- (D) Areas devoted to outdoor storage shall be located in a rear yard so that it is behind the principal building and not visible from any public street, unless the outdoor storage is located on a corner

lot. It shall also be setback fifty feet from any property boundary that abuts a Residential District and in no case shall the side and rear setback of the enclosed area be less than ten (10) feet.

- (E) All equipment shall be in an operable state. In no case shall inoperable equipment be stored on the site.
- (F) Any proposed outdoor storage areas shall be approved as part of a Development Plan Review in accordance with Article 150.65.

150.316 SIGNS PERMITTED.

Signs shall be permitted in the P/O District only in accordance with Article 150.35, Sign Regulations.

150.317 DEVELOPMENT PLAN REVIEW.

All uses, structures, and buildings in the Public/Open Space District shall only be permitted after development plans have been reviewed and approved according to the procedures set forth in Article 150.65, Development Plan Review Procedures.

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ARTICLE 150.33
Use-Specific Standards

150.331	Intent.	150.335	Supplementary Regulations – Commercial Uses.
150.332	Applicability; Conflict with district standards.	150.336	Supplementary Regulations – Production/Distribution, Utilities, & Communication Uses.
150.333	Supplementary Regulations – Residential Uses.		
150.334	Supplementary Regulations – Civic Uses.		

150.331 INTENT.

This Article establishes supplemental standards, exceptions to standards, or alternative standards for particular uses in order to protect surrounding property values and uses, and protect the public health, safety, and general welfare.

150.332 APPLICABILITY; CONFLICT WITH DISTRICT STANDARDS.

No use governed by the regulations in this Article may be initiated, established, or maintained unless it complies with the standards set forth for such use in this Article.

- (A) The use shall comply with the development standards for the applicable zoning district in which the use is located except when a specific development standard is specified in this Article.
- (B) To the extent there is a conflict between a standard in another Article of this Zoning Code and a standard in this Article, the standard in this Article governs unless otherwise indicated.
- (C) Whenever state or county law requires a use regulated by this Zoning Code to be registered, certified or licensed, and/or a building permit be obtained, compliance with such law shall be a condition precedent to zoning approval of such use. Failure to maintain such license, certification or other approval requirements shall be cause for revocation of the applicant’s conditional use permit.
- (D) Any use in this Article that is regulated as a conditional use in the district in which it proposed shall also comply with the conditional use criteria set forth in Article 150.67.

150.333 SUPPLEMENTARY REGULATIONS – RESIDENTIAL USES.

(A) Accessory Living Suite.

- (1) Purpose. These standards for accessory living suites ("ALS") are intended to permit the creation of legal accessory living suites wholly within one-family detached units in a manner that is compatible with and retains the character of the residential neighborhood.
- (2) This use shall only be permitted as accessory to and within a legally existing or proposed one-family detached dwelling that is the sole principal use on the lot. An ALS shall not be permitted in a two-family dwelling, multi-family dwelling, or Bed & Breakfast.
- (3) The property on which the ALS is located shall comply with the following:
 - (a) The lot shall have a minimum lot area of 8,400 square feet.

- (b) Not more than one accessory living suite shall be permitted within the one-family detached dwelling on the lot.
 - (c) The one-family detached dwelling unit shall have and retain a minimum dwelling unit floor area of 1,000 square feet, not counting the area of the ALS.
 - (4) The design of the ALS shall comply with the following:
 - (a) The ALS shall occupy no more than thirty percent (30%) of the heated floor area of the one-family dwelling, but in no case be greater than 500 square feet.
 - (b) The ALS shall not have a separate, outside entrance from the exterior of the one-family dwelling.
 - (5) Parking for the ALS shall be served by the same driveway as the one-family dwelling.
 - (6) The ALS shall not be rented for a term less than 30 days.
 - (7) The owner of the property shall reside in either the one-family dwelling unit or the accessory living suite.
 - (8) The residence shall retain the appearance of a one-family dwelling at all times.
- (B) Bed and Breakfast Inn and Short-Term Rental. Bed and breakfast inns and short-term rentals are unique semi-commercial operations that adapt a residential dwelling unit into a lodging concept limited in scope and operation. The regulations presented herein provide a systematic set of requirements to ensure that such operations do not adversely affect adjacent uses as a result of the commercial aspects of the structure and property.
- (1) The bed and breakfast inn or short-term rental shall be subordinate to the principal use of a one-family detached dwelling, and the residence shall retain the appearance of a one-family dwelling at all times.
 - (2) The one-family detached dwelling unit shall be occupied by the owner(s) of the property as his/her primary residence.
 - (3) The operator of the bed and breakfast inn or short-term rental shall maintain a log of all guests, including their name, address, license plate number, and length of stay, and shall make the log available to the Zoning Inspector upon request.
 - (4) Required parking for guests, and employees when permitted, shall be provided on-site. Parking shall be located behind the front line of the principal building. The Planning Commission may grant an exception to this requirement due to the shallow depth of the parcel, the location of existing buildings and mature trees, or other similar circumstances.
 - (5) Exterior lighting shall be residential in character and compatible with the surrounding neighborhood.
 - (6) The dwelling shall fully comply with all applicable Village, County and State codes, including but not limited to income tax, building, fire, and health requirements.
 - (7) The owner shall maintain weekly residential trash collection services. Trash dumpsters, trash containers, recycling containers, and mechanical equipment shall be screened per the requirements of 150.398, Screening of Accessory Uses.

- (8) Bed and breakfast inns shall comply with the following additional requirements:
- (a) Each guest stay shall be limited to consecutive days of less than one week.
 - (b) No more than four (4) rooms shall be utilized as guest sleeping rooms in the bed and breakfast inn, and occupancy shall be limited to two (2) individuals per guest sleeping room.
 - (c) A maximum of two (2) non-resident employees shall be permitted on the premises.
 - (d) No cooking shall be permitted in guest rooms.
 - (e) No guest rooms shall have direct entrance or exit to the outside of the building, except that emergency exits when required by the Fire Marshal may be provided for emergency purposes only.
 - (f) Health Department approval of kitchen facilities for the bed and breakfast inn shall be submitted prior to issuance of a certificate of zoning compliance.
- (9) Short-term rentals shall comply with the following additional requirements:
- (a) Each guest stay shall be limited to consecutive days of less than one week.
 - (b) Rental of the one-family detached dwelling unit, whether in whole or in part, shall be limited to a maximum of 30 days per calendar year.
 - (c) All sleeping quarters shall be located within the dwelling unit.
 - (d) The maximum overnight occupancy shall be limited to two (2) individuals per bedroom, plus two (2) additional occupants within the dwelling unit.
 - (e) Each short term rental owner shall provide the name and contact information of the person(s) responsible for the short term rental, who shall be available on a 24-hour basis, seven days a week, during periods in which the structure is being rented, for the purpose of responding within one (1) hour to complaints regarding the condition or operation of the short term rental unit or the conduct of short-term tenants.
 - (i) The 24-hour contact person may be the owner, a property management company representative, or other person employed, authorized or engaged by the owner to manage, rent, and supervise the short term rental.
 - (ii) If the contact person is not the owner of record, the 24-hour contact person shall maintain a residence or permanent place of business within 30 miles driving distance to the short term rental.
 - (iii) If the local contact person designated by the owner changes, then the owner shall update the permit on file with the village within three (3) days.
 - (f) All short-term rental tenants shall abide by all applicable noise, nuisance, fire and safety ordinances and not endanger or interfere with the safety or rights of others.
 - (g) Use of the short-term rental unit for any commercial or large social events or gatherings, such as weddings, is prohibited.
- (10) In considering whether to grant the conditional use permit, the Planning Commission shall have authority to require such reasonable conditions as necessary to protect the public health, safety and general welfare and to ensure that the use of the property as a

bed and breakfast inn or short-term rental will not have an adverse effect on the use, value and qualities of the surrounding neighborhood.

- (11) The property owner shall submit the following documentation when applying for a required conditional use certificate.
- (a) One (1) form of proof of identity;
 - (b) Two (2) pieces of evidence that the dwelling unit is the property owner's primary residence;
 - (c) Compliance with all applicable requirements noted in subsection (G)(3) above.
- (C) Congregate Care Facility/Nursing Home.
- (1) Congregate Care Facility/Nursing Homes shall comply with the development standards set forth below:
 - (a) Minimum lot area: two (2) acres.
 - (b) Minimum lot width: 100 feet.
 - (c) Maximum Lot Coverage: 50% or the maximum permitted for the district in which the use is located, whichever is higher.
 - (2) When located in a residential district, a congregate care facility/nursing home shall comply with the standards set forth below:
 - (a) Minimum side and rear setback for principal buildings: 30 feet or the minimum required for the residential district in which the use is located whichever is greater.
 - (b) Minimum side and rear setback for parking facilities: 20 feet.
 - (c) Buildings shall be designed to have a residential character, street-oriented with pedestrian entrances from the street, and compatible with the surrounding residential development.
- (D) Dwelling, Multi-family and dwelling units in the upper floors of commercial buildings in Business Districts.
- (1) Multi-family buildings in the B-2 District shall conform to all requirements of the B-2 District including the Required Design Standards in Section 150.275.
 - (2) Multi-family developments in the B-3 District shall meet all requirements of the R-4 District and all other sections of this code applicable to multi-family development.
 - (3) Each dwelling unit shall comply with the minimum dwelling unit floor area requirement set forth in Section 150.216(D).
- (E) Dwelling, Two-Family.
- (1) Two-family dwellings in the R-3 District shall be erected, altered, moved, and maintained only in accordance with the development standards set forth below:
 - (a) Minimum Lot Area: 8,400 square feet
 - (b) Minimum Lot Width at Building Setback Line: 70 feet

- (2) Dwelling Unit Area Requirements.
 - (a) The minimum ground floor area of the structure shall be 750 square feet
 - (b) Each dwelling unit shall have a minimum of 750 square feet.
 - (3) The public street elevation of the two-family dwelling shall have at least one street oriented entrance and contain the principal windows of at least one of the units.
 - (4) All required parking spaces shall be located behind the front building line. The Planning Commission may grant an exception to this requirement where necessary due to special characteristics of the site such as lot depth, the location of existing mature trees and/or structures, or other similar circumstances.
 - (5) Trash dumpsters, trash containers, recycling containers, and mechanical equipment shall be screened per the requirements of 150.399, Screening of Accessory Uses.
 - (6) A subdivision plat shall be submitted where individual attached units are to be owned separately on individual lots.
- (F) Group Home, Large and Small.
- (1) The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and maintain said home as their sole, bona fide, permanent residence. The term "permanent residence" means:
 - (a) The resident intends to live at the dwelling on a continuing basis; and,
 - (b) The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.
 - (2) The applicant shall comply with the applicable parking regulations of the Zoning Code for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.
 - (3) The group home shall meet local fire safety requirements for the proposed use and level of occupancy.
 - (4) Small group homes shall comply with all standards that apply to one-family dwellings in the district in which the home is located.
 - (5) Large Group homes shall comply with the following additional requirements:
 - (a) The architectural design and site layout of the large group home shall be compatible with adjoining land uses and the residential character of the neighborhood.
 - (b) Conversion of an existing dwelling to a large group home shall require that the dwelling be brought into conformity with applicable Village and State regulations.
 - (c) The applicant shall demonstrate that adequate qualified supervision will be provided in the home on a twenty-four hour per day basis.
 - (d) In considering whether to grant the conditional use permit, the Planning Commission shall take into consideration the proximity and location of other such

large group homes within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use.

150.334 SUPPLEMENTARY REGULATIONS – CIVIC USES.

(A) Cemetery.

- (1) The minimum lot area shall be five acres, and the minimum lot width at the setback line shall be 100 feet.
- (2) No gravesite shall be located within 50 feet of a public street right-of-way or residential zoning district boundary line.
- (3) The minimum parking setback shall be 20 feet from all lot lines.
- (4) Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder traffic flow, and no vehicle stacking shall be permitted in the right-of-way.

(B) Community facility, building, recreation amenity privately operated by Homeowners Association (HOA); Public sports fields/active recreation.

- (1) The facility shall comply with the following minimum lot requirements:
 - (a) Indoor community facility and outdoor passive recreation area: 20,000 square feet.
 - (b) Sports field and other outdoor active recreation facility: minimum two (2) acre lot area and minimum 200 feet of lot width.
- (2) The minimum building setback for both principal and accessory buildings from all lot lines shall be 40 feet or the minimum required by the zoning district in which the use is located, whichever is greater.
- (3) The minimum setback for outdoor recreation facilities from all lot lines shall be 50 feet, measured from the edge of the recreation area including any associated seating areas.
- (4) Exterior lighting shall be compatible with the surrounding neighborhood. Where nighttime lighting of outdoor recreation areas is proposed, evergreen trees that conform to the standards in Section 150.401 shall be required in a location appropriate to screen adjoining residences.
- (5) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the District.
- (6) Only retail uses that are customarily accessory or incidental to the main recreational use shall be permitted, including but not limited to concession stands. Such facility shall be provided for the convenience of customers attending the recreation facility.

(C) Country Club (public, private/semi-private) including golf course.

- (1) The minimum lot area shall be twenty-five (25) acres.
- (2) Such use should be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.
- (3) In a Residential or Public/Open Space District, all principal and accessory buildings, parking areas, and outdoor recreation areas shall be located a minimum of 50 feet from the street right-of-way and all lot lines. For all outdoor recreation areas the setback shall be measured from the edge of the recreation area including any associated seating areas.
- (4) When located in a B-3 District, the country club shall comply with the B-3 District standards, except for outdoor recreation areas, which shall be located a minimum of 30 feet from a lot line that abuts a residential district.
- (5) Exterior lighting shall be compatible with the surrounding neighborhood or development. Where nighttime lighting of outdoor recreation areas is proposed evergreen trees that conform to the standards in Article 150.401 shall be required in a location appropriate to screen adjoining residences.
- (6) All activities, programs and other events shall be directly related to the activities listed on the approved conditional use permit. If any additional activities are proposed that were not included on the approved conditional use permit, then a new conditional use permit shall be required according to the procedures in this Article 150.67.
- (7) Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the golf course to prevent golf balls from leaving the property.
- (8) Retail and restaurant uses shall be limited to accessory eating, dining and pro-shop sales. Such facilities shall be provided for the convenience of the members or customers attending the Country Club or Golf Course, and no sign advertising the retail or restaurant use(s) shall be permitted.
- (9) Swimming pools shall comply with the following
 - (a) Pools shall be adequately fenced to prohibit unauthorized access to the facility.
 - (b) Pools and their enclosures shall comply with the building setback requirements for the zoning district in which the pool is located.
 - (c) The fenced pool enclosure shall be locked whenever the pool is not in use.

(D) Day Care Center, Adult or Child.

- (1) The location and design of the facility shall provide for the protection of the children and adults from the traffic, noise, and other hazards of the area.
- (2) A drop-off/pick-up location that will not impede traffic on or off the site shall be clearly identified on the plans and arranged to ensure the safety of the children and adults.

- (3) The outdoor activity area shall not be located closer than 50 feet to any adjacent residential property line.
 - (4) For the protection of children and adults enrolled in the Day Care Center, a fence or wall having a height of at least five (5) feet shall enclose all outdoor activity areas. A securely fastened entry gate shall be provided to such outdoor activity areas.
- (E) Government Office Building; Places of Worship; Public Library; School (Public/Private) Elementary/ Secondary.
- (1) The minimum lot area shall be 40,000 square feet.
 - (2) In a residential district, the facility shall comply with the following minimum setback requirements, unless a larger setback is required by the district in which the facility is located:
 - (a) Principal buildings minimum front setback: 40 feet.
 - (b) Principal buildings minimum side and rear setbacks: 30 feet.
 - (c) Parking lots minimum side and rear setbacks: 20 feet.
 - (d) In residential districts, off street parking lots shall not be located in a front yard.
 - (3) Associated sports fields and outdoor activity areas shall comply with subsection 150.334(B).
 - (4) Exterior lighting shall be compatible with the surrounding neighborhood and development.
 - (5) All outdoor children's activity areas shall be enclosed by an ornamental or stockade fence or wall having a height of at least five (5) feet but not exceeding six (6) feet. An entry gate that can be securely fastened shall be provided.
 - (6) In Residential Districts:
 - (a) The scale, massing, and building design shall be compatible with the surrounding neighborhood.
 - (b) Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.
 - (c) The maximum lot coverage shall be 65%.
- (F) Meeting Hall and Similar Social, Fraternal Clubs. All activities, programs and other events shall be directly related to the approved conditional use permit, and shall take place completely within an enclosed building.
- (G) Museum, Gallery, & Similar Cultural Facilities.
- (1) All activities, programs and other events shall be directly related to the approved conditional use permit, and shall take place completely within an enclosed building, except for the outdoor display of artwork.

- (2) Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.

150.335 SUPPLEMENTARY REGULATIONS – COMMERCIAL USES.**(A) Animal grooming/animal day care; Animal hospital/veterinarian office; Animal boarding/kennel.**

- (1) The parts of a building where animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.
- (2) Animals shall not be permitted outside except within a secure animal run, and no outdoor animal run shall be permitted within 200 feet of any adjacent residential district or use, except where the adjoining property is owned or occupied by the operator of the kennel.
- (3) Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 6:00 a.m.
- (4) There shall be no burial or incineration of animals on the premises.
- (5) All solid waste material shall be removed from the site on a daily basis, and no animal waste shall be buried on site or be allowed to accumulate on the premise.
- (6) The facility shall be operated in accordance with all applicable State of Ohio and county health code regulations.

(B) Artisan Studio/Workshop.

- (1) The principal activities of the use shall occur completely within an enclosed building.
- (2) All work activities, artist shows, programs and other events shall be directly related to the activities listed on the approved conditional use permit.

(C) Auction Warehouse, Showroom.

- (1) All activities shall be conducted indoors.
- (2) There shall be no outside storage.
- (3) An on-site showroom that is open to the general public shall be limited to ten percent (10%) of the floor area of the building, or 4,000 square feet, whichever is less.

(D) Brewpubs; Micro-brewery, Micro-distillery, Micro-winery (Micro Production Facility).

- (1) Each brewpub or micro production facility shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and the Bureau of Alcohol, Tobacco and Firearms (ATF), and shall maintain current licenses as required by each agency.
- (2) Brewpubs:

- (a) A minimum of 50% of the gross floor area of the brewpub shall be devoted to restaurant use for on-site consumption of food and beverages, including the kitchen and seating area, but not including any outdoor dining area.
 - (b) The area used for on-site production, including but not limited to manufacturing, bottling and storage, shall not exceed 50% of the total floor area of the entire facility or 8,000 square feet, whichever is less.
 - (3) Micro production facilities shall provide a minimum of 1,500 square feet devoted to on-site retail sale, restaurant or tasting room for the on-site consumption of products produced on the premises.
 - (4) Each brewpub and micro production facility shall be architecturally compatible with the surrounding commercial uses.
 - (5) No outdoor storage of brewing equipment or materials shall be permitted.
 - (6) The facility shall be designed and operated so as not to produce odors, gas, dust, or any other atmospheric pollutant detrimental to the health, safety, or general welfare of persons living or working in the surrounding area. The emission of odorous matter or smells in such quantities as to produce a public nuisance or hazard is not permitted.
 - (7) The facility shall not generate truck traffic materially different in truck size or frequency from that generated by the surrounding commercial uses.
 - (8) Each facility shall maintain copies of all reports filed with the Bureau of Alcohol, Tobacco and Firearms (ATF) and shall be able to demonstrate, upon request of the Village, that they have not exceeded the annual beverage production limit in any 12-month period.
- (E) Drive-in/Drive-thru Facilities.
- (1) The drive-in/drive-thru facility shall comply with the off-street stacking space requirements in Section 150.384, and with the drive-thru sign regulations in Section 150.357(H).
 - (2) The drive-in/drive-thru facility shall maintain a minimum of 100 feet of street frontage, be located on a collector or arterial street, and be designed so that vehicles waiting for service at the drive-in/drive-thru facility do not interfere with a public right-of-way.
 - (3) All components of the drive-in/drive-thru facility, including but not limited to drive-through signs, waiting lanes, trash receptacles, audio equipment, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
 - (4) All components of the drive-in/drive-thru facility shall be located a minimum of 100 feet from a residential property line.
 - (5) On a corner lot, access drives shall be placed as far from the intersection as possible and limited to no more than one access drive per street frontage.

- (6) Any changes in the approved development plan or in the activity to be conducted on the site shall be submitted to the Planning Commission for review and approval.
- (7) Loudspeaker systems shall be approved as part of the development plan approval and shall be appropriately located and screened to not create a nuisance.

(F) Hotel/Motel.

- (1) Such establishments should be located to minimize the amount of space located in a retail setting that is inactive during normal business hours.
- (2) The use shall be located on a lot that has frontage on an arterial or collector street.
- (3) A hotel/motel shall be located on a lot having a minimum area of 400 square feet per room and a minimum lot width of 150 feet.

(G) Indoor Entertainment: Dancing & Live Entertainment.

- (1) Dance floors and other similar entertainment facilities including live entertainment shall be permitted only as an accessory use to a permitted principal use.
- (2) The Planning Commission may impose restrictions on the hours such establishment is open for business.
- (3) All indoor entertainment/music shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock.
- (4) Outside entertainment/music may be permitted provided it complies with the following:
 - (a) Outdoor entertainment/music shall be permitted no later than 10 pm Sunday through Wednesdays and no later than 12 am on Thursdays through Saturdays.
 - (b) The location of the area devoted to outdoor entertainment/music shall be clearly indicated on the development plan.
 - (c) The Planning Commission may require the outdoor area to be screened with a wall, fence or landscaping to ensure that sound does not exceed normal conversation levels beyond the property line or cause a nuisance to adjoining properties.

(H) Medical Clinic/Urgent Care.

- (1) The design of a Medical Clinic/Urgent Care shall be sufficient to accommodate staff, clients, patients and visitors without waiting or queuing outside of the building.
- (2) Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted provided such storage areas shall be located in the side or rear yard in off-street parking areas. Storage for ambulances and other vehicles shall be shown on the development plan.
- (3) Where the site is adjacent to a residential zoning district, hours of operation may be restricted by the Planning Commission.

(I) Outdoor Commercial Recreation.

- (1) The minimum lot area shall be two acres and minimum lot width shall be 200 feet.
 - (2) Vehicular approaches shall be designed to reduce traffic congestion and interference with traffic on surrounding public streets or roads.
 - (3) All activities, programs and other events shall be identified in the application and listed in the approved zoning certificate and shall be adequately and properly supervised to prevent personal injury, property damage and disturbance or nuisance to surrounding properties, residents or to the community in general.
 - (4) Rifle ranges, pistol and skeet shooting ranges, and other activities involving the use of firearms shall not be permitted.
 - (5) The Planning Commission may require an outdoor active recreation area to be enclosed by a fence having a minimum height of five feet and a maximum height of six feet.
 - (6) Swimming pools shall comply with the following additional requirements:
 - (a) Pools shall be adequately fenced to prohibit unauthorized access to the facility.
 - (b) Pools and their enclosures shall comply with the building setback requirements for the zoning district in which the pool is located.
 - (c) The fenced pool enclosure shall be locked whenever the pool is not in use.
 - (7) The use shall not generate excessive noise, odor, dust or smoke beyond the premises above the prevailing levels from permitted uses in the zoning district. The Planning Commission may impose additional noise reduction measures, including mounding, landscaping and sound barriers, to minimize noise and maintain the prevailing noise levels of permitted uses in the zoning district.
- (J) Outdoor Dining, Accessory to a Restaurant.
- (1) Restaurants shall be permitted to operate outdoor dining on sidewalks, including areas within the public right-of-way and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired.
 - (2) If outdoor dining is proposed to be in the public right-of-way, a permit shall be obtained from the Village Public Works Supervisor before a zoning certificate is issued.
 - (3) Planters, fencing, or other devices shall be used as a way of defining the area occupied by the outdoor dining.
 - (4) Extended awnings, canopies, or large umbrellas shall be permitted if located to provide shade or cover.
 - (5) The operators of outdoor dining shall maintain a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of cafe activity.
 - (6) The outdoor seating area shall be used in conjunction with, and is under the same management and exclusive control of, a restaurant located on the same or contiguous property.

(K) Outdoor Overnight Storage of Fleet Vehicles Related to the Principal Business.

- (1) The stored vehicles shall be necessary to, customarily associated with, and used on a regular basis by the principal use of the premises.
- (2) All stored vehicles and equipment shall be operable, and vehicles shall have a current vehicle registration.
- (3) Location and Setbacks.
 - (a) In a B-3 General Business District, the outdoor storage area for vehicles shall be located in a rear yard in compliance with the parking setbacks in Schedule 150.274(B).
 - (b) In an M-1 Light Industrial District, the outdoor storage of fleet vehicles shall be located in a side or rear yard, in compliance with the parking setbacks in Schedule 150.274(B).
- (4) Any area devoted to outdoor storage of fleet vehicles shall be paved with asphalt or concrete, and maintained free from dust. The Planning Commission may grant a variance from the paving requirement if the applicant demonstrates that dust will be adequately controlled and the storage area will have little vehicular traffic.

(L) Outdoor Sales and Display of Merchandise for Sale.

- (1) Outdoor display of merchandise for sale shall be limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business.
 - (a) There shall be no outdoor display of merchandise for sale by any person operating or conducting a business that is different or distinct from the principal business conducted at that location.
 - (b) These regulations do not apply to vehicle sales and rental establishments
- (2) The area of the lot devoted to outdoor display shall not exceed 15 percent of the ground floor area of the building(s) on the lot. The Planning Commission may grant an exception to this requirement when the ground floor area is 5,000 square feet or less.
- (3) The outdoor display area shall comply with the parking setbacks, shall not be located in areas intended for traffic and pedestrian circulation, and shall not occupy any required parking spaces as identified on the development plan.
- (4) Any proposed outdoor display areas shall be approved as part of a Development Plan Review in accordance with Article 150.65.

(M) Outdoor Storage of Materials and Equipment.

- (1) Outdoor storage of materials, and equipment shall only include the storage of goods, materials, equipment or products customary associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.

- (2) All outdoor storage of goods, materials, and equipment shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at grade level. However, in no case shall the height of the fence or wall be less than six feet. The solid wall or fence and the associated gates shall be maintained in good condition. No barb or razor wire shall be permitted. The Planning Commission may consider alternative forms of screening such as a dense planting of trees or berm in compliance with Section 150.398.
- (3) All outdoor storage shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
- (4) Areas devoted to outdoor storage shall be located in a rear yard so that it is behind the principal building and not visible from any public street, unless the outdoor storage is located on a corner lot. In the M-1 District, enclosed storage areas devoted to outdoor storage shall be setback fifty feet from any property boundary that abuts a Residential District. In no case shall the side and rear setback of the enclosed area be less than ten (10) feet.
- (5) All equipment and fleet vehicles shall be in an operable state. In no case shall inoperable equipment and vehicles be stored overnight.
- (6) Any proposed outdoor storage areas shall be approved as part of a Development Plan Review in accordance with Article 150.65.

(N) Plant Nursery or Greenhouse, Commercial in an R-E District.

- (1) The facility shall be located on an arterial or collector road.
- (2) All buildings, equipment, and other activities associated with the use shall be setback 75 feet from any residential lot line and 50 feet from any public street.
- (3) The minimum parking setback shall be 20 feet from all lot lines, except for semi-truck parking areas and loading areas, which shall comply with the building setback requirements.
- (4) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises.
- (5) The storage and display area of materials used for landscaping purposes and agriculturally related products necessary for maintaining the health of nursery stock shall not exceed ten (10) percent of the nursery or a maximum of one (1) acre, whichever is less, and shall be screened as specified in Section 150.399 (A)(1)&(2). Related products include but are not limited to railroad ties, decorative stones, mulch and fertilizers.
- (6) Landscape services shall be accessory to the production of nursery stock. The number of pieces and type of landscaping equipment may be limited by the Planning Commission according to site constraints and compatibility with surrounding uses.

(O) Research and Testing Laboratories.

- (1) The principal activities of the use shall occur completely within an enclosed building.

- (2) Where the site is adjacent to a residential zoning district boundary line and regulated as a conditional use, hours of operation may be restricted by the Planning Commission.
 - (3) No exterior odor, dust, noise, or other impacts shall be produced as a result of the use. The Planning Commission may impose additional noise reduction measures, including landscaping and sound barriers, to minimize noise and to maintain the prevailing noise levels of permitted uses in the zoning district.
- (P) Retail, Large-format. The Planning Commission shall find that the proposed use is located and designed to be compatible with the other uses permitted in the district.
- (Q) Vehicle Fuel Station; Vehicle Service Station, Minor, Vehicle Wash Establishment.
- (1) The minimum lot area is 20,000 square feet, and the minimum lot width is 100 feet.
 - (2) When located on a corner lot, the facility shall have not less than 150 feet frontage on each of the two intersecting streets:
 - (a) The location of access drives shall be placed as far as possible from the intersection; and
 - (b) Shall be limited to no more than one (1) access drive per street frontage.
 - (3) A vehicle wash establishment may be combined with a vehicle fueling station or vehicle service station, provided the minimum lot size for the combined uses is a minimum of 40,000 square feet.
 - (4) Gasoline pumps may be erected in front of the established building line, but not less than 20 feet from the road right-of-way.
 - (5) Outdoor self-service vehicular vacuum stations shall be located in a side or rear yard.
 - (6) All activities, except those required to be performed at a fuel pump, air dispenser or self-serve vehicular vacuum, shall be conducted entirely within a building or garage.
 - (7) No inoperative motor vehicles, equipment, or parts shall be permitted to remain outside on the property, unless such vehicles are stored in an approved screened outdoor storage area.
 - (8) The Planning Commission may restrict the hours of operation where a site is adjacent to a residential zoning district boundary line and regulated as a conditional use.

150.336 SUPPLEMENTARY REGULATIONS – PRODUCTION/DISTRIBUTION, UTILITIES, AND COMMUNICATIONS USES.

- (A) Adult Oriented Business (AOB) establishment.
- (1) The AOB shall not be located within 500 feet of any residentially zoned district, or within 500 feet of other adult oriented business establishments, day care centers, churches, public parks, schools, libraries or other public buildings or premises. Distances shall be measured in a straight line without regard to intervening structures, from the nearest portion of the building or structure where an adult oriented business is conducted, to the nearest property line of the premises of a place of worship, school or other protected building or premises.

- (2) Adult oriented business establishments shall comply with all of the density, setback and parking requirements of the district and all other zoning, building and state building requirements.
- (3) All buildings, entries, windows and the like, shall be located, covered or otherwise arranged in such a manner to prevent a view into the interior.
- (4) No screen, stages, loudspeakers or other sound systems, shall be seen or heard from the exterior of an adult business establishment.
- (5) No advertisements, displays, or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

(B) Agriculture (Crops).

- (1) For the purposes of this Zoning Code, the terms agriculture, agricultural activities and agricultural uses do not include the keeping of animals, animal products or animal husbandry.
- (2) The minimum lot area shall be 5 acres.
- (3) The minimum front setback for principal and accessory buildings and structures shall be comply with the requirements of the district.
- (4) Agricultural uses shall properly manage fertilizer in compliance with all applicable local and state regulations, so as to not create a nuisance or health hazard to adjoining or nearby property owners.
- (5) Farm stands are permitted when in compliance with the following:
 - (a) Such stands shall be freestanding structures that are no more than 200 square feet;
 - (b) Off-street parking facilities shall be limited to 4 parking spaces and shall be set back and separate from the right of way;
 - (c) Such stands shall be set back a minimum of 15 feet from the front and side lot lines; and,
 - (d) Products sold at the farm stand shall be limited to farm products grown or raised on the premises.

(C) Electric Vehicle Charging Stations (EVCS), Outdoor.

- (1) An outdoor electric vehicle charging station (EVCS) is a public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.
- (2) Outdoor EVCS for public use shall be permitted as an accessory use within any parking space in a parking lot, subject to the following regulations:
 - (a) A maximum of two parking spaces or 5% of the minimum required parking spaces, whichever is greater, shall be permitted as an accessory use.

- (b) The EVCSs shall be located in a side or rear yard in a location that will be easily seen by the public for informational and security purposes and shall be illuminated during evening business hours.
 - (c) The EVCS pedestals shall be protected as necessary to prevent damage by automobiles.
 - (d) Complete instructions and appropriate warnings concerning the use of the EVCS shall be posted on a sign in a prominent location on each station for use by the operator.
- (3) Outdoor electric vehicle charging stations for private use shall be permitted as an accessory use in compliance with the following:
- (a) Be located in a side or rear yard and in a manner that will not allow public access to the charging station.
 - (b) The EVCS pedestals shall be protected as necessary to prevent damage by automobiles.
- (4) All outdoor EVCS shall be maintained regularly, kept in good repair and operating condition.
- (a) Outdoor EVCS shall comply with all state and federal requirements.
 - (b) The following information shall be posted at all electric vehicle charging stations:
 - (i) Voltage and amperage levels;
 - (ii) Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;
 - (iii) Usage fees;
 - (iv) Safety information;
 - (v) Contact information for reporting when the equipment is not operating or other problems.

(D) Essential Services.

- (1) Intent. Provision for essential services requirements are established in order to achieve, among others, the following purposes:
- (a) To provide a reasonable assurance that right-of-way, easement or other spaces will be available for the installation, placement, erection or construction of utility systems;
 - (b) To provide for the alteration and maintenance of such utility systems; and
 - (c) To promote the general convenience, welfare and prosperity of business, service, research, production and manufacturing developments and convenience to residences, all of which depend upon essential services.
- (2) Essential services that are necessary for the furnishing of adequate service by public utilities, municipal departments, commissions, or for the public health, convenience, safety or general welfare are permitted in all districts.

- (3) Permitted essential services shall include:
 - (a) Locations underground, on the surface or overhead;
 - (b) Conveyances for gas, electrical, steam wastes or water;
 - (c) The facilities may include collection, storage, transmission or distribution systems; and
 - (d) The components of such facilities may include: mains, drains, sewers, pipes, conduits, wires, cables, fiber optics, traffic signals, hydrants, poles and other similar equipment, and accessories in connection therewith, but not including telecommunication towers, which are otherwise regulated in this Zoning Code.
- (4) All proposed essential services shall be reviewed and approved by a professional engineer selected by the Planning Commission and or the Village Administrator as authorized by Village Council.

(E) Self-storage Units/Mini Storage.

- (1) The development plan shall indicate the orientation of the buildings and the number and size of storage units.
- (2) The standard leases for rental of a self-storage units shall include clauses prohibiting the following:
 - (a) The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials.
 - (b) The self-storage unit shall be used only for dead storage.
 - (c) No activities, such as the sale, repair, fabrication, or servicing of goods, motor vehicles, appliances, equipment, or materials shall be conducted from the self-storage units.
- (3) All storage shall be within a completely enclosed building. The outdoor storage of inventory, materials, vehicles, merchandise or other personal property is prohibited.
- (4) The maximum size of an individual storage compartment shall be 500 square feet.
- (5) No storage unit door opening shall face a residential zoning district.
- (6) Ornamental fencing is permitted and encouraged in the front of the building. No fence shall be topped with barbed wire or sharp edged materials.
- (7) The Fire Department shall be provided 24-hour access to the grounds. A lockbox or similar mechanism shall be provided for the Fire Department's use.

(F) Small Wind Energy Systems.

- (1) Purpose. The purpose of this section is to establish general guidelines for the location of small wind energy systems. The village recognizes in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the village. The village also recognizes the need to protect the village from unreasonable visual interference, noise

radiation and that wind turbine generators may have negative health, safety, welfare and aesthetic impacts upon adjoining and neighboring uses.

(2) Intent.

- (a) Protect residential areas from potential adverse impact of wind turbine generators;
- (b) Permit wind turbine generators in selected areas by on-site residential, commercial or industrial users, subject to terms, conditions and provisions hereof;
- (c) Ensure the public health, welfare and safety of the village's residents in connection with wind turbine generators; and
- (d) Avoid potential damage to real and personal property from the wind turbine generators or anemometer towers or the failure of such structures and related operations.

(3) Minimum Acreage and Maximum Heights Standards.

- (a) A wind turbine shall be located on a single lot, with a minimum size of one acre.
- (b) Only one wind turbine per lot owned, which must be operated and maintained by the property owner per address only.
- (c) The maximum height of any turbine shall be 100 feet, which includes the tower and the maximum vertical height of the turbine's blades. Maximum height shall be calculated by measuring the length of a prop at a maximum vertical rotation to the base of the tower, which shall be no higher than ground level.
- (d) The wind turbine shall be an un-guyed, monopole style tower only.

(4) Setbacks.

- (a) Any wind turbine system erected on a parcel of land shall establish a "clear fall zone" from all neighboring property lines and structures, public rights-of-way and utility rights-of-way, as well as any structures on the parcel intended for the turbine.
- (b) The wind turbine shall be erected and placed on the lot in such a manner that if it were to fall, the entire system would be contained solely on the property where the turbine was installed, and would not strike any structures, including the primary dwelling and any accessory buildings or uses.

(5) Lighting. The maximum lighting used for or on the structure shall comply with state and federal regulations.

(6) Decibel levels. Decibel levels for the system shall not exceed 60 decibels (dba) measured at the property line.

(7) Color. Color of the unit as well as the location and size of the manufacturers identifying logos shall be included in the plan.

- (a) Logos, advertising or other identification markers other than those of the manufacturer and model type are not permitted.
- (b) The system, including the prop blades, turbine, cowling and tower shall be painted or coated white, gray or sky blue.
- (c) Lettering shall be either black or white and no taller than six inches in height.

- (8) Maintenance, construction and installation.
- (a) A maintenance schedule as well as an erection and dismantling plan that outlines how the unit will be installed and dismantled shall be required as part of the permit. The plan shall include all potential impacts to neighboring properties and village assets.
 - (b) All power turbine distribution wire shall be installed underground.
 - (c) The owner shall notify the Zoning Administrator if operations of the wind turbine cease and the turbine shall be removed within 60 days of cessation of operations at owner's expense.
 - (d) No grid-interconnected wind energy system shall be installed until evidence has been provided to the village that the utility company has been informed of the customer's intent to install a grid-connected customer-owned generator.
- (9) Permit Required. A zoning permit shall be required prior to construction of any individual wind turbine system. As part of the permit process, the applicant shall submit an application for conditional use approval as provided in Article 150.67, which shall include":
- (a) A map or drawing visually showing the location of all public and private airports in relation to the location of the turbine, as well as any FAA restrictions that may be applicable;
 - (b) An engineering report performed by an engineer currently licensed to practice in the state that shows the following:
 - (i) The total size and height of the unit;
 - (ii) The total size and depth of the unit's concrete foundation;
 - (iii) Foundation design sealed and signed by a professional structural engineer currently licensed by the state;
 - (iv) An average decibel rating for that particular model at the property line;
 - (v) A list and or depiction of all safety measures that will be on the unit including anti-climb device, grounding devices and lightning protection;
 - (vi) Data specifying the kilowatt size and generating capacity of the particular unit; and
 - (vii) Evidence of a "clear fall zone" with manufacturers recommendations.
 - (c) A scaled site drawing showing the location of the unit in relation to existing structures on the property, roads and other public rights-of-way and neighboring properties, including an aerial view of the existing site and adjoining properties with the tower location identified.
- (10) Definitions. For purposes of regulating residential, commercial and industrial use of wind generators, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) CLEAR FALL ZONE. An area surrounding the wind turbine unit into which the turbine and or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods or any other condition causing turbine failure, that shall remain unobstructed and confined within property lines of the primary parcel where the turbine is located, the purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, accessory buildings nor intrude onto a neighboring public or private property.
 - (b) MONOPOD TYPE TOWER. A tower constructed of a single component such as a pipe or tube. Towers of an open web truss style similar to a conventional television tower or radio communications tower, though they may be self-supporting, are not considered monopod types.
 - (c) PRIMARY STRUCTURE. For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. PRIMARY STRUCTURES include structures such as residences, commercial buildings, hospitals and day care centers.
 - (d) PROFESSIONAL ENGINEER. A qualified individual who is licensed to practice as a professional engineer in the State of Ohio.
 - (e) SMALL WIND ENERGY SYSTEM. A wind driven system generating 30kw or less.
 - (f) WIND POWER TURBINE OWNER. The person or persons who own the wind turbine structure and the property on which it is constructed.
 - (g) WIND POWER TURBINE TOWER. The support structure to which the turbine and rotor are attached.
 - (h) WIND POWER TURBINE TOWER HEIGHT. The distance from the rotor blade at its highest point to the top surface of the wind power generating facility (WPGF) foundation.
- (G) Solar Collector Systems, Ground-Mounted and Roof-Mounted.
- (1) Solar collector systems shall be limited to small-scale solar collectors and shall be permitted only as an accessory use to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected
 - (2) Ground-mounted solar collector systems shall comply with the following:
 - (a) The minimum lot area shall be five (5) acres, and the ground area covered by the solar panels shall not exceed one (1) percent of the lot area.
 - (b) The area of the ground mounted solar collectors shall not count toward the maximum lot coverage if the ground below the structure is permeable or substantially pervious to water.
 - (c) The height of the ground mounted solar collectors and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.

- (d) In Residential Districts, ground mounted solar collectors and associated equipment shall be located in a rear yard and comply with the minimum side and rear setbacks for principal buildings in the applicable zoning district.
 - (e) In Nonresidential Districts, ground mounted solar collectors and associated equipment shall be located in a side or rear yard and comply with the minimum side and rear setbacks for principal buildings in the applicable zoning district.
 - (f) Ground mounted solar collectors shall be designed and located in an arrangement that minimizes glare or reflection onto adjacent properties and adjacent roadways, and does not interfere with traffic or create a safety hazard.
 - (g) All ground mounted solar energy collector systems shall be enclosed by a fence or wall six feet in height, and a landscaping buffer shall be provided around the perimeter of any portion of a ground mounted solar collector system that is visible from an adjacent residentially used property or a public street. All landscaping shall be maintained in compliance with Article 150.39.
- (3) Roof-mounted solar collector systems are permitted as an accessory use when attached to a principal or accessory building and installed in conformance with the following:
- (a) Roof-mounted solar panels that are integrated with the surface layer of the roof structure or are mounted flush with the roof structure are permitted on any roof surface of a principal building or accessory building.
 - (b) For flat roofs or the horizontal portion of mansard roofs, the solar panels may extend up to three (3) feet above the highest point of the roof.
 - (c) For pitched, hipped, or gambrel roofs, whenever solar panels are located visible from a public street, the panels shall be mounted at the same angle as the roof's surface with no more than 18 inches between the roof and the upper side of the solar panel.
 - (d) Solar collectors shall be considered part of the building and shall comply with all building height and setback requirements.
 - (e) Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or streets.
- (4) Utility Connections.
- (a) All exterior utility lines for ground mounted solar energy systems shall meet all applicable building and electric codes.
 - (b) If the proposed solar collector system is to be connected to the electricity power grid through net metering, the owner must receive written approval from the electric utility service provider that serves the proposed site. Copies of the written approval shall be submitted with the zoning permit application.
- (5) In the event a solar collector ceases its useful intended operation for a period of six (6) months, the solar collector shall be considered abandoned. The owner/operator shall remove the nonfunctioning collector within 180 days after receipt of a notice from the Zoning Inspector to do so. Removal shall consist of the physical removal of all solar collector panels, mounts and associated equipment, from the site, the disposal of all

solid and hazardous waste in accordance with local, state, and federal waste disposal regulations, and, for ground-mounted solar panels, the stabilization or revegetation of the site as necessary to minimize erosion.

(H) Utility Substation and Transmission Facility.

- (1) Facilities shall be limited to structures that are essential for the distribution of services to the local area or when topographical features restrict the location of such facility.
- (2) Utility Substations and Transmission Facility, as measured from the outermost edge of the facility, shall be located a minimum of 50 feet from any residential property line.
- (3) Natural or man-made barriers shall be provided to lessen any impact on and views from an adjacent residential area. In making this determination, the proximity of residential uses, the form of surrounding built environment, and the location and type of surrounding land uses shall be considered by the Planning Commission.
- (4) Fences and walls, in excess of six (6) feet in height, shall be setback from every public street right of way line a distance no less than twelve (12) feet and shall be setback from every other property line a distance of no less than ten (10) feet. Within these setbacks, evergreen shrubs and trees shall be planted in conformance with sub-section 150.397 (G)(1)(a).
- (5) Storage of materials shall be within a completely enclosed building.

(I) Wireless Telecommunication Facilities.

- (1) Purpose. These regulations are established to provide for the construction and use of wireless telecommunication facilities, which shall include all antennas, towers, and support structures, within areas of the village as permitted herein except for noncommercial antennas in residential districts. The intent of these regulations is to balance the competing interests created by the Federal Telecommunication Act of 1996, Public Law 104-104, and the interests of the village in regulating wireless telecommunication towers and related facilities for the following purposes:
 - (a) To protect residential areas and avoid potential damage to adjacent properties from wireless telecommunication antennas, towers, support structures and facility failure;
 - (b) To protect property values;
 - (c) To encourage the joint use of any new and existing wireless telecommunication towers and related facilities to minimize the number of such structures within the village; and
 - (d) To minimize the adverse visual effects of wireless telecommunication towers and related facilities.
- (2) Accessory Use. Whenever a wireless telecommunication facility is permitted in a district, it shall be permitted as an accessory use to an existing principal use, as noted below, requiring conditional use approval in compliance with Article 150.67.

- (3) Antenna Attached to an Existing Building. An antenna for a wireless telecommunication facility may be attached to an existing residential building four or more stories in height or to an existing nonresidential structure subject to the following conditions.
- (a) Maximum height. The antenna shall not extend more than 20 feet above the roof of the existing building or top of the existing structure.
 - (b) Roof setback. The pole structure supporting such antenna shall be set back one foot from the edge of such roof for each one foot of height above such roof. This requirement shall not apply to antennas two inches or less in thickness without a supporting pole structure.
 - (c) Separate equipment shelter. 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 the ground within any required front or side yard.
 - (d) Vehicular access. Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.
- (4) Tower. A freestanding wireless telecommunication tower may be erected as an accessory use to a public or institutional use within a residential zoning district, provided the Planning Commission finds the following standards have been met.
- (a) Minimum lot size for principal use. The minimum lot size for principal use for which the tower is accessory shall be five (5) acres.
 - (b) Minimum setback from property lines and residential structures. The minimum setbacks and yard requirements shall be established by the Planning Commission.
 - (c) Maximum height. The height of such tower shall be subject to approval by the Planning Commission and be the minimum height necessary.
 - (d) Equipment shelter. The minimum setbacks, height limits, bulk requirements and screening standards shall be established by the Plan Commission during the conditional use process. Such shelter shall not be located above ground in any required front or side yard.
 - (e) Required buffer. A buffer screen shall be planted around the perimeter of the site.
- (5) Vehicular access. Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.
- (6) Noncommercial Antennas in Residential Districts. Noncommercial antennas for individual, private use, such as but not limited to, amateur radio antennas, shall comply with the regulations in Article 150.21.

**ARTICLE 150.35
Sign Regulations**

150.351	Intent.	150.358	Changeable copy/electronic message center signs.
150.352	Applicability.	150.359	Temporary signs.
150.353	Prohibited signs.	150.360	Sign illumination, construction and maintenance standards.
150.354	Classification of signs.	150.361	Nonconforming, abandoned and illegal signs.
150.355	Computations and rules of measurement.	150.362	Application for sign permit.
150.356	Permanent signs in Residential and Public Open Space Districts.		
150.357	Permanent signs in Business and Industrial Districts.		

150.351 INTENT.

(A) These sign regulations, including provisions to control the type, design, size, location, motion, illumination, replacement and maintenance thereof, are established to promote the public health, safety, and welfare, and to achieve, among others, the following purposes:

- (1) Enhance and protect the physical appearance of the community;
- (2) Promote and maintain visually attractive residential, business, and industrial districts by reducing visual clutter and preventing blight characterized by oversized, overcrowded, abandoned, obsolete, and/or dilapidated signs;
- (3) Provide businesses, institutions and residents with an effective means of communication while balancing their rights to convey messages through signs with the right of the public to be protected against the unrestricted proliferation of signs;
- (4) Eliminate potential hazards to motorists and pedestrians resulting from sign clutter and the erection of structures that obstruct sight distance at the intersection of streets, alleys, or driveways;
- (5) Promote desirable developments and economic activity in accordance with the objectives of this zoning code;
- (6) Prohibit all signs not expressly permitted by this Chapter; and
- (7) Provide review procedures that enable the Village to evaluate the compliance of a sign with these standards as well as its appropriateness to a specific site or building, and its surroundings.

(B) No part of these standards shall be interpreted to infringe upon rights guaranteed by the First Amendment to the United States Constitution.

150.352 APPLICABILITY.

(A) The regulations contained in this Article shall apply to all signs, sign structures, and other types of sign devices located within the Village of Swanton, except when specifically stated otherwise.

- (B) No sign shall be erected, established, painted, created, or maintained in the Village of Swanton without the issuance of a zoning permit and payment of the required fee as required in Section 150.362 unless otherwise exempted in this Article.
- (1) A zoning permit is not required for the following types of signs and sign maintenance:
 - (a) The non-structural maintenance of a sign.
 - (b) A change of copy on changeable copy signs.
 - (c) Temporary signs in residential districts.
 - (2) A zoning permit is required for changes to sign panels, painted signs or letters that are attached to a structure or wall.
 - (3) All structural changes to a sign or supporting structure shall require a zoning permit.
 - (4) Signs in nonresidential districts, in multi-family residential districts, and for non-residential uses in one-family districts shall be reviewed by the Planning Commission according to Section 150.652.
- (C) Architectural features that are an integrated part of the building or structure are not considered signs and are exempt from these regulations.
- (1) Architectural feature means ornamentation or decorative elements attached to, incorporated into, or projected from the exterior of a building or structure, including a structure attending to, but not an integral part of the sign;
 - (2) Architectural features of a building include, but are not limited to, doors, windows, columns, cornices, eaves, gutters, fascias, belt courses, sills, lintels, pediments, bay windows, chimneys, trim details and decorative ornaments; and
 - (3) Architectural features may consist of landscaping, building or structural forms that enhance the site in general.
- (D) Noncommercial Speech. The commercial message sign area allowed for any permanent sign permitted in this Article may be substituted with a noncommercial message. A sign permit shall not be required for this substitution if there is no structural change to the sign.
- (E) Exempt Signs. The following signs and displays are exempt from the regulations of this Chapter:
- (1) The display of official public notices, the United States or any state flag, emblem or insignia of an official governmental body shall not be governed by the provisions of these regulations.
 - (2) Any sign erected or required to be erected by a unit of local, state or federal government.
 - (3) Any warning signs or traffic safety signs required by public utility providers.
 - (4) Building marker, cornerstones, or building plaques.
 - (5) Works of art that do not include a commercial message.
 - (6) Religious symbols that do not display a commercial message.
 - (7) Decorative religious displays and other holiday lights or decorations containing no commercial message when displayed during the appropriate time of the year.

- (8) Any sign located inside a building that is not visible from outside of the building, or that is mounted more than three feet beyond a transparent window or door. Signs in windows that are mounted in such a way as to be viewed from outside the building shall be considered window signs subject to the provisions of this Article.
- (9) Any outdoor sign that does not exceed two square feet and that is not visible from any adjacent public right-of-way or from any adjacent property.

150.353 PROHIBITED SIGNS.

The following signs are prohibited in the Village:

- (A) Abandoned signs, as defined in Section 150.354(B).
- (B) Public areas: no sign shall be placed on any curb, sidewalk, post, pole, public or private utility appurtenance, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare, easement or right-of-way except as may otherwise expressly be authorized by this zoning code. Unauthorized signage in public areas is subject to immediate removal by the Village.
- (C) Animated, flashing, rotating, revolving, whirling signs and festoons, inflatable signs, tethered balloons, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background and any clearly similar features, except those specifically exempt from regulation in Section 150.352, and electronic message centers as permitted in Section 150.358.
- (C) Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Code. Prohibited is any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. A vehicle sign shall be considered to be used for the primary purpose of advertising if the vehicle fails to display current license plates or inspection sticker, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle. Vehicle signs include those attached to or placed on a vehicle or trailer. Vehicles or trailers shall not be parked continuously in one location to be used primarily as additional signage. This does not apply to a vehicle parked at a driver's residence and which is the primary means of transportation to and from his or her place of employment;
- (D) Signs containing any words, symbols, or illumination that would cause confusion because of their resemblance to highway traffic control or direction signals.
- (E) Signs that prevent the driver of a vehicle from having a clear and unobstructed view of official government signs and/or approaching or merging traffic, or which by means of illumination obscure a government sign or cause a traffic hazard.
- (F) Signs located on trees, utility poles, public benches or any other form of public property or within any public right-of-way unless explicitly permitted by the regulations.
- (G) Signs mounted on top of a roof.
- (H) Portable signs, not including A-frame sidewalk signs.

- (I) Signs located on private property without the written consent of the owner or agent thereof.
- (J) Other signs or attention getting devices that raise concerns substantially similar to those listed above.

150.354 CLASSIFICATION OF SIGNS.

For the purposes of this Article, signs shall be classified and defined by physical design or structure, and function or purpose as follows:

- (A) Definition. A sign is defined as any display, figure, painting, drawing, placard, poster or other device visible from a public way that is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. It may be a structure or part thereof printed or attached directly or indirectly on a structure.
 - (1) Sign Area. The entire display area of a sign as measured pursuant to Section 150.355(A).
 - (2) Sign Copy. Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.
 - (3) Face of Sign: The area of a sign on which the copy is placed.
- (B) Physical Characteristics.
 - (1) Abandoned Sign: A sign that pertains to a business, lessor, service, owner, or activity no longer conducted on the premises for 90 consecutive days, and/or for which no legal owner or proprietor is found on the premises.
 - (2) A-Frame Sign. A freestanding portable sign that is readily moveable, not secured or attached to the ground or surface upon which it is located and constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; with each angular face held at an appropriate distance by a supporting member. Also known as a sandwich board sign.
 - (3) Animated Sign: A sign that uses movement or change of lighting to depict action or to create a special effect or scene.
 - (4) Awning Sign: A sign painted on, printed on, or attached to the fascia of an awning, canopy, or other fabric, plastic, or structural protective cover over a door entrance or window.
 - (5) Banner Sign: A sign made with fabric, plastic, paper, or similar lightweight material with no frame. National and state flags and the official flag of any organization, institution or business shall not be considered banners.
 - (6) Building Sign: A sign attached to any part of a building including but not limited to wall, awning, canopy, marquee and projecting signs.
 - (7) Building Marker: Letters, words, or insignia cut into the building surface, or otherwise permanently mounted on the building, at the time of construction with the name or address of the building, date of construction, or to convey a memorial or similar message.
 - (8) Changeable Copy Sign: A sign on which the message or graphics is not permanently affixed to the structure, framing or background and is designed to be periodically replaced or covered manually or by electronic or mechanical devices. Examples are a bulletin board and announcement board. See also the definition of "electronic message sign."

- (9) Drive-Thru Sign. Any sign located along a drive-thru lane that is oriented toward the customer or user in the drive-thru lane, such as a menu board.
- (10) Entrance Sign. A small permanent sign located near driveway access points and/or at the intersection of internal access drives.
- (11) Electronic Message Sign: A sign with a fixed or changing display or message composed of a series of lights that may be changed automatically and/or remotely through electronic or mechanical means.
- (12) Festoons: A string of ribbons, tinsel, small flags, pinwheels or the like.
- (13) Flashing Sign: A sign, other than a changeable copy sign or animated sign, which contains an intermittent or sequential flashing light source, used primarily to attract attention.
- (14) Freestanding Sign: A sign supported by one or more uprights, posts, columns, or vertical structures or supports affixed to the ground and not attached to any part of the building.
- (15) Illuminated Sign: A sign with an artificial light source that internally or externally illuminates the sign.
- (16) Inflatable Sign. A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device.
- (17) Marquee Sign: A sign attached to or supported by a permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.
- (18) Monument Sign. A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.
- (19) Nonconforming Sign. Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.
- (20) Pole Sign: A permanent freestanding sign that is affixed, attached, or erected on a pole.
- (21) Portable Sign: A sign that is designed to be portable and can be transported on wheels, skids, a bench, runners, brackets or has a frame to which wheels, skids, runners, brackets or similar mechanical devices are or can be attached.
- (22) Projecting Sign. A sign that is wholly or partly dependent upon a building for support and projects more than 12 inches from such building.
- (23) Roof Sign: A sign erected on, above, or over the roof of a building.
- (24) Rotating Sign: A sign, or any portion thereof, which moves in a revolving or similar manner.
- (25) Under-canopy Sign. A sign that is affixed perpendicular to and underneath and hanging, or suspended, from a marquee, awning, canopy, or ceiling of a building or structure, which is intended to be viewed by pedestrian traffic.
- (26) Wall Sign: A sign fastened to or painted on the exterior wall of a building in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign or erected parallel thereto, which does not extend more than 12 inches therefrom nor project above the roofline or beyond the corner of the building.

(27) Window Sign: A sign that is attached to, affixed to, or painted on the interior or exterior of a window or door, or a sign located within two (2) feet inside of a window or door for the purpose of being visible and read from the outside of the building.

(C) Function.

- (1) Commercial Message or Speech: Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.
- (2) Instructional (Incidental) Sign: A sign that instructs employees, customers or users as to specific parking requirements; the location of, or regulations pertaining to, specific activities on the site or in the building; specific services offered; or methods of payments accepted and is not intended or designed to attract attention from off-site.
- (3) Noncommercial Message or Speech: Any sign, wording, logo or other representation that, does fall under the definition of “commercial message or speech.”
- (4) Permanent Sign: Any sign that does not fall under the definition of “temporary sign.”
- (5) Temporary Sign: A sign that is designed to be used only temporarily and is not permanently, or intended to be permanently, attached to a building, structure or on the ground.

150.355 COMPUTATIONS AND RULES OF MEASUREMENT.

The following regulations shall control the computation and measurement of sign area, sign height, sign setbacks, building frontage, and window area.

(A) Determining Sign Area or Dimension.

- (1) Sign area shall include the face of the entire display area of the sign. Sign area shall not include the structural support unless such structural support is an integral part of the sign design.
- (2) The surface area of a sign shall be computed by calculating the area of the sign face.
- (3) Sign Area.
 - (a) Framed: A sign that is framed, outlined, painted or otherwise prepared and intended to include a background for the sign display, the sign area shall include the entire portion within such frame or background.
 - (b) Nonframed: For a sign comprised of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, or awning, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric shape, or combination of shapes, that comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the Zoning Administrator or Planning Commission, shall not be included in the total area of a sign.

(4) Freestanding Sign Area.

- (a) When two identical, flat sign faces are placed back-to-back or at angles of 30 degrees or less, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 12 inches apart, the sign area shall be computed by the measurement of one of the faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.
- (b) No more than two display faces shall be permitted for one sign.

(B) Determining Sign Height.

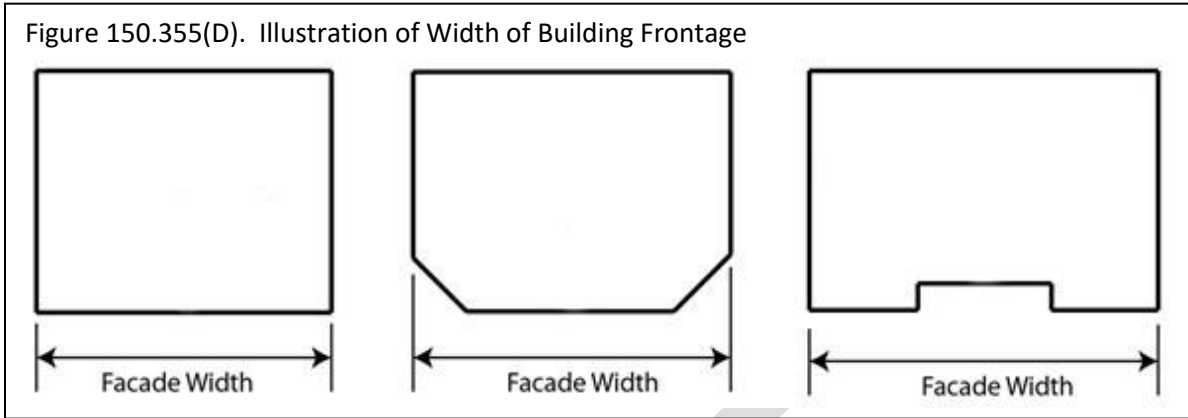
- (1) The height of a freestanding sign shall be measured as the distance from the highest portion of the sign including frame and structural members to the average finished grade of the street closest to the sign.
- (2) In the case of a sign located greater than 100 feet from a public street, height shall be measured to the average finished grade at the base of the sign. The finished grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of the sign.
- (3) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

(C) Sign Setbacks.

- (1) The required setbacks for a sign shall apply to all elements of the sign, including its frame and base.
- (2) The setback of a freestanding sign or projecting sign shall be measured horizontally from the outward edge of the sign frame to the street right-of-way or lot line, as applicable.

(D) Determining Building Frontage, Building Units, and Building Facades.

- (1) For the purposes of this Article, building frontage includes the length of any building wall described below:
 - (a) Any building wall that faces a public or private street;
 - (b) Any building wall that contains a public entrance to the uses therein.
- (2) The calculation of the width or lineal measurement of any building frontage shall be the measurement of the façade between two side facades. The calculation shall be based on viewing the façade from a 90-degree angle (i.e., straight on), regardless of façade insets, offsets, or angles. See Figure 150.355(D).



(3) For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

(E) Determining Window Area. The window area of a building shall be the total glass area of windows on the building frontage. For the purposes of determining window area for ground floor occupants, the ground floor shall be considered to be no more than 15 feet in height above grade.

150.356 PERMANENT SIGNS IN RESIDENTIAL AND PUBLIC OPEN SPACE DISTRICTS.

Permanent signs for all uses in Residential Districts and the P/OS District shall comply with the regulations set forth in this Section.

(A) Permanent signs for all uses in residential districts and P/OS District shall be limited in number, area, height and setback based on the type of use, as set forth in Schedule 150.356(A).

Schedule 150.356(A) Signs in Residential Districts (R-E, R1, R2, R3, R4 and R-5) and P/OS District					
Signs Permitted	Maximum Number of Signs Permitted	Maximum Sign Area Permitted	Regulations for Freestanding signs		
			Maximum Height	Min Setback from ROW	Min Setback from side lot line
(1) One-family and two-family dwelling units	1/unit	5 sq. ft.	4 ft.	10 ft.	10 ft.
(2) Multi-family and one family attached developments with					
(a) Per development	1/development	20 sq. ft.	6 ft.	10 ft.	10 ft.
(b) Per unit when each unit has a separate outdoor entrance	1/unit	2 sq ft per unit	NP	NP	NP
(3) Freestanding sign for Residential Subdivision ^[a]	1/subdivision entrance	40 sq ft	6 ft.	10 ft.	25 ft.
(4) Nonresidential Uses ^[b]					

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(a) Wall Sign	1/building	40 sq ft	NA	NA	NA
(b) Freestanding monument sign	1/500 feet of parcel frontage ^[c]	40 sq ft	5 ft.	10 ft.	10 ft.
Notes: [a] Sign approval required at the time of final plat approval. [b] Located on the premises of an approved nonresidential use in any residential district. [c] Except as otherwise permitted in Section 150.356(B)(3), for lots that exceed 500 feet in street frontage.					

(B) Additional Requirements for Permanent Signs in Residential and P/OS Districts.

(1) Residential properties:

- (a) Unless otherwise restricted in Schedule 150.356(A), signs may be freestanding, mounted to a permanent building or structure or displayed in a window.
- (b) Signs shall not be illuminated.

(2) Residential Subdivision Entrance Sign:

- (a) A maximum of two sign faces shall be permitted per entrance on a collector or arterial street as determined by the Zoning Administrator. The sign shall either be a double-sided freestanding sign or a two single-sided signs be mounted on a decorative wall or other entrance feature.
- (b) Freestanding signs shall be placed on private property, except that the Planning Commission may approve a freestanding sign in the street right-of-way provided such sign shall be located on the center island of a boulevard entrance, placed no closer than 25 feet to the intersecting street's right-of-way.
- (c) Regardless of location, every residential subdivision entrance sign shall be maintained by a homeowners association in compliance with the regulations for homeowners associations in Section 150.224.
- (d) Signs shall not be internally illuminated.

(3) Nonresidential Uses in Residential and P/OS Districts.

- (a) A maximum of 30% of the area of a monument sign may be devoted to changeable copy provided the changeable copy shall not be changed more than once per day.
- (b) Monument signs may be illuminated in compliance with the illumination requirements in 150.360(A).
- (c) Conditionally permitted uses may be permitted additional sign area as part of conditional use approval by the Planning Commission if the Planning Commission determines that, because of the large size of the facility and its site, the proposed larger sign will be consistent with the objectives, intent and criteria of this Article.
- (d) One additional monument sign shall be permitted for a lot with a lot frontage that exceeds 500 feet. Such sign shall comply with Section 150.356(c)(1), above. For corner lots, each street frontage shall be calculated separately. Freestanding signs on the same lot shall be separated by a minimum of 100 feet, as measured along the street right-of-way line. For corner lots, both sides of the intersection shall be used in measuring spacing.

- (4) Supplemental Regulations for Permanent Monument Signs in Residential and P/OS Districts.
 - (a) Monument signs shall be erected in a landscaped area and not on sidewalks, drives, or in parking lots.
 - (b) No part of a monument sign, the wall or entry feature on which it is mounted, or the landscaping shall obstruct the view of vehicles entering or exiting the property.
- (5) Instructional Signs. Instructional signs on multi-family and nonresidential properties that are clearly intended for instructional purposes shall be permitted as needed provided such signs are not larger than necessary to serve the intended instructional purpose, are the minimum number to serve the intended instructional purpose, and are not located nor designed to attract attention beyond the perimeter of the site, as determined by the Planning Commission.

150.357 PERMANENT SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS.

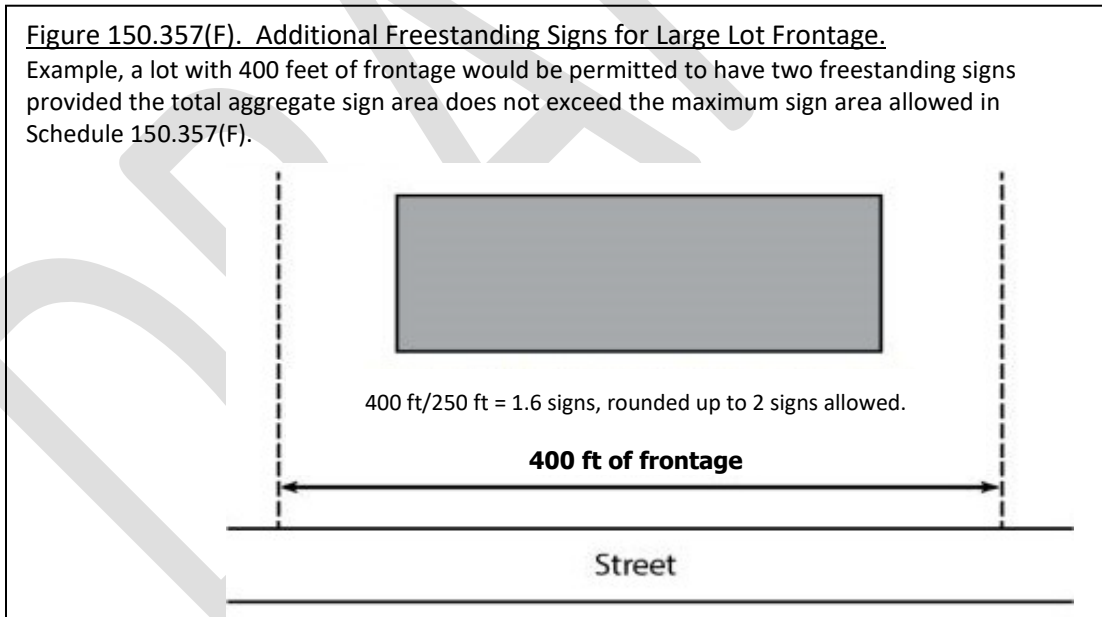
- (A) Signs for Residential Uses in Nonresidential Districts. Buildings, developments, subdivisions, or any portions thereof, that are 100 percent residential in any nonresidential district, shall be subject to the permanent sign allowances established in Section 150.356. Buildings or a single lot with a mixture of residential and nonresidential uses shall be permitted signs in accordance with this section.
- (B) Projecting Signs in B-2 Downtown Business District.
 - (1) Projecting signs shall be limited to one for each customer entrance to the building, with a maximum sign area of 10 feet, shall be permitted in lieu of a freestanding sign and shall not count toward the maximum building sign area permitted in subsection (D) below.
 - (2) Projecting signs shall be attached to the building wall so as to project at an angle of approximately 90 degrees and shall not extend more than four feet from the face of the building to which it is attached.
 - (3) Projecting signs shall not be located less than five feet from a party wall.
 - (4) All projecting signs shall have a minimum clearance of ten feet from the ground to the bottom of the sign and a maximum height of 14 feet.
 - (5) Projecting signs shall not project into a public right-of-way, unless approved by the Public Works Supervisor.
 - (6) Signs shall be fastened securely so that movement in all directions is prevented.
 - (7) Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.
- (C) Under-canopy Signs in Business Districts.
 - (1) Buildings that have a covered walkway along the building frontage shall be permitted to install one under-canopy sign for each ground floor tenant directly above the entrance to the tenant space.

- (2) Under-canopy signs shall be attached to the ceiling of an outdoor arcade or underneath a canopy, awning, or marquee perpendicular to the wall of the building to which it is attached.
 - (3) Each under-canopy sign shall not exceed a maximum sign area of six square feet and shall have a minimum clearance of eight feet from the ground to the bottom of the sign.
- (D) Building Signs. Building signs are permitted on all principal buildings in accordance with the following.
- (1) Building signs include wall or fascia signs, and signs otherwise permanently applied parallel to the building wall or other surfaces, including wall, awning and window signs.
 - (2) The maximum permitted area for building signs shall be:
 - (a) In the B-1 and B-2 Districts: one square foot for every lineal foot of building frontage.
 - (b) In the B-3 District: one and one-half square feet for every lineal foot of building frontage.
 - (c) In the M-1 District: two square feet for every lineal foot of building frontage.
 - (3) For buildings that have more than one building frontage as defined in 150.355(D), sign area shall be permitted for a maximum of two building frontages.
 - (4) This maximum area shall be the sum of the areas of all building signs, including awning and marquee signs, but not including the area of projecting signs and under-canopy signs.
 - (5) Notwithstanding the above standard, each building shall be permitted a minimum of 40 square feet of building sign area.
 - (6) Building signs shall not extend above the top of the roofline of the building to which it is attached.
 - (7) Building signs shall not be attached to mechanical equipment or roof screening.
 - (8) Building signs may be internally illuminated, but shall not include electronic message centers.
 - (9) Additional Building Sign Area for Large Building Setback. The maximum allowable area for building signs may be increased by one-half square foot of sign area for each foot of building frontage when the principal building is set back more than 200 feet from the principal street on which the building is located. In the event that only a portion of the building is more than 200 feet from the street, the additional sign area shall be calculated only for that portion of the building that is more than 200 feet from the street and facing such street.
 - (10) Permanent Window Signs. The maximum permitted area for permanent window signs shall be 25% of the total glass area of the ground floor windows. For the purposes of determining the window area of a ground floor, the ground floor shall be considered to be no more than fifteen (15) feet in height above grade.
- (F) Freestanding Signs.
- (1) Freestanding signs shall be limited to one (1) per property held in single and separate ownership, unless specifically permitted otherwise.
 - (2) Freestanding signs shall comply with the maximum permitted area and height specified in Schedule 150.357(F), except as otherwise specifically permitted in this Chapter.

Schedule 150.357(F) Regulations for Freestanding Signs In B-1, B-2, B-3 and M-1 Districts				
	Maximum Sign Area Permitted	Maximum Height ^[3]	Min Setback from ROW	Min Setback from side lot line
B-1 and B-2 Districts ^[1]	32 sq ft	6 ft.	10 ft.	10 ft.
B-3 District	60 sq ft ^[2]	12 ft.	10 ft.	20 ft.
M-1 District	60 sq ft ^[2]	12 ft.	10 ft.	20 ft.
Airport Highway Corridor Overlay District	40 sq ft ^[2]	8 ft.	10 ft.	10 ft.

Notes:
 [1] Not permitted on the site when the building is located less than 10 feet from the street right-of-way.
 [2] Plus 1 square foot for every seven (7) feet of lot frontage greater than 200 feet. In no case shall the sign area exceed 200 square feet.
 [3] Freestanding signs with height of eight feet or less shall be designed and installed as monument signs.

- (3) Additional Freestanding Signs for Large Lot Frontage. The maximum sign area allowed in Schedule 150.357(F) may be distributed to one or more freestanding sign(s) for each 250 feet of lot frontage or fraction thereof. See Figure 150.357(F).



- (4) Signs on Corner Lots. For corner lots, each street frontage shall be calculated separately.
 - (a) The allowable sign area permitted in Schedule 150.357(F) may be distributed to one or more freestanding sign(s) for each 250 feet of lot frontage or fraction thereof.
 - (b) The total area of all freestanding signs shall comply with Schedule 150.357(F).

- (c) Two signs may be aggregated into a single sign provided that the area of any freestanding sign face shall not exceed 150 percent of the maximum area permitted for a single sign.
- (5) Minimum Separation of Freestanding Sign. Whenever multiple freestanding signs are permitted on a lot, the freestanding signs shall be separated by a minimum of 200 feet, as measured along the street right-of-way line. For corner lots, both lot lines that coincide with the street right-of-way line shall be used in measuring spacing.
- (6) Landscaping. Freestanding signs shall be erected in a landscaped setting and not on sidewalks, access drives or in parking lots.
 - (a) Neither the landscaping nor the freestanding sign shall obstruct the view of vehicles entering or exiting the property.
 - (b) The landscaped area shall include all points where sign structural supports attach to the ground.
 - (c) Exposed sign foundations shall be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts.
- (7) When a freestanding sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building, the anchor occupant, all occupants, or some combination thereof.
- (8) Changeable copy. A freestanding sign may include a changeable copy sign provided it does not comprise more than eighty percent (80%) of the total sign area, and is in compliance with Section 150.358.
- (G) Entrance Signs. Each lot that includes a parking lot having spaces for four or more cars or containing a drive-thru facility shall be permitted to erect one (1) sign within 10 feet of an entrance or exit drive. Such signs shall be located on the premises which they serve. Each sign shall not exceed four (4) square feet. No more than four (4) driveway entrance signs per premises shall be erected.
- (H) Drive-thru Signs.
 - (1) Up to two freestanding drive-thru signs, such as, but not limited to menu boards, shall be permitted for each waiting lane in a drive-thru facility provided the total aggregate sign area of all drive-thru signs, for each facility, does not exceed 72 square feet. In no case shall a single drive-thru sign exceed 36 square feet in sign area.
 - (2) Drive-thru signs shall be permitted only in a side or rear yard.
 - (3) Drive-thru signage shall be in addition to the permitted freestanding sign area permitted in Section 150.357(F).
 - (4) No drive-thru sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.
 - (5) Drive-thru signs may be internally or externally illuminated.

150.358 CHANGEABLE COPY/ELECTRONIC MESSAGE CENTER SIGNS.

- (A) Non Electronic Changeable Copy. Changeable copy by non-electronic means may be utilized on any permitted sign.
- (B) Electronic Changeable Copy. Electronic message center (EMCs) signs are permitted in Nonresidential Districts in accordance with the sign areas permitted in Section 150.357 in compliance with the following provisions:
- (1) Frontage on Airport Highway (SR 2). Electronic message centers are permitted on lots in Nonresidential Districts with frontage on Airport Highway (SR 2) in compliance with the following:
 - (a) Setback from Residential Districts. The leading edge of the sign shall be a minimum distance of 100 feet from an abutting residential district boundary.
 - (b) Orientation. When located within 150 feet of a residential district, all parts of the electronic changeable copy sign shall be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on such residential lot.
 - (2) EMC Illumination.
 - (a) The brightness of the EMC's illuminance shall not exceed 0.3 foot-candles above the ambient light level in accordance with the following procedure:
 1. The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals.
 2. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC.
 3. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the following formula: $\sqrt{\text{Area of Sign Sq Ft} \times 100}$.
 - (b) All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.
 - (c) Each EMC sign shall be operated with monitoring and methods in place that shall either turn off the display, or show a full black image on the display, in the event of a malfunction that affects more than fifty percent (50%) of the EMC sign face.
 - (3) EMC Display. EMC signs shall comply with the following display requirements:
 - (a) EMC signs shall have a minimum display time of eight (8) seconds.
 - (b) The transition time between messages and/or message frames shall not exceed three (3) seconds.
 - (c) Transitions may employ fade, dissolve, and or other transition effects.

- (d) The following EMC display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement.

150.359 TEMPORARY SIGNS.**(A) General Regulations of Temporary Signs.**

- (1) Signs that meet the standards of this section are exempt from the standards for permanent signs and are not counted in the total square footage of permanent signage allowed on any particular property or site. Signs that do not meet the standards of this subsection are subject to the standards for permanent signs.
- (2) Unless otherwise stated, a sign permit for temporary signs shall be required for temporary signs that exceed 12 square feet.
- (3) Temporary signs shall comply with the intersection visibility requirements. See Section 150.360.
- (4) Temporary signs proposed to be placed over a public right-of-way shall be reviewed and approved by the Village Administrator.
- (5) Except as limited by the standards in Section 150.359(E), there is not a limit on the number of temporary signs permitted in this section provided the aggregate total square footage of sign area does not exceed the area allowed in this section.

(B) Standards that Apply to all Temporary Signs.

- (1) Temporary signs shall not be posted in any place or in any manner that is destructive to public property including, but not limited to, rights-of-way, utility poles, and public trees.
- (2) Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign, and shall not require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.
- (3) No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roofline of a structure.
- (4) Unless otherwise specifically stated, temporary signs shall not be illuminated.
- (5) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles, or structures.
- (6) Portable signs on wheels, runners, casters, parked trailers, parked vehicles, or other temporary or movable signs shall not be permitted unless otherwise specifically stated in this chapter.
- (7) Temporary signs shall be removed or replaced when such sign shows signs of deterioration, such as but not limited to faded colors or lettering, torn or damaged sign face, and rusted stakes.

- (C) Temporary Signs in Residential Districts. The following temporary signs are permitted in Residential Districts and the P/OS District, as well as on lots used for residential-only purposes in a business district:
- (1) Each lot shall be permitted to erect one temporary sign per dwelling unit provided that no such sign shall be larger than five (5) square feet or a height greater than four (4) feet and the combined area of all temporary signs on the site shall not exceed twelve (12) square feet in area.
 - (2) A temporary sign shall be set back a minimum of 10 feet from all lots lines and rights-of-way.
 - (3) Temporary signs shall be limited to yard signs and signs posted in a window subject to the sign-specific standards in Section 150.359(E), and shall be displayed for a duration not to exceed forty-five (45) days.
 - (4) Temporary Signs on Properties for Lease or Sale.
 - (a) In addition to any other permitted sign, one (1) unlighted temporary sign may be permitted on an individual lot (without a zoning certificate) when the property is being offered for sale or lease. Such sign shall be limited to five (5) square feet or less in sign area and four (4) feet in height, and shall be located on private property.
 - (b) For properties that are five acres or larger, such temporary sign shall be permitted with a maximum sign area of 24 square feet and a maximum height of eight feet. Such sign shall be set back 10 feet from all lot lines.
 - (c) Such temporary sign shall be removed within ten (10) days of the completion of said sale (title transfer, lease, or rental).
 - (5) In lieu of the above regulations, any nonresidential use located in a residential zoning district shall be permitted to have temporary signs with a commercial message in the same size, height, and manner as temporary signs allowed in Nonresidential Districts, pursuant to this section.
- (D) Temporary Signs in Nonresidential Zoning Districts. The following temporary signs are permitted in B-1, B-2, B-3, and M-1 districts:
- (1) Up to 12 square feet of temporary signs is permitted year-round, without time restrictions, provided the signs are of the following type, subject to the standards for each specific type of sign:
 - (a) Temporary A-Frame sidewalk signs:
 - (i) Sidewalk signs are permitted outside on the sidewalk only during the hours of the establishment's operation, and shall be stored indoors when the business is closed. There shall be no limit on the number of days sidewalk signs are permitted to be displayed.
 - (ii) Each business establishment shall be limited to one sidewalk sign displayed at any one time.
 - (iii) Such sign shall not exceed three feet in height or two feet in width and shall be located within five feet of such business entrance.

- (iv) The sign may be located on a public or private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas or on pavement used for vehicles (e.g., driveways and parking lots).
 - (v) If the sign is placed on a sidewalk or walkway, the sign shall be placed only where the paved sidewalk or walkway width, not including curb top, is at least seven feet wide. The width and placement of the sign shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.
 - (vi) The sign shall be free-standing and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure, and shall not obstruct access to any feature legally in the right-of-way.
 - (vii) The sign shall be internally weighted so that it is stable and windproof.
 - (viii) The Village of Swanton shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.
- (b) Temporary Banner Signs on Private Property.
- (i) Banner signs may be attached to a building, fence, or other similar structure, provided such banner sign does not encroach on the public right-of-way.
 - (ii) Banner signs attached to posts and mounted in a yard or landscaped area shall be regulated as a temporary yard sign.
 - (iii) The maximum height standard for temporary signs shall not apply to a banner sign but such signs shall not be mounted in a manner that extends above the roofline of a building or the top of the structure on which it is mounted.
 - (iv) For zoning permit applications related to the establishment of a new use within an existing building where there is existing permanent sign, a banner sign that is installed so to cover the existing sign may be approved for up to 60 consecutive days. Such banner sign shall not exceed the sign area of the permanent sign and shall require a sign permit.
- (c) Temporary yard signs.
- (i) There shall be a maximum of two faces to the sign, mounted back-to-back.
 - (ii) The maximum height shall be five feet.
- (2) Limited Temporary Sign Allowance. In addition to the temporary signage allowed year-round, each lot in nonresidential districts shall be permitted the use of additional temporary signage on a limited time basis.
- (a) Each lot is permitted to have an additional 24 square feet of temporary signs for a period of 30 consecutive days, up to four times per calendar year.
 - (b) The limited temporary sign allowance may include any of the following sign types subject to any applicable standards established for each sign type in this chapter.
 - (i) Banner signs;

- (ii) Temporary window signs; and
 - (iii) Temporary yard signs.
- (3) Temporary Signs on Properties for Lease or Sale.
 - (a) In addition to any other permitted sign, each lot shall be permitted one (1) unlighted temporary sign not to exceed eight (8) square feet in area when the property is being offered for sale or lease. Such temporary sign shall be located on private property at least twenty (20) feet from the edge of pavement.
 - (b) Such temporary sign shall be removed within ten (10) days of the completion of said sale (title transfer, lease, or rental).
- E. Temporary Sign for Properties Under Construction. In addition to any other permitted sign, one (1) unlighted sign not exceeding eight (8) square feet in area may be located and maintained upon a property during active construction, with the issuance of a six (6) month renewable zoning certificate. Such sign shall not be located closer than twenty (20) feet to the road pavement edge.

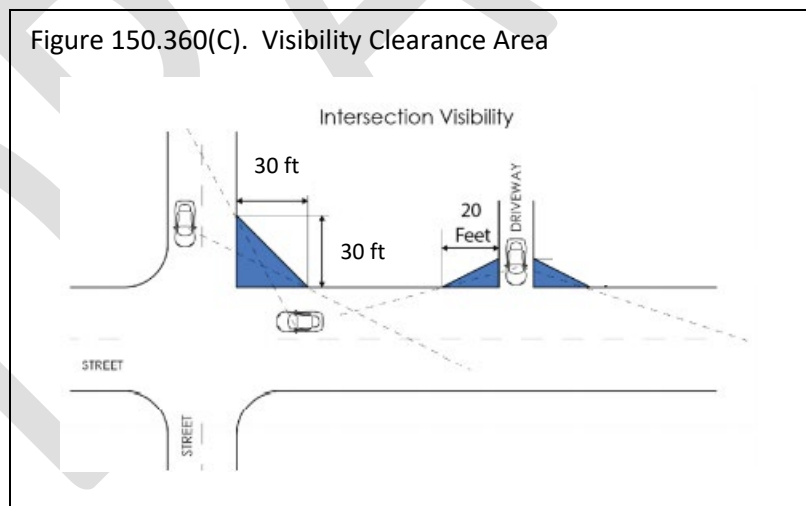
150.360 SIGN ILLUMINATION, CONSTRUCTION AND MAINTENANCE STANDARDS.

- (A) Illumination. Illuminated signs permitted in Sections 150.356 through 150.358 shall be illuminated only in compliance with the following standards:
 - (1) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists or cause reasonable objection from adjacent residential districts.
 - (2) Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.
 - (3) No sign shall be illuminated in such a way that the source of light is visible from any premises other than that on which the sign is located.
 - (4) In no event shall an illuminated sign or lighting device permit the beams or illumination therefrom to be directed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a hazard or nuisance.
 - (5) Any illuminated sign or lighting device shall emit a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. This restriction shall not apply to any legally permitted electronic message center sign, provided such sign is operated in accordance with Section 150.358.
- (B) Construction Standards. The construction, erection, safety and maintenance of all signs shall comply with all requirements of the applicable building and electrical codes and all of the following:
 - (1) All signs shall be constructed in a professional manner in conformance with the appropriate building code and other applicable requirements of the Village and County and shall be structurally sound to withstand wind pressures of at least 30 pounds per square foot of surface area.
 - (2) All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.

- (3) Signs shall not be erected in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
- (4) If possible, signs should not be in locations that obscure architectural features such as pilasters, arches, windows, and cornices.
- (5) Signs shall not project over or obstruct the required windows or doors of any structure or building, and shall not be attached to or obstruct a fire escape or interfere with other safety provisions as may be further related to other codes.
- (6) Signs shall be structurally designed in compliance with ANSI and ASCI standards. All electric signs shall be constructed according to the technical standards of a certified testing laboratory, and shall be installed, repaired, altered, and serviced only by a contractor licensed to perform such tasks.

(C) Clearances:

- (1) Vision clearance areas: Vision clearance areas are triangular shaped areas located at the intersection of any combination of rights-of-way or driveways. No sign shall be installed within the clear sight triangles defined below. See also Figure 150.360(C).
 - (a) At the intersection of two street rights-of-way, the triangle shall extend thirty (30) feet from the intersection of the rights-of-way in either/each direction.
 - (b) At the intersection of a street right-of-way and a driveway, the triangle shall be established by locating the intersection of the street curb with the driveway edge, and by measuring from this point a distance of ten feet along the driveway to a point and a distance of 20 feet along the street curb to a point and connecting these points.



- (2) Signs shall not be erected so as to obstruct traffic-control lights, street name signs at intersections, or signals at railroad grade crossings.
- (3) Vehicle area clearances: In areas outside of rights-of-way, when a sign or awning extends over an area in which vehicles travel or are parked, the bottom of the structure shall be at least fourteen (14) feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.

- (4) Signs in the Right-of Way. Only the Village may install signs in the public right-of-way, which, when installed shall be at least fourteen (14) feet above the ground.

(D) Maintenance Requirements. All signs shall be maintained in accordance with the following:

- (1) The property owner shall maintain the sign in a condition appropriate to the intended use and in compliance with all applicable requirements of this Code..
- (2) The Zoning Administrator may order any sign to be painted or refurbished whenever needed to keep the sign in a neat and safe condition. All supporters, guys, braces and anchors for such signs shall be maintained in a safe condition.
- (3) If the sign is deemed by the Zoning Administrator to be in an unsafe condition, the owner of the business shall be immediately notified in writing, and shall, within 48 hours of receipt of such notification, respond to the Village with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If, after 14 days, the unsafe condition has not been corrected through repair or removal, the Zoning Administrator may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within 30 days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property, together with an additional 50% penalty for collection as prescribed for unpaid real estate taxes.
 - (a) All notices mailed by the Zoning Administrator shall be sent by certified mail. Any time periods provided in this subchapter shall be deemed to commence on the date of the receipt of the certified mail.
 - (b) For all other signs, the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If unknown, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.
 - (c) Any person having an interest in the sign or the property may appeal the determination of the Zoning Administrator ordering removal or compliance by filing a written notice of appeal with the Committee of Zoning Appeals within 30 days after receipt of the notice.
- (4) In cases of emergency, the Zoning Administrator may cause the immediate removal of a dangerous or defective sign without notice.
- (5) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, relettering or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
 - (a) There is no alteration or remodeling to the structure or the mounting of the sign itself;
 - (b) There is no enlargement or increase in any of the dimensions of the sign or its structure;
 - (c) The sign is accessory to a legally permitted, conditional or nonconforming use.

150.361 NONCONFORMING, ABANDONED AND ILLEGAL SIGNS.

- (A) Maintenance. Nonconforming signs shall be maintained in good condition and structural parts may be repaired or restored to a safe condition if required, and if a permit is issued; provided, however, that any sign or parts thereof which have been blown down, destroyed or otherwise taken down for any purpose, shall not be rebuilt, re-erected or relocated unless it shall be made to comply with the provisions of this zoning code and the state building code. Any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way which makes it more nonconforming or the sign may lose its legal nonconforming status.
- (B) Alteration and Removal of Nonconforming Signs.
- (1) Nonconforming signs shall be removed and any subsequent modification or replacement, excluding maintenance pursuant to Section 150.360 shall conform to all requirements of this chapter:
 - (a) When more than fifty percent (50%) of the value of the sign has been destroyed or has been taken down; or
 - (b) When the use to which the nonconforming sign is accessory is vacant for ninety consecutive days.
 - (2) Following six (6) years from the date of the amendment to this Article that made the sign nonconforming, unless an extension is granted by the Planning Commission.
 - (a) The Planning Commission may extend the time for removal of a nonconforming sign for a period that is the lesser of the remaining depreciable life of the nonconforming sign or five years.
 - (b) Any such extension shall be subject to the criteria for granting variances set forth in Article 150.69. In determining the depreciable life of a nonconforming sign, the Planning Commission may consider the depreciable life determined by the owner of such sign, but may also consider other standard accounting principles.
 - (3) A nonconforming sign shall not be altered, modified or reconstructed except:
 - (a) When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;
 - (b) When the existing use has new ownership which results in a change in the name or logo of the use or business on the property, and such change complies with subsection (4) below;
 - (c) When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation, and such change complies with subsection (4) below;
 - (d) Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same area or repainting a sign face, and does not permit changes to the structure, framing, erection or relocation of the sign unless such changes conform to subsection (1) above.

- (4) A nonconforming sign shall immediately lose its legal nonconforming status and thereafter must be brought into conformance with this article or removed whenever alterations to a nonconforming sign changes the structure, framing or erection or relocation of the sign.

(C) Abandoned Signs.

- (1) Except as otherwise provided in this Section, any sign that is located on property which becomes vacant and is unoccupied for a period of 90 days or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned.
 - (a) An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.
 - (b) Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of 120 days or more.
- (2) Whenever the removal of an abandoned sign has been ordered by the Zoning Administrator, the person, firm, or corporation who erected, affixed, or attached such a sign or display, shall remove such sign within 30 days after receiving such notice.
 - (a) In the event of noncompliance, the Zoning Administrator is authorized to commence legal action for an order to remove such sign at the expense of (b) person, firm or corporation who erects such sign or on whose premises it was erected, affixed or attached.
 - (b) The sign area shall be replaced by a neutral, single background color panel or similar cover. If the sign is comprised of individually raised letters, the letters shall be removed and any holes in the building's façade shall be repaired.
 - (c) The person, firm or corporation who erects such sign or on whose premises it was erected, affixed or attached shall be individually and separately liable for all expenses incurred by the Village to remove the sign.

- (D) Illegal Signs. Signs erected in violation of the Code shall be removed by the owner, tenant, occupant and/or sign applicant, or person having the beneficial use of the building, structure, or land upon which such sign is located, within 90 days after receipt of written notice by the Zoning Administrator. Upon failure to remove the sign pursuant to such order, the Zoning Administrator is hereby authorized to commence legal action for an order to remove the sign. All expenses incurred by the Village to remove the sign shall be paid by the owner of the property on which the sign is located.

150.362 APPLICATION FOR SIGN PERMIT.

- (A) Application generally. The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his or her authorized agent, or sign contractor.
- (1) Such application shall be made in writing on forms furnished by the Zoning Administrator and shall be signed by the applicant.
 - (2) A sign permit shall be required for all permanent signs and each application shall be accompanied by a drawing (to scale), showing the following:

- (a) The design and layout proposed, including the total area of the sign, the size, character, materials and color of letters, lines and symbols;
- (b) The method of illumination, if any;
- (c) The exact location of the sign in relation to the structure of building and property; and
- (d) Details and specifications for construction, erection, and attachment as may be required by the zoning or state building code.

(B) Issuance: denial.

- (1) The Zoning Administrator shall issue a permit for the erection, alteration or relocation of a sign within the village when an application has been properly made and the sign complies with all appropriate laws and regulations of the village.
- (2) The Zoning Administrator may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of misstatement of fact or fraud. When a sign permit is denied by the Zoning Administrator, he or she shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

(C) Effect of issuance. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in any action to abate an unlawful sign.

(D) Fees.

- (1) The applicant shall pay the sign fee established by council, which shall accompany each application.
- (2) When any sign is installed on any property prior to obtaining all necessary permits, the normal fee for that sign shall be doubled. The late fee shall not relieve the owner of the sign from complying with all other provisions of this zoning code.

ARTICLE 150.37
Off-Street Parking and Loading Requirements

150.371	Intent.	150.382	Parking Spaces for Persons with Disabilities.
150.372	Scope of Regulations.	150.383	Location of Required Parking Spaces.
150.373	Application and Design.	150.384	Off-Street Stacking Spaces For Drive-Through Facilities
150.374	Use of Facilities.	150.385	Off-Street Loading Requirements.
150.375	Units of Measure.	150.386	Access Drives.
150.376	Schedule of Parking Requirements.	150.387	Construction, Use, Improvement, and Maintenance Standards.
150.377	Parking Requirements for the B-2 Downtown Business District.	150.388	Landscaping and Screening Requirements.
150.378	Modification of Standards.	150.389	Approval of Facilities.
150.379	Deferred Construction of Required Spaces.		
150.380	Allowance for Shared Parking.		
150.381	Allowance for Off-site Parking.		

150.371 INTENT.

Off-street parking and loading requirements are established in order to achieve, among others, the following purposes:

- (A) To provide regulations for the development of accessory off-street parking and loading facilities in accordance with the objectives of this Zoning Code so as to;
 - (1) Ensure a sufficient number of off-street parking spaces are provided on site in proportion to the need of the use;
 - (2) Relieve congestion so the streets can be utilized more fully for movement of vehicular traffic;
 - (3) Promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movements in the vicinity of intensive pedestrian traffic and minimize external effects on adjacent properties;
 - (4) Protect adjoining residential neighborhoods from excessive on-street parking;
 - (5) Promote the general convenience, welfare and prosperity of business, service, research, production and manufacturing developments which depend upon off-street parking facilities; and
- (B) To provide for accommodation of vehicles in a functionally and aesthetically satisfactory manner.
- (C) To allow flexibility in addressing vehicle parking and access issues.

150.372 SCOPE OF REGULATIONS.

- (A) Compliance Required. Accessory off-street parking facilities shall be provided in compliance with the provisions of this Article prior to the occupancy of a building, structure, land, or portion thereof whenever:
- (1) A new building is constructed or a new use is established.
 - (2) An existing building is altered such that there is an increase in the number of dwelling units, seating capacity, floor area of a building, or employees. In the case of such expansions and enlargements, additional parking, loading, and waiting spaces are required to serve only the enlarged or expanded area.
 - (3) The use of an existing building or structure or use of land is changed to a use that requires more off street parking facilities.
 - (4) Notwithstanding subsections (2) and (3) above, certain nonconforming uses may continue as provided in Section 150.416.
- (B) Existing Uses. The requirements of this Article shall not apply to buildings and uses legally existing on the effective date of this Article, except when the use is changed or modified in a manner described in subsection 150.372(A), such as but not limited to when a single-family dwelling is converted to a two-family dwelling. Any existing parking facility serving an existing building or use shall be continued and maintained in operation and shall not be reduced below the capacity that was provided on the effective date of this amendment unless an equivalent number of spaces shall be provided for said use in another approved location, in compliance with this Article.
- (C) Expansion/Alteration of Existing Parking and Loading Facilities:
- (1) Parking lot expansion. Whenever an existing parking lot or loading area is enlarged to cover a greater surface area, the entire parking lot and/or loading area shall be made to conform with the current requirements for paving, storm sewer, and landscaping, to the maximum extent practicable as determined by the Planning Commission.
 - (2) Alterations or repairs may be made to any existing parking lot and/or loading area without requiring the existing facility to comply with all requirements of this Article, provided the alteration or repair conforms to the requirements applicable specifically to such alteration or repair set forth herein.

150.373 APPLICATION AND DESIGN.

- (A) Any application for a zoning permit to construct a building with requisite parking facilities, or for a certificate of zoning compliance for a change in use of land or a building, shall include a development plan drawn to scale and fully dimensioned, showing the proposed design of the parking area and loading facilities to be provided in compliance with the provisions of this Article and Article 150.65, Development Plan Review.
- (B) The development plan shall be accompanied by a storm water management plan for all parking areas. Storm water calculations, including detention plans, shall be submitted for review to the Planning Commission, Village Engineer and Village Administrator. No zoning permit or zoning

certificate shall be issued until an adequate storm water management plan has been approved in accordance with Article 150.65 Development Plan Review.

150.374 USE OF FACILITIES.

Off-street parking and loading facilities accessory to an existing use on the effective date of this Zoning Code, and those required as accessory to a use created or a building constructed or altered thereafter, shall be continued and maintained in operation, and shall not be used for the sales, service or repair of motor vehicles or for any other outdoor uses, except when specifically authorized by the Zoning Code.

150.375 UNITS OF MEASURE.

- (A) Computations. In computing the number of parking spaces required by this Code, the following rules shall apply.
- (1) Floor Area. Where floor area is designated as the standard for determining parking space requirements, "floor area" shall mean the total area of all floors of the building used by the principal activity as specified in Schedule 150.374, measured from the exterior faces of the building. The areas used for storage or otherwise not occupied by people may be excluded from the floor area calculation, when approved by the Planning Commission, according to Section 150.378.
 - (2) Seats. Whenever the parking requirements are based on seating capacity, capacity shall be determined by:
 - (a) The number of seating units indicated on the development plan ; or
 - (b) One seat for each 24 lineal inches of benches or pews indicated on the development plan; or,
 - (c) One seat for each 20 square feet of gross floor area of the assembly room(s).
 - (3) Employees. Whenever the parking requirements are based on employees, it shall mean the maximum number of employees on duty on the premises at any one time or on any two successive shifts, whichever is greater.
- (B) Fractional Numbers. When the computation results in a fractional unit, the number shall be rounded up to the next whole number.
- (C) Parking for Mixed Uses. When a building or group of buildings on a development site contains two or more uses, the number of parking spaces for each use shall be computed separately. The total spaces provided shall not be less than the sum of the spaces required for each use, except as otherwise provided for in Section 150.380.
- (D) Parking Requirements for Uses Not Specified. When the off street parking requirements for a use are not specifically defined herein, the parking facilities for such use shall be determined by the Zoning Administrator based on the standard most similar to the proposed use.

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150.376 SCHEDULE OF PARKING REQUIREMENTS.

Accessory off-street parking facilities shall be provided in quantities not less than set forth below in Schedule 150.376.

Schedule 150.376 Required Off Street Parking Spaces	
Principal Building or Use	Minimum Parking Requirement ^{(a) (b)}
(A) Residential	
(1) Bed & Breakfast	1 space per guest room, plus 2 spaces for the dwelling unit
(2) Congregate Care Facility/Nursing Home	1 space per 2 beds, plus 1 space for every 3 employees
(3) Dwelling unit, including permanently sited manufactured home units	2 spaces per dwelling unit
(4) Group Home, Small & Large	1 space per 2 beds
(5) Manufactured Home Park	2 spaces per manufactured home space
(B) Civic Uses	
(1) Day Care Center, Adult or Child	1 space per 400 square feet of floor area plus 1 space per employee
(2) School, elementary/secondary	1 space per classroom plus 1 space for every 4 seats in the largest auditorium or assembly room
(3) Government Facilities	As determined by the Planning Commission ^(b)
(4) Places of Assembly, including: Country Club (public, private/semi-private); Place of worship; Meeting Hall, Similar Social/Fraternal Club; Museum, Gallery & Similar Cultural Facility	1 space per 4 seats in main assembly room or 1 space per 4 persons at maximum capacity, whichever is greater
(5) Public Park, Playground; Public Sports Fields	As determined by the Planning Commission ^(b)
(C) Office, Business & Professional Services	
(1) Financial Institutions	1 space per 300 square feet of floor area.
(2) Funeral Home, Mortuary	1 space for each 50 square feet of parlors plus 1 space for each vehicle maintained/stored on the premises
(3) Medical Clinic/Urgent Care; Dental Office	1 space per 250 square feet
(4) Office: Administrative, business, executive and/or professional; Radio or Television Station; Sales Office with only samples of products	1 space per 300 square feet of floor area.
(5) Research and Testing Laboratories; Business Equipment and Supplies	1 space per 400 square feet of floor area
(6) Vocational, Trade or Technical School	1 space for every employee, plus 1 space for every 2 students
(D) Retail/Entertainment/Personal Services	
(1) Amusement/Recreation Services, Indoor	1 space per 3 persons based on maximum occupancy

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Schedule 150.376 Required Off Street Parking Spaces	
Principal Building or Use	Minimum Parking Requirement ^{(a) (b)}
(2) Animal Boarding/Kennel; Animal Grooming/Animal Day Care	1 space per 500 square feet of floor area
(3) Animal Hospital/Veterinarian Office	1 space per 400 square feet of floor area, plus 1 space for every 2 employees.
(4) Auction Warehouse, Showroom	1 space per employee, plus 1 space per 500 square feet of floor area
(5) Beauty salons and barber shops	2 spaces per beauty or barber chair
(6) Brewpub	1 space per 50 square feet of restaurant floor area or 1 space per two seats, whichever requires the greater number of spaces, plus 1 space per 2,000 square feet of floor area of production area
(7) Hotel/Motel	1 space per guest room or unit, plus 1 space for every 2 employees
(8) Indoor Entertainment: Dancing & Live Entertainment in association with permitted use	1 space per 3 persons based on maximum occupancy load of entertainment area
(9) Micro-Brewery, Micro-Distillery, Micro-Winery	1 space per 500 square feet of industrial/manufacturing floor area, plus the required parking spaces for retail/restaurant floor area
(10) Retail establishment; Personal Services	1 space per 250 square feet of floor area
(11) Restaurant, indoor (including bars/taverns)	1 space per 50 square feet of floor area or 1 space per 2 seats, whichever requires the greater number of spaces.
(12) Restaurant, outdoor seating	For the first 500 square feet of outdoor seating area, no additional parking spaces. Beyond 500 square feet, 1 space per 50 square feet of floor area or 1 space per 2 seats, whichever requires the greater number of spaces.
(13) Retail, Large-Format	1 space per 500 square feet of floor area, plus 1 space per 1,000 square feet of outdoor display area
(E) Vehicles and Equipment	
(1) Sales and service of construction equipment, buses, farm machinery, recreational vehicles and other large equipment	1 space per 400 square feet of floor area of sales room, plus 1 space for each service stall in the service room and 1 space per employee
(2) Vehicle and equipment major repair services; Vehicle service station, minor	2 spaces per service bay, plus 1 space for every employee
(3) Vehicle sales & rental	1 space per 400 square feet of floor area of sales room, plus 1 space for each auto service stall in the service room and 1 space per employee
(4) Vehicle fuel station	2 spaces per pump
(5) Vehicle wash	2 spaces per wash bay
(F) Storage, Warehousing, Distribution	
(1) Distribution Operations	1 space per 2 employees

Schedule 150.376 Required Off Street Parking Spaces	
Principal Building or Use	Minimum Parking Requirement ^{(a) (b)}
(2) Self-Storage Units/Mini Storage	When an onsite leasing or project office is provided, 1 parking space for each 100 storage units. When no on site office is provided, no spaces are required. Required parking spaces shall not be rented, leased, or used as vehicle storage areas.
(3) Transportation Services; Warehouses, Similar Storage Establishments, Parcel Delivery Stations	1 space per 2 employees
(4) Wholesale Offices & Showrooms	1 space per 2 employees, plus 1 space per 500 square feet of showroom space
(G) Production/Manufacturing	
(1) Light manufacturing uses; Fabrication and assembly operations	1 space per 400 square feet of office floor area, plus 1 space per 1,500 square feet of production/assembly activities floor area
(2) All Other Production/Manufacturing Facilities	1 space per 2 employees
<u>Notes to Schedule 150.376:</u>	
(a) A minimum of five (5) spaces is required for each facility other than one-family detached dwellings.	
(b) Specific requirements shall be based on requirements for similar uses, location of proposed use, surrounding land uses, expected demand and traffic generated by the proposed use, and appropriate traffic engineering and planning criteria and information.	

150.377 PARKING REQUIREMENTS FOR THE B-2 DOWNTOWN BUSINESS DISTRICT.

In recognition of the historic, compact character of buildings in the B-2 Downtown Business District, the Planning Commission may approve a development plan with up to a fifty percent (50%) reduction in the requirements of Schedule 150.376, Required Off-Street Parking Spaces, for nonresidential uses. To request such a reduction, an applicant shall submit a parking assessment at the time a development plan is submitted that includes the information detailed in Section 150.377(B).

- (A) In making a determination for such a reduction, the Planning Commission shall consider the following criteria:
- (1) The character of the proposed use and the ability of the proposed use to reinforce the central business district environment;
 - (2) The availability and accessibility of public parking spaces, both on-street and within public parking lots;
 - (3) The availability of parking spaces on adjacent and nearby sites, considering the hours of operation of the proposed use compared to adjacent uses; and,
 - (4) The potential negative impact to the character of Downtown Swanton if the requisite number of parking spaces are provided.
- (B) The parking assessment shall include a description of the use and its anticipated relationship to, and impact on, the surrounding parcels. At a minimum, the assessment shall include the following:

- (1) The nature of the proposed use(s), activities and events that will be accommodated, including hours of operation and peak hours of occupancy.
 - (2) The estimated number of parking spaces required at peak capacity.
 - (3) The number of parking spaces required according to Schedule 150.376 compared to the number of spaces proposed.
 - (4) The current supply and utilization of public parking spaces in the immediate area.
 - (5) How available spaces meet the needs of the proposed use.
 - (6) Suggested parking management solutions to address any anticipated discrepancy between the number of parking spaces available and anticipated parking demand.
- (C) The Planning Commission may authorize additional reductions in parking spaces in the B-2 District in compliance with Section 150.380, Allowance for Shared Parking, and with Section 150.381, Allowance for Off-Site Parking.

150.378 MODIFICATION OF STANDARDS.

Off-street parking requirements may be reduced in the Village based on the provisions of this Section.

- (A) A reduction of up to ten percent (10%) of the number of required parking spaces may be permitted administratively by the Zoning Administrator when the applicant demonstrates that the reduction in parking will not impact adjacent uses.
- (B) The Planning Commission may approve a reduction in required parking spaces by up to forty percent (40%) as a conditional use in accordance with the procedures set forth in Article 150.67, when the applicant demonstrates in a parking assessment, prepared by a traffic consultant in accordance with Section 150.377(B)(1)(6), or in parking data from comparable sites provided that:
 - (1) The use of transportation demand management programs and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to the minimum Village parking requirements, and
 - (2) The reduction in parking will not impact adjacent uses.

150.379 DEFERRED CONSTRUCTION OF REQUIRED SPACES.

If the number of parking spaces required by this Article for a nonresidential use is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, a development plan may be approved with an allowance for the construction of a lesser number of parking spaces provided that:

- (A) The total number of spaces initially constructed on the site of the principal use shall not be less than 70% of the spaces required by this Article.

- (B) Suitable area is reserved for the construction of the balance of the total number of spaces otherwise required by this Article. Such suitable areas shall be illustrated on the development plan in locations and with landscaping in full compliance with this Zoning Code.
- (C) The Planning Commission, upon reevaluation of the project's parking needs, may at any time direct that some or all of the parking spaces identified in sub-section (B) be constructed, and shall notify the property owner of such determination.
- (D) When additional parking is determined necessary, it shall be provided according to the approved development plan.

150.380 ALLOWANCE FOR SHARED PARKING.

Developments that contain a mix of uses on the same parcel or two or more uses on separate parcels may share parking spaces to satisfy a portion of the minimum off-street parking requirement in compliance with the requirements of this Section.

- (A) The required number of parking spaces for the combined uses may be reduced by 30% for shared parking when hours of operation overlap.
- (B) The parking facility to be shared shall be owned by the owner of one of the uses or leased for at least a 20-year term or through a permanent easement by the owner of the uses being served. Such lease or easement shall be approved by the Village Solicitor.
- (C) No changes shall be made to the shared parking facility that would reduce the number of parking spaces provided for the uses, unless the owner of one of the uses makes other arrangements to provide parking. No such changes shall be made without Zoning Administrator approval prior to any changes taking place.
- (D) Handicap parking spaces shall not be shared, unless the uses that are to share the spaces are adjacent to the handicap spaces and no inconvenience to the users of such spaces would be created.
- (E) Any proposed change in the use of a structure that shares a parking facility will require proof to the Zoning Administrator that adequate parking is available.
- (F) Parking facilities to be shared shall be located on the same lot or lots as the use for which the parking spaces are intended, except when the parking facility complies with all the requirements of Section 150.381, Allowance for Off-Site Parking.

150.381 ALLOWANCE FOR OFF-SITE PARKING.

All off street parking spaces shall be located on the same lot as the structure or use unless parking spaces are provided in compliance with all the requirements of this Section.

- (A) The use shall provide at least 50% of the required parking spaces on the site. The Planning Commission may grant an exception to this requirement under the following criteria:
 - (1) Proximity of the proposed parking area to the use served;
 - (2) Ease and safety of access between the proposed parking area and the use served;

- (3) The use to be served by the offsite parking; and,
 - (4) The hours of operation of the use to be served by the off-site parking.
- (B) Offsite spaces shall be within 500 feet walking distance, measured along the pedestrian route to a building entrance or use. Safe and convenient pedestrian access, such as a sidewalk or path, shall exist or be provided from the structure or use to the parking lot. Appropriate safety measures shall be provided if the pedestrian must cross an arterial street.
- (C) Contiguous lots providing off-street parking for more than one use shall provide sufficient parking spaces to comply with the combined total parking requirements for all uses unless an allowance for shared parking is granted under Section 150.380.
- (D) The offsite lot may be located in another business or industrial zoning district than the structure or use it serves.
- (E) The lot used as an off-site parking facility shall be owned or leased for at least a 20 year term or acquired through a permanent easement by the owner of the use being served. The Village Solicitor shall approve the lease or easement. Such lease or easement shall require the owner of the land on which the parking facilities are to be located to be bound by a covenant filed and recorded in the office of the County Recorder of Fulton or Lucas County, requiring each such owner, his or her heirs, or assigns to maintain the required number of parking facilities for the duration of the use served as a condition to the continuation of such use. If the term of the use is limited by a conditional use permit, then the term of the lease agreement for parking may be limited accordingly. At the expiration of the term of a lease or extensions thereof, the owner shall provide other suitable parking with sufficient parking spaces or end the use that required the parking.
- (F) The number of off-site parking spaces shall not be reduced, unless other sufficient parking spaces are provided by the owner of the use. The Zoning Administrator's approval is required prior to changing the approved parking plan.
- (G) All required handicapped parking spaces for a use shall be located on site.
- (H) All required loading spaces shall be located on site.
- (I) An existing nonconforming parking lot used under this Section as off-site parking shall be landscaped, paved and striped according to the standards of this Article and the Zoning Code.

150.382 PARKING SPACES FOR PERSONS WITH DISABILITIES.

In compliance with the Americans with Disabilities Act (ADA) of 1990, all new construction and alterations to places of public accommodation and commercial/industrial facilities shall provide parking spaces that are designed and constructed to be readily accessible to persons with disabilities.

150.383 LOCATION OF REQUIRED PARKING SPACES.

- (A) In addition to specific requirements contained in each zoning district, accessory parking facilities shall be provided at locations as set forth herein, except as may be modified in this Article.

- (1) Residential Uses. Accessory, enclosed or open parking facilities as required shall be provided on the same lot as the dwelling unit served.
 - (a) In multi-family developments, parking facilities shall be provided within a walking distance of 300 feet of the building entrance of the unit to be served.
 - (b) All residential driveways installed or altered after the effective date of this section shall be a minimum width of 12 feet and shall be constructed of asphalt, concrete or masonry type material, or of alternative paving materials, such as porous/ permeable pavement, Grasscrete (or other pervious paving system) or a synthetic material designed for residential driveway use. Stone or gravel is not permitted.
 - (2) Nonresidential Uses. Accessory parking facilities shall be provided on the same lot as the principal use served, except where modified in accordance with the provisions of this Article, as set forth in Article 150.27 Business and Industrial District Regulations.
- (B) All required off street parking spaces shall have direct access to an aisle or driveway without the need to move another vehicle, except as otherwise specifically permitted in this Article.
- (C) Any off-street parking spaces dedicated to temporary parking for customers waiting for order pick-up or for delivery vehicles shall be located so as to not cause congestion and interfere with traffic circulation on the site or in the public right-of-way. Such spaces shall be clearly designated as temporary parking/waiting spaces.
- (D) Parking Lots Adjacent to Buildings. Off street parking spaces for a use other than a single or two-family dwelling shall be located at least ten (10) feet from any building wall containing ground floor openings other than a garage door providing access, light, or ventilation to the building.
- (E) Parking in Designated Areas Only. In any district, a vehicle customarily or seasonally parked shall be parked only in a parking area specifically constructed for such purpose, and shall not be parked on tree lawns on the lot, sidewalks, yards or other areas required to be landscaped. See also Section 150.221, Outdoor Parking And Storage Of Trucks And Recreational Vehicles in Residential Districts.
- (F) Areas Computed as Parking Spaces. Areas that may be computed as open or enclosed off-street parking spaces include any private garage, carport or other area available for parking, other than a street or driveway, except as specifically permitted below:
- (1) For a one-family detached, one-family attached, or two-family dwelling, a driveway in the front or side yard shall be permitted to count as eligible parking space(s) up to a maximum of two (2) parking spaces per dwelling unit.
 - (2) In a multi-family development including attached one-family dwellings and units in a Planned Residential Development Overlay District, a dwelling unit that has a separate and individual private driveway that can accommodate two automobiles without encroaching on the public right-of-way may be counted as two parking spaces.

150.384 OFF-STREET STACKING SPACES FOR DRIVE-THROUGH FACILITIES.

A drive-thru establishment or other establishment which, by its nature, creates lines of customers in vehicles waiting to be served shall provide off-street stacking spaces on the same lot as the use, in addition to the required number of parking spaces in Schedule 150.376, in accordance with the requirements in Schedule 150.384(A).

(A) Schedule 150.384(A) Minimum Number of Stacking Spaces:

Schedule 150.384(A) Minimum Number of Stacking Spaces	
Use	Minimum Requirement
(1) Establishments selling food/drinks:	Six (6) stacking spaces per drive-thru window as measured from the first window
(2) Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure:	Ten (10) stacking spaces, not counting the washing bay
(3) Banks, ticket booths, drive-up ATM machines and other similar facilities with service windows or service entrances:	Four (4) stacking spaces for the first drive-thru window or stall plus two (2) stacking spaces for each additional window or stall, which may be distributed as determined by the applicant
(4) Self-serve car wash facilities:	Two (2) stacking spaces per stall, not counting the washing bay
(5) Gasoline stations:	Two (2) stacking spaces per accessible side of a gasoline pump island
(6) All other uses, such as retail pick-up windows:	Three (3) stacking spaces for each window, stall, and entrance

(B) Off-street stacking spaces, which includes the space for the vehicle being waited upon at the service window or fuel pump, shall be clearly delineated on the development plan.

(C) The number of stacking spaces required by Schedule 150.384(A) shall be required for each separate stacking lane. If two or more stacking lanes converge into one lane (e.g., two separate lanes for ordering at a restaurant converge to one lane after the menu board), the stacking spaces shall be required in accordance with Schedule 150.384(A) with the spaces located after the convergence point counting toward both stacking lanes.

(D) Stacking Space Dimensions. The area of an off-street stacking space shall be at least 144 square feet (measuring 8 feet by 20 feet) exclusive of access drives and parking aisles and shall not interfere with parking or circulation.

(E) Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent public streets. The circulation shall separate drive-through traffic from site circulation traffic, not impede or impair access into or out of parking spaces, minimize conflicts between pedestrian

and vehicular traffic by physical and visual separation between pedestrian ways and stacking lanes and driveways, or at the crossing of the two.

- (F) Vehicles shall not be permitted to wait within the public right-of-way for service at any drive-through facility.

150.385 OFF-STREET LOADING REQUIREMENTS.

Accessory loading and unloading facilities shall be provided prior to the occupancy of all business, service and industrial buildings hereafter erected and altered, and shall be maintained as long as such building is occupied or unless equivalent facilities are provided in conformance with the regulations of this Article.

- (A) Authority of the Planning Commission. The Planning Commission may waive the requirement for a loading and unloading facility based on the nature of the proposed use or the practical difficulties of adding such facilities to an existing building.
- (B) Allocation of use. Space required and allocated for any off-street loading facility shall not, while so allocated, be used to satisfy the space requirements of off-street parking, nor be used for repairing or servicing motor vehicles.
- (C) Location of facility. All required off-street loading areas shall be related to the building and use to be served to provide for loading and off-loading of delivery trucks and other service vehicles and shall be so arranged that they may be used without blocking or otherwise interfering with the use of access driveways, parking facilities, public streets or sidewalks.
- (D) Minimum size criteria. Each loading space shall be sufficient to accommodate the largest vehicle anticipated.
- (E) Required Loading Spaces. Accessory off-street loading spaces shall be provided as required in Schedule 150.385(E):

Schedule 150.385(E) Required Loading Facilities	
Gross Floor Area of Building	Required Number of Loading Spaces
3,000 to 40,000 square feet	1 space
40,001 to 100,000 square feet	2 spaces
For each additional 100,000 square feet	1 additional space

150.386 ACCESS DRIVES.

- (A) Access drives for parking spaces. The location and width of entrance and exit driveways to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets.
- (B) Access drive loading spaces. Each required off-street loading space shall be designed for direct vehicular access by means of a driveway, or driveways, to a public street in a manner which will least interfere with adjacent traffic movement and shall be located so that the driveway centerline shall not be less than 100 feet from the nearest intersecting street right-of-way line.
- (C) Width of Driveways. For all nonresidential uses, driveways shall be a minimum width of 22 feet.

150.387 CONSTRUCTION, USE, IMPROVEMENT, AND MAINTENANCE STANDARDS.

All driveways and parking facilities shall be constructed in accordance with standards established by the Village Engineer and the following:

- (A) Grading and Pavement. Parking facilities and access driveways shall be so graded and drained so as to dispose of all surface water and drainage so that such surface water and drainage shall not be allowed to flow onto adjacent properties including the right-of-way or remain standing in said driveways or parking facilities.
- (1) All parking facilities and driveways improved or constructed shall be shall be asphalt, concrete or masonry type material. Stone or gravel is not considered a masonry type material. Alternative paving materials, such as porous/ permeable pavement, Grasscrete (or other pervious paving system) may be considered by the Village Engineer and the Planning Commission during development plan review.
 - (2) An adequate storm drainage system shall be provided for all parking lots in excess of eight thousand (8,000) square feet. For the purpose of square footage computation, all parking areas, access lines and truck loading areas on the same lot shall be considered as a contiguous total square footage.
 - (3) The design of a storm water drainage system shall be prepared by using the rational method and shall be based on a minimum five (5) year frequency. Rainfall intensity, run-off coefficients and concentration time used in computing flows and structure sizes shall be in accordance with the tables, charts, and data in the Village Storm Water Management Plan and shall be subject to approval by the Village Engineer and conform to all applicable county regulations. All areas that contribute storm water to the proposed storm drainage system shall be considered on the determination of the sizes of pipe, structures, and channels.
 - (4) Drainage plans shall be accompanied by two (2) copies of the design computations. Hydraulic gradient checks for less frequent storms may also be required by the Village Engineer were deemed appropriate.
 - (5) Culvert sizes shall be based on a minimum ten (10) year frequency rainfall, or other less frequency storms or greater number of years, or other more stringent methodology as required by the Village Engineer where deemed appropriate.
 - (6) Detention ponds or basins shall be provided where necessary to control the volume and velocity of storm water leaving the site. Detention ponds and basins shall be designed in accordance with any master watershed drainage plans. Where such plans do not exist, facilities shall be based on criteria established by the Village Engineer and approved by the applicable County Soil and Water Department.
- (B) Marking. Any off-street parking facility for five (5) or more off-street parking spaces shall indicate the location of each parking space, the location of spaces for persons with disabilities, and the location and direction or movement along the aisles and access drives providing access thereto by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surface.

- (C) Maintenance. All parking facilities shall be maintained in a manner to keep it as free as practicable from rubbish, paper and other loose particles, and snow and ice shall be promptly removed. All signs, markers or any other methods used to indicate direction of traffic movement and location of off-street parking spaces shall be maintained in a neat and legible condition. Any walls, trees and shrubbery, as well as surfacing of the parking lot, shall be maintained in good condition throughout its use for parking purposes. It shall be the responsibility of the property owner to maintain and repair parking lots as may be necessary, in the opinion of the Village, so as to provide a surface free of excess dust that is in good condition, properly drained, and free of obstructions and nuisances in accordance with the requirements of this Article.

150.388 LANDSCAPING AND SCREENING REQUIREMENTS.

Screening and landscaping of the interior and perimeter of all parking areas shall comply with the requirements set forth in Article 150.39, Landscaping, Buffering, Fences and Lighting Regulations.

150.389 APPROVAL OF FACILITIES.

Detailed drawings of accessory off-street parking and loading facilities shall be submitted for review and approval in accordance with all the provisions of this Zoning Code.

ARTICLE 150.39

Landscaping, Buffering, Fences, and Lighting Requirements

150.391	Intent.	150.399	Screening of Accessory Uses and Structures.
150.392	Scope of Application.	150.400	General Requirements and Maintenance.
150.393	Flexibility.	150.401	Lighting Requirements.
150.394	Definitions.	150.402	Fences and Walls on Residential Property.
150.395	General Landscaping.	150.403	Approval Process for Required Landscaping, Fences v Walls.
150.396	Landscaping Along the Street Frontage & Building Foundations.		
150.397	Screening and Landscaping of Parking Facilities.		
150.398	Buffering and Screening Between Districts and Uses.		

150.391 INTENT.

The regulations in this Article are designed to foster development that will protect, preserve, and enhance the appearance and character of the Village as well as promote the health, safety, and welfare of the community by:

- (A) Promoting the proper utilization of landscaping and screening as a buffer between certain land uses to minimize the possibility of nuisances including potential noise, glare as well as the visual clutter associated with parking and service areas;
- (B) Providing landscaping within and along the perimeter of the parking facility in order to break up large expanses of pavement, reduce reflected heat and glare, and improve the appearance of off-street parking facilities and properties abutting public rights-of-way;
- (C) Controlling the installation of exterior lighting fixtures to prevent light trespass and glare and to preserve, protect and enhance the character of the Village and the lawful nighttime use and enjoyment of property located within the Village;
- (D) Providing areas of permeable or synthetic surfaces in order to:
 - (1) Allow the infiltration of surface water into groundwater resources;
 - (2) Reduce the quantity of storm water discharge, which helps to reduce the hazards of flooding and aids in the control of erosion and storm water runoff;
 - (3) Preserve air quality through the preservation and replacement of trees and significant vegetation removed in the course of development; and,
 - (4) Improve the quality of storm water discharge.
- (E) Establishing minimum standards for the consistent appearance of plant material in the community landscape;

- (F) Establishing regulations controlling the use of fences, hedges and walls whereby the owner of a residential lot may have the privilege of privacy and landscape design with due consideration to the environment of neighbor(s), the appearance of the community, and the safety of the public.

150.392 SCOPE OF APPLICATION.

(A) The provisions of this Article shall apply to:

- (1) **New Development.** All new development on vacant land that requires the submission of a development plan and issuance of a zoning permit or certificate of zoning compliance. The required landscaping shall be so indicated on plans submitted as part of the application.
- (2) **Existing Sites.** The entire site of existing development when substantial expansion or alteration is conducted and one of the following criteria exists. An alteration or expansion of an existing property is substantial when:
 - (a) The expansion of an existing building exceeds twenty-five percent (25%) of the gross floor area of the existing building;
 - (b) The expansion of the parking facility exceeds twenty-five percent (25%) of the total existing vehicular use area.
 - (c) The land area of the development site is increased by twenty-five percent (25%) or more.
- (3) When the expansion or alteration of an existing building, structure or parking facility is less than that governed by Section 150.392(A)(2) above, the minimum landscaping and screening required by this Article shall be provided to the portion of the site devoted to the alteration or expansion, but not for the entire property of which the alteration or expansion is a part.

(B) One-family detached dwellings and two-family dwellings shall be exempt from the requirements of this Article.

(C) The requirements of this Article are minimum landscaping requirements, and nothing herein shall preclude a developer and the Village from agreeing to more extensive landscaping.

150.393 FLEXIBILITY.

The standards and criteria in this Article establish the Village's objectives and landscaping intensity expected. The Zoning Administrator and the Planning Commission may exercise discretion and flexibility with respect to the placement and arrangement of the required elements to ensure that the objectives of the zoning district and the proposed development or redevelopment are satisfied.

150.394 DEFINITIONS.

Terms related to required landscaping and screening shall have the following meanings:

- (A) **Berm.** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. The height of a berm shall be measured from the average natural grade at the base of the berm.

- (B) Caliper. The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken at diameter-at-breast-height.
- (C) Diameter-at-breast-height (DBH). The diameter of a tree trunk measured in inches at a height 4.5 feet above ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point below the split.
- (D) Tree, Small. A tree of a species that normally reaches a height of 15 feet or less in Northwest Ohio upon maturity.
- (E) Tree, Medium. A tree of a species that normally reaches a height exceeding 15 feet but less than 30 feet and an average mature crown spread of at least 15 feet upon maturity in Northwest Ohio.
- (F) Tree, Large. A tree of a species that normally reaches a height exceeding 30 feet and an average mature crown spread of at least 15 feet upon maturity in Northwest Ohio.
- (G) Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

150.395 GENERAL LANDSCAPING.**(A) Placement of Landscape Materials.**

- (1) All portions of the lot not covered by permitted structures or impervious surfaces shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material with weed barriers where applicable, which at all times shall be maintained in good and healthy condition. Landscaped areas shall not contain bare soil, aggregated stone or decorative rock.
- (2) Vehicular and Pedestrian Movement. Landscape materials shall be located on the site so as to not restrict pedestrian or vehicular access or otherwise constitute a traffic hazard.
- (3) Vision Clearance. Landscape materials shall be located to avoid interference with visibility per Section 150.360(C) (Vision Clearance Triangle).
- (4) Distribution. Required landscape materials shall be reasonably distributed in the area where required. The required plant materials should be planted in clusters or irregular patterns, and that native grasses and herbaceous perennial species be used for ornamentation in addition to the required plantings.

(B) Plant Materials.

- (1) Live Plants. All plant material shall be living and healthy. Dead, diseased or artificial plants shall not be used to meet the required landscape treatments.
- (2) Use of native plant species is encouraged. If native species are not used, then an irrigation system is required.
- (3) Invasive and Prohibited Species. Applicants shall not install invasive, detrimental, noxious species nor any other prohibited plant species so designated by the Ohio Department of Natural Resources.

- (4) Minimum Size for New Planting at time of installation.
 - (a) Small deciduous trees shall have a minimum caliper of two (2) inches and a clear trunk height of at least five (5) feet at the time of installation.
 - (b) Medium and Large deciduous tree shall have a minimum caliper of 2.5 inches and a clear trunk height of at least six (6) feet at the time of installation.
 - (c) Evergreen trees shall be a minimum of six feet high, with a minimum caliper of one and one-half inches and a minimum spread of three feet at the time of installation with a maximum mature height 25 feet.
 - (d) Shrubs and hedges shall be at least 30 inches average height and 24 inches in width at time of planting.
- (5) Selection of landscape materials shall contribute to the overall character of the building and be relative to the size of the lot and building. The Village Tree Commission can assist in the selection of plant materials.
- (6) Landscape materials shall be compatible with the existing neighboring landscaping selections or in compliance with existing property requirements, such as industrial and business parks' landscape plans.

150.396 LANDSCAPING ALONG THE STREET FRONTAGE AND BUILDING FOUNDATIONS.

In addition to the requirements in Section 150.397(C), all areas within the required front building and parking setback, shall be landscaped as required below, except for access drives. The following minimum plant materials shall be provided and maintained on all lots or developments:

- (A) Street Frontage. Landscaping along the street frontage is required for every multi-family and non-residential development when the minimum required front setback is greater than five feet, and the minimum width of this landscape strip shall be not less the minimum setback required for the district in which the lot is located.
 - (1) Three (3) medium or large deciduous trees shall be provided for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
 - (2) Twenty shrubs shall be provided for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.
 - (3) All areas in the landscaping strip not devoted to trees, shrubs, steps, walks, terraces and driveways shall be planted with grass, ground cover or other live landscape treatment.
 - (4) Trees and shrubs shall be arranged to create varied and attractive views and do not have to be equally spaced along the street frontage. Plant material should provide a variety of color displayed throughout the year.
 - (5) Innovative treatments are encouraged in this area, but the design shall not interfere with adequate sight distance.
- (B) Foundation Plantings. Foundation plantings are required for all exterior building walls that are visible from a road. Foundation plantings shall be placed within five feet of the building perimeter. Ten shrubs shall be required for every 100 lineal feet of horizontal exterior building

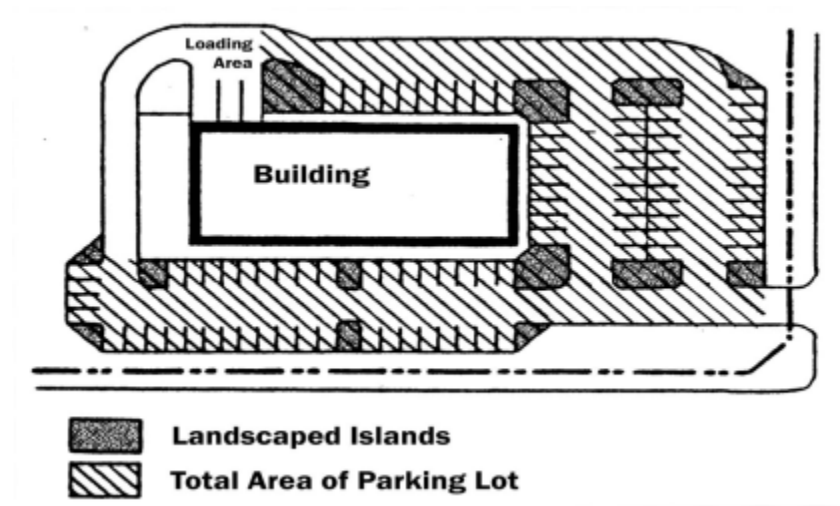
wall visible from the road, street or highway in groups of varying material. If foundation plantings are deemed not practical due to unique features of the site and/or building, an alternative plan may be considered as part of the development plan review process.

150.397 SCREENING AND LANDSCAPING OF PARKING FACILITIES.

- (A) Landscaping in the Interior of Parking Lots. Interior landscaping of parking lots shall be provided in accordance with the following requirements.
- (1) For any parking facility designed to accommodate 30 or more vehicles or containing 6,000 square feet of area (including loading areas), a minimum of five percent (5%) of the parking facility shall be planted as landscaped island areas, developed, and reasonably distributed throughout the parking lot to define major circulation aisles and driving lanes and provide visual and climatic relief from broad expanses of pavement, except perimeter plantings may be used to satisfy the requirements in this Section when parking facilities are less than sixty-two (62) feet in width.
 - (2) Each interior landscaped area shall be no less than 200 square feet. The minimum width for each area shall be ten (10) feet. In all cases, the minimum distance from a tree to the back of curb shall be four (4) feet;
 - (3) Within the landscaped islands, there shall be provided one medium or large deciduous tree for every 10 parking spaces. Each interior landscape island shall have at least one medium or large deciduous tree. A minimum of 50 percent of the required trees shall be large deciduous trees. Where sight distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five feet above the ground and the remaining required landscape area shall be planted with shrubs or ground cover not to exceed two feet in height.
 - (4) Shrubs or low, spreading plant materials may be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.
 - (5) For parking facilities or areas over 30,000 square feet in size, the required landscaping shall be designed to break up the visual expanse of pavement with landscape features such as boulevards, larger landscape islands or areas of preserved on-site native vegetation. This landscaping requirement may also include storm water retention areas or drainage courses if designed to provide an attractive natural asset to the site;
 - (6) If the specific application of the interior landscape requirements will seriously limit functions of the building site, the Planning Commission shall have authority to permit consolidation and relocation of these landscaped areas on the building site.
 - (7) Landscaped areas along the perimeter of the parking area, or in any part of a yard, shall not be counted as interior parking lot landscaped areas, except as provided for in subsection (1) above.

- (8) For the purpose of this Section, the area of a parking lot shall be the total vehicular use area within the perimeter of the parking facility, including the landscaped islands, parking spaces and all circulation aisles except those with no parking spaces or landscaped islands located on either side. See Figure 1, Parking Lot Interior Calculation.

Figure 1. Parking Lot Interior Calculation



- (B) Perimeter Landscaping Requirements. Perimeter landscaping shall be required along any side of a parking lot that abuts adjoining property that is not a right-of-way.
- (1) The landscaped strip shall be the depth of the minimum parking setback set forth in this Zoning Code for the district in which the lot is located, except as otherwise regulated in Article 150.33 Use-Specific Standards and shall be located between the parking area and the abutting property lines.
 - (2) The landscaped strip shall be planted with one medium or large deciduous or two small deciduous trees for every forty (40) lineal feet of parking lot abutting the property line. The trees shall be arranged within the landscaped strip to create varied and attractive views and do not have to be equally spaced.
 - (3) This landscaping strip shall be free of any wall, fence, embankment and/or walkway. Such wall, fence, etc. may exist or be constructed on the edge of such landscape strip.
 - (4) The requirements of this sub-section shall not apply where cross-access and/or shared parking is provided between parking facilities on adjoining lots and where planting is required for screening pursuant to Section 150.398, Buffering and Screening between Districts and Uses.

150.398 BUFFERING AND SCREENING BETWEEN DISTRICTS AND USES.

- (A) Intent: This section is intended to buffer the effects of uses on adjacent properties by requiring a screen and/or buffer between uses in order to minimize the harmful impacts of noise, dust/debris, headlight glare and other objectionable activities by an adjoining or nearby use.

Any screening buffer area must be maintained in good order at all times by the owner of the property. When deemed necessary by the Planning Commission to provide a visual screen, additional landscaping or other improvements may be required.

- (B) Screening. Screening, as required by the provisions of this Code, shall be of such nature and density that it will screen the activities on the lot from view from the normal level of a first story window on an abutting lot.
- (C) When Required. A buffer yard shall be required when:
- (1) A lot in any Business, Industrial, or Public/Open Space District abuts a Residential District;
 - (2) A lot in the Multi-family or the Manufactured Home Park Districts abuts a One-Family Residential District;
 - (3) A lot in a Residential District is devoted to a nonresidential use;
 - (4) Required by the Use-Specific Standards in Article 150.33; and,
 - (5) When any wall of a nonresidential building in a Business/Industrial District faces or is across the street from a Residential District, screening shall be installed along the full length of such street frontage. No screening shall be required when the Business/Industrial District lot is either not in use or is used for residential purposes.
- (D) Width of Buffer Yard. The width of the buffer yard shall be equal to the minimum parking setback set forth in the applicable zoning district or fifteen (15) feet, whichever is greater.
- (E) Location. The buffer yard shall be located entirely within the higher intensity zoning district or use and abutting the zoning district line or lot line of lower intensity use. However, the buffer yard may be placed in the lower intensity zoning district or partially within both zoning districts if both sides of the zoning district line and the entire buffer yard width are within common ownership and a permanent easement is provided over any portion of the buffer yard not within the higher intensity zoning district. If a buffer yard is located in a residential development that has an owners' association or other similar legal entity, all buffer yards shall be located in open space owned by the association or in an open space easement controlled by the owners' association.
- (F) Screening. When the natural vegetation within the required buffer yard does not form a solid, continuous, visual screen or does not have a minimum height of six (6) feet along the entire length of the common boundary at the time of occupancy, except as provided for in sub-section (F)(3)(b) below, screening shall be installed in compliance with the following:
- (1) Screening Materials. Screening design and development shall be compatible with the existing and proposed land use and development character of the surrounding land and structures. Screening within the buffer yard shall consist of one or more or combination thereof of the following:
 - (a) A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid, continuous visual screen within one (1) year

after the initial installation. At a minimum, at the time of planting, the spacing of trees shall not exceed twelve (12) feet on center, and the planting pattern shall be staggered. Shrubbery shall be more closely spaced.

- (b) Non-living opaque structures, such as a solid masonry wall, that is compatible with the principal structure or a solid wood fence together with a landscaped area at least fifteen (15) feet wide. For solid fences, fences shall be designed, constructed, and finished so that the supporting members face the property owner of the fence and they shall be maintained in good condition, be structurally sound, and attractively finished at all times.
 - (c) An ornamental fence with openings through which light and air may pass together with a landscaped area at least fifteen (15) feet wide. A chain link fence shall not be permitted.
 - (d) A landscaped mound or berm at least seven feet wide, with a slope no more than a 3:1. Where the mound or berm is to be mowed, the maximum permitted slope is 4:1.
- (2) Installation of Screening. Screening shall be continuous and in place at the time of occupancy. If vehicular or pedestrian access through the screen is necessary, the screening function shall be preserved.
- (3) Height of Screening. The height of screening shall be in accordance with the following:
- (a) Visual screening by walls, fences, or mounds in combination with vegetation, fences or walls shall be a minimum of six (6) feet high measured from the natural grade on any adjacent residential lot, except as set forth in sub-section (b) below.
 - (b) Whenever the required screening is located within a front yard or within twenty-five (25) feet of a parking lot, drive, or driveway entrance, the required screening shall not exceed a height of three (3) feet.
 - (c) When used alone, vegetation shall be a minimum of six (6) feet high, as measured from the natural grade on any adjacent residential lot, in order to accomplish the desired screening effect. The required height shall be achieved no later than one (1) year after the initial installation.
- (4) Modifications to Buffering and Screening Requirements. Buffer yards required by this Article shall be applied equally to all similarly situated properties. The Planning Commission is empowered to modify the above buffer yard and screening requirements when it determines that:
- (a) Natural land characteristics, such as topography or existing vegetation on the proposed building site, would achieve the same intent as this Section.
 - (b) Innovative landscaping or architectural design is employed on the building site to achieve an equivalent screening and buffering effect.

- (c) The required screening and landscaping would be ineffective at maturity due to the proposed topography of the site, and/or the location of the improvements on the site.
- (d) The topography of adjacent and surrounding sites is such as to render required screening ineffective at maturity.
- (e) It can be clearly demonstrated that it is highly improbable that the abutting property will be developed for residential purposes due to circumstances that have taken place since the adoption of this Code.

150.399 SCREENING OF ACCESSORY USES AND STRUCTURES.

Screening of accessory uses shall be provided according to the following:

(A) Trash Collection Areas.

- (1) Trash and/or garbage collection and service areas shall be enclosed on all sides by a solid wall or fence and a solid gate at least 1 foot higher than the highest refuse container in the collection area if such area is not within an enclosed building or structure, but in no case shall the wall or fence be less than six (6) feet in height. Such solid wall or solid fence shall be situated so as to screen the view of the collection area from adjacent properties and visibility from the street.
- (2) The wall or fence shall be constructed of wood, brick, decorative concrete, split face block, stone, or a synthetic material manufactured to look like the approved material.
- (3) These enclosures shall be located at least five (5) feet from the property line, unless otherwise specifically regulated in this Code.
- (4) The screen shall provide access to the trash and/or garbage collection area by using a wooden fence or other opaque device to serve as a gate.
- (5) Trash receptacles and enclosures serving commercial or industrial uses shall be located on the same lot as the use served and shall not be located in residential districts.

(B) Ground mounted Mechanical Equipment. Ground mounted mechanical equipment shall be screened with evergreen plant material so the equipment is completely obscured from view within four (4) years.**(C) Outdoor Loading Areas.** Permitted outdoor loading areas for vehicles other than step vans and other light-duty trucks shall be enclosed with a solid fence or wall and solid gates. The wall or fence shall be high enough to conceal all operations and materials from the view of an observer standing at the grade level of an abutting lot or a public street, but in no case shall the wall or fence be less than six (6) feet in height. The wall or fence shall be constructed of wood, brick, decorative concrete, split face block, stone, or a synthetic material manufactured to look like the approved material.**(D) Landscaping.** No interior landscaping shall be required within an area screened for accessory uses.

150.400 GENERAL REQUIREMENTS AND MAINTENANCE.

- (A) Screening. All screening and buffer yards shall be free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.
- (B) Parking. Vehicle parking shall not be permitted in landscaped areas.
- (C) Vehicular Encroachment on Landscaping Islands. All required landscaping areas shall be protected by curbing or a suitable barrier to prevent vehicle encroachment assuring that vehicles overhang into landscape areas no more than one and one-half (1.5) feet.
- (D) Damage to Public Works. In no case shall any plant material interfere with or cause damage to underground utility lines, public roadways, or other public works.
- (E) Maintenance. The lot owner shall be responsible for the maintenance of all landscaping materials (grass, plants, trees, stone, fencing, mulch, etc.).
- (1) The owner shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris and to prevent soil erosion.
 - (2) No plant material required by this Zoning Code shall be removed for any reason unless replaced with like kind and size, at the time of removal. Prior to such removal, a revised landscape plan shall be submitted to the Zoning Administrator for review and approval per Section 150.653, Minor Alterations Approved by Zoning Administrator.
 - (3) All landscape materials shall be maintained so as not to cause tripping hazards in walkways or obstruction to entrances of buildings.
 - (4) If within two years of installation (or incorporation of existing vegetation), any plant material, such as but not limited to trees, shrubs, ground covers and other plants materials fails to thrive, the property owner shall replace the plants with the plant materials shown on the approved development plan. All replacement plants shall conform to the approved plan. Dead or unhealthy plants shall be replaced within the next planting season.
 - (5) As part of development plan review, a bond, escrow or other suitable performance guarantee shall be filed with the Zoning Administrator to ensure the landscape material is installed and maintained for a two-year period. No zoning certificate shall be issued until the bond, escrow or other suitable guarantee is received.
 - (6) If the installation of plantings is not completed in a planting season and/or prior to occupancy, a Temporary Certificate of Zoning Compliance may be issued pursuant to Section 150.634(D)(3).

150.401 LIGHTING REQUIREMENTS.

A lighting plan demonstrating compliance with the following exterior lighting standards shall be approved by the Village for all uses that are required to file a development plan.

- (A) All plans submitted shall include the following minimum lighting standards:

- (1) 0.5 foot-candles minimum maintained light level at grade in all vehicular use areas and connecting pedestrian paths;
- (2) Location of all fixtures, controllers and transformers;
- (3) Property boundaries, building location(s), parking lot layout, vehicular traffic roadways and driveways, pedestrian paths, adjacent right-of-ways, north arrow, scale;
- (4) Specifications of the proposed light fixtures including the manufacturer's information regarding fixture style, pole and mounting details, lamp type, wattage, light distribution information, pole height and pole foundation; and
- (5) Photometric plan of light levels.

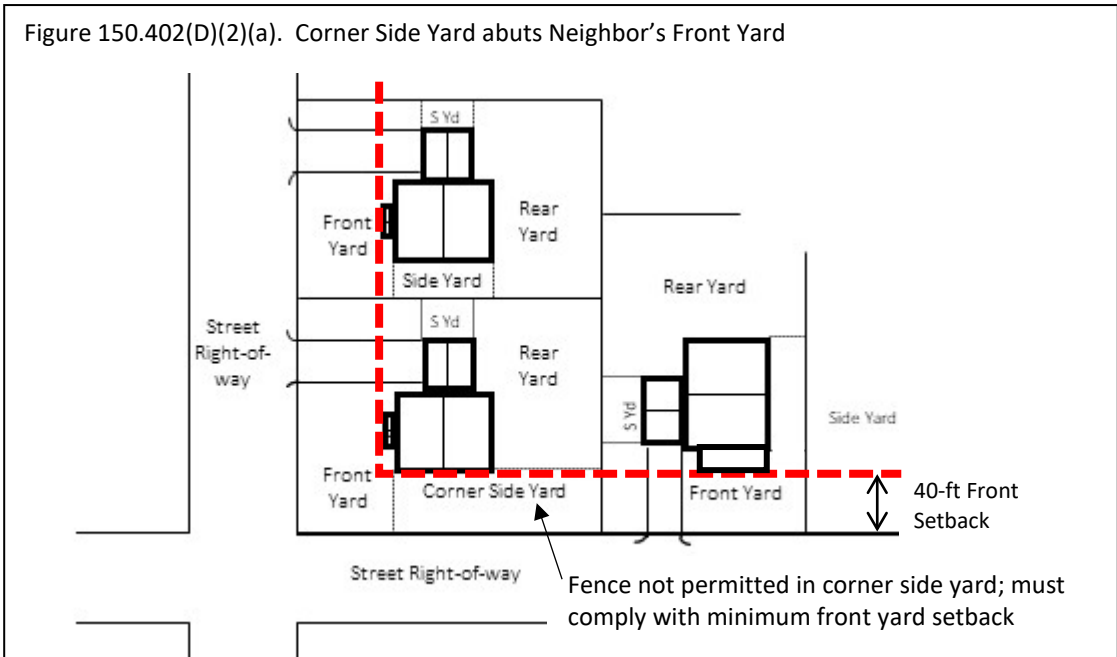
(B) Lighting restrictions:

- (1) Any lighting used to illuminate any off-street parking shall be so arranged as to deflect the light away from adjoining premises in any residential district.
- (2) All exterior fixtures to be "total cut-off" type fixtures as defined by the Illuminating Engineer's Society Standards except: architectural/accent lighting, street lighting, landscape lighting, area lighting for recreational uses and exterior residential lighting may be semi-cutoff or non-cutoff luminaries, but shall be located or provided such that no lamp or reflector image is directly visible from any site boundary at or above grade when the initial lumen output exceeds 2,850 lumens (equivalent to a 150 watt incandescent A lamp). Luminaries required by the Building Code which operate only in an emergency model are exempt from these standards.
- (3) No portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield so as to be visible from off site or cause disabling glare. Exterior residential lights are exempt from this requirement when the initial lumen output does not exceed 2,850 lumens (equivalent to a 150 watt incandescent A lamp). Street lights are exempt.
- (4) Height limitations for exterior lighting which shall be measured from surrounding natural grade:
 - (a) Residential including multi-family: 25 feet;
 - (b) Office/commercial: 28 feet;
 - (c) Industrial: 30 feet;
 - (d) Outdoor recreational facility: All recreational/sports facility lighting will be reviewed for compliance with the intent to minimize the impact on all surrounding properties and public right-of-ways.
- (5) All outdoor light poles shall be metal, fiberglass or finished wood, approved by the Village Planning Commission and Engineer. Light poles on private, commercial or industrial property shall be located a minimum distance of the pole's height from any adjoining residential district.
- (6) Where used for signs or for decorative effects or recreational facilities, such as for building landscaping or sports field illumination, the outdoor light fixtures shall be equipped with automatic timing devices and shielded and focused to minimize light pollution.

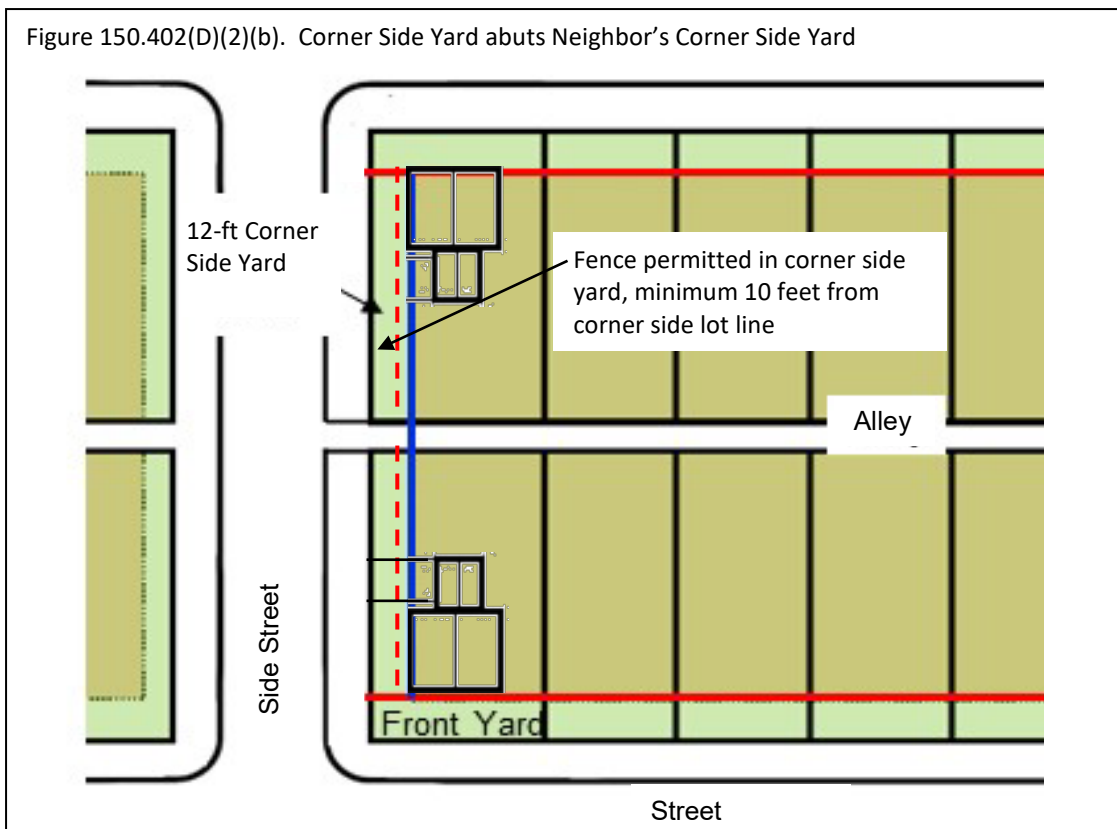
- (7) Except for security lighting, all commercial, industrial, recreational, and institutional use exterior lighting shall be extinguished within one hour of closing.
 - (8) No color or flashing lights shall be used to light the exterior of building or other site facilities.
- (C) Light pollution standards. Light pollution shall be defined as any measurable exterior artificial illumination that strays beyond the site boundary both horizontally at grade and vertically to the building height limitation. Artificially produced light straying beyond the property boundaries shall be considered a public nuisance when intensity levels exceed the following maximum illumination levels at or beyond five feet into the adjoining property and shall be adjusted, modified, or removed accordingly. Lighting required exclusively to illuminate entrance drive and pedestrian ways from the public right-of-way shall be permitted to illuminate to the far limit of the right-of-way.

150.402 FENCES AND WALLS ON RESIDENTIAL PROPERTY.

- (A) Scope. This Section shall apply to all residential districts and to residential properties located in other zoned districts. The fence regulations herein shall not apply to any permanent fence erected prior to the effective date of this Zoning Code. However, the replacement of a permanent fence, erected prior to the effective date of this Zoning Code, by a different type or use shall abide by the regulations of this Section. Fences constructed in other zoning districts shall be considered on an individual basis by the Planning Commission or Zoning Administrator, as applicable.
- (B) Walls. Retaining and landscaping walls that do not exceed a height of 30 inches may be placed in a front, side and rear yard not less than six (6) inches from the property line.
- (C) Permits. Any fence permitted by this Section shall require the issuance of a zoning permit prior to installation. Property owners must sign all permits.
- (D) Location and Height. Fences shall be located on a residential lot in compliance with the location regulations below:
- (1) Front Yards.
 - (a) In the R-1 and R-E zoning districts, fences shall be set back a minimum of 40 feet from the right-of-way, with a maximum height of four (4) feet.
 - (b) In all other districts, fences shall be set back a minimum of 25 feet from the right-of-way, with a maximum height of four (4) feet.
 - (c) Fences surrounding public utilities are exempt from the minimum setback from rights-of-way requirements.
 - (2) Corner Side Yards on Corner Lots.
 - (a) Corner Side Yard abuts Neighbors Front Yard. When the rear lot line of a corner lot abuts the front yard of an adjacent interior lot, the location of the fence shall comply with Section 150.402(D)(1) above. See Figure 150.402(D)(2)(a).



- (b) Corner Side Yard abuts Neighbors Corner Side Yard. When the rear lot line of a corner lot abuts the rear lot line of an adjacent corner lot, the fence shall be located a minimum of 10 feet from the side street right-of-way, with a maximum height of six (6) feet. See Figure 150.402(D)(2)(b).



- (3) Side and Rear Yards. Fences in a side or rear yard may be built adjacent to but not upon the lot line, and shall be located entirely on the owner's property. The Zoning Administrator may approve a fence to be placed upon the property line when the fence connects to an existing fence on an abutting property and the abutting property owner has agreed in writing to the connection of the fences.
- (a) Fences that surround the yard's accessory uses (deck, patio, garden, etc.) shall be not less than four (4) feet and no more than six (6) feet in height and all opening, doorways and entrances shall be equipped with gates of equal height with said fence.
 - (b) At least one unlocked gate or fence opening of a minimum of three feet in width shall be provided in each yard to permit emergency access.
- (E) Fence in Front Yard as Conditional Use.
- (1) Notwithstanding the location regulations in Subsection 150.402(D), the Planning Commission may authorize the installation of a fence in the required front yard of a residential lot under the following circumstances:
 - (a) The lot is located on a major street or collector street.
 - (b) The lot is located across the street from nonresidential zoning.
 - (c) The lot has a lot area of one acre or larger, a minimum lot width of 200 feet, and is not located within a residential subdivision.
 - (2) The fence be an open ornamental fence that does not exceed six (6) feet in height.
- (F) Permitted Fence Types. The following types of fences are permitted in compliance with the location requirements set forth in Section 150.402(D).
- (1) Chain Link and Pipe Fences.
 - (2) Open Ornamental Fences: Picket, Rail, or Split Rail.
 - (3) Privacy Fences: Basket Weave or Woven, Louver or Ventilating, Stockade/Palisade.
 - (4) Similar Fences. The Planning Commission may permit other fences that are similar in character and design to one or more of the fences permitted by this Zoning Code.
- (G) Prohibited Fence Materials. Barbed wire, electric fences, chicken wire, hog fencing, snow fences, agricultural fences and fences comprised of similar materials are prohibited, except that a snow fence or fence of similar type may be erected or placed in any yard during the period from November to March for the sole purpose of preventing the drifting of snow on roadways, driveways and sidewalks, but such fence shall not be used at any time as a temporary or permanent fence or enclosure..
- (H) Maintenance. Such permitted fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any grounds between such fences and property lines shall be well maintained. Any such fence permitted on the property line shall be designed, constructed and finished so that the supporting members thereof shall face the property of the owner of the fence.

(l) Inspection.

- (1) It shall be the duty of each property owner to determine property lines and to ascertain that the fence, thus constructed, does not deviate from the plans as approved by the Village Administrator or his or her designee. Fences shall not encroach upon another lot or parcel of land.
- (2) The Village shall furnish such inspection as deemed necessary to determine that such said fence is constructed in accordance with plans submitted for the permit. The issuance of a permit, by the village, shall not be construed to mean that the village has determined said fence is not encroaching upon another lot, nor shall it relieve the property owner of duty imposed upon him or her herein.

150.403 APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES AND WALLS.

- (A) The location of landscaping, fences, or walls required to fulfill the standards and criteria of this Article shall be reviewed and approved as part of a development plan pursuant to Article 150.65 Development Plan Review except for residential fences that shall be reviewed pursuant to Section 150.402. The Zoning Administrator shall refer landscape plans for large construction projects to the Tree Commission for review and recommendations.
- (B) A fence or wall proposed without new construction, additions or site renovation may be approved administratively by the Zoning Administrator when the fence or wall:
 - (1) Complies with the requirements of this Article and other applicable provisions in this Zoning Code;
 - (2) Is consistent with any previously approved plan;
 - (3) Is compatible with the current site development if there is no approved plan; and,
 - (4) Will have a minimal adverse impact to the surrounding areas.

ARTICLE 150.41

Nonconforming Uses, Lots, Buildings, and Sites

150.411	Intent.	150.417	Nonconforming Site Conditions Existing at Time of Development Plan Review.
150.412	Lawful Nonconformance.	150.418	Nonconforming Signs.
150.413	Nonconforming Use of Buildings, Structures, or Land.	150.419	Existing Use Deemed Conditional Use; Application Required for Change.
150.414	Nonconforming Buildings & Structures.		
150.415	Nonconforming Lots.		
150.416	Nonconforming Parking Facilities.		

150.411 INTENT.

Regulations for the continuance, maintenance, repair, restoring, moving and discontinuance of a nonconforming structure, site condition, building or land use are established in order to achieve, among others, the following purposes:

- (A) To permit the continuance but control a nonconformity so as to minimize any adverse effect on the adjoining properties and development;
- (B) To regulate their maintenance and repair;
- (C) To restrict their rebuilding if substantially destroyed;
- (D) To establish regulations for the development of nonconforming lots, and lots containing nonconforming site conditions;
- (E) To establish regulations for the use, restoration, reconstruction, and expansion of structures that do not conform to the standards set forth in this Zoning Code.
- (F) To require the permanent discontinuance of a nonconforming use when not operated for certain periods of time; and require eventual conformity in accordance with the objectives of this zoning code.

150.412 LAWFUL NONCONFORMANCE.

The provisions of this Chapter shall apply to any building, structure, land, site condition, or use of such building, structure or land, hereafter becoming nonconforming as a result of the adoption of this Zoning Code as well as amendments made to this Zoning Code or the Official Zoning Map.

- (A) The lawful use of any dwelling, building or structure and of any land use or premises as existing and lawful at the time of enacting this Zoning Code, may be continued, although such use does not conform to the provisions of this zoning code. The completion, restoration, reconstruction, extension or substitution of such nonconforming use shall be subject to the provisions and conditions as set forth in this Article.
- (B) A nonconforming lot, use, site condition, building or structure does not constitute a nonconformity with regulations if such nonconformity was permitted pursuant to a legally granted variance from a zoning regulation.

- (C) Ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring, or plumbing may be performed on a nonconforming structure or on any portion of a structure that contains a nonconforming use provided that the cubic content shall not be increased and no structural parts shall be replaced except when required by law to restore such building or structure to a safe condition or to make the building or structure conform to the regulations of the district in which it is located. For the purpose of this Zoning Code, ordinary repairs shall also include the replacement of equipment which is required for safety of operation, and the replacement or substitutions of machinery or equipment.

150.413 NONCONFORMING USE OF BUILDINGS, STRUCTURES, OR LAND.

A nonconforming use may be continued so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following regulations:

(A) Change or Substitution of Nonconforming Use.

- (1) A nonconforming use of a building, structure or land shall not be changed or substituted to another nonconforming use unless the Planning Commission finds that the use proposed is equally appropriate or more appropriate to the district than the existing nonconforming use, and that the use proposed is in less conflict with the character of uses permitted in the applicable zoning district than the existing nonconforming use.
- (2) In permitting such change, the Planning Commission may prescribe appropriate conditions and safeguards in accordance with other provisions of this Zoning Code and when made a part of the terms under which the change is granted.
- (3) Violation of any conditions and/or safeguards prescribed shall be deemed a violation of this Zoning Code and shall be punishable under Article 150.71, Enforcement and Penalties.
- (4) If the Planning Commission permits a change or substitution of a nonconforming use, whenever a nonconforming use is changed to a less intensive use, such use shall not thereafter be changed to a more intensive nonconforming use.

(B) Change of Nonconforming Use to Permitted Use. Whenever a nonconforming use is changed to a use permitted in the district in which the lot is located, it shall cease to be considered a nonconforming use. Whenever such a change is made, no nonconforming use shall be resumed or reinstated.

(C) Land Occupied by Nonconforming Use.

- (1) Expansion of Nonconforming Use of Land. A nonconforming use of land shall not be physically enlarged, increased, nor extended to occupy a greater area of land than was occupied by the use at the time it became nonconforming, unless otherwise specified.
- (2) Relocation of Nonconforming Use of Land. A nonconforming use of land shall not be moved in whole or in part to any portion of the lot or parcel other than those portions occupied by the use at the time it became nonconforming.

(D) Structures Occupied by Nonconforming Use.

- (1) Extension of Nonconforming Use within Building. A nonconforming use of an existing structure may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment to this Zoning Code. However, no such use shall be extended to occupy any land outside such building not previously occupied by such nonconforming use.
- (2) Expansion of Building(s). No building occupied by a nonconforming use shall be enlarged or expanded to increase the nonconforming use, and no additional structures shall be constructed in connection with such nonconforming use unless the Planning Commission determines that the proposed expansion and/or improvements shall upgrade the activity and make the resulting development more compatible to the district for which it is zoned and more compatible with the adjacent uses. In making this determination, the Planning Commission shall consider the following:
 - (a) Hours of operation;
 - (b) Volume and type of sales;
 - (c) Type of processing activity;
 - (d) Nature and location of storage;
 - (e) Traffic generation by volume, type, and characteristics;
 - (f) Parking and loading characteristics; and,
 - (g) Noise, smoke, odor, glare, vibration, radiation, and fumes.
- (3) Reconstruction of a Building Occupied by a Nonconforming Use. Except as provided for in subsection (D)(4) below, no building or structure occupied by a nonconforming use shall be reconstructed except when the use is changed to a use permitted in the district in which it is located, or upon prior approval of the Planning Commission determines that the proposed improvements shall upgrade the activity and make the resulting development more compatible to the district for which it is zoned and more compatible to the adjacent uses.
- (4) Damage or Destruction of Building Occupied by a Nonconforming Use.
 - (a) Any building or structure occupied by a nonconforming use that has been destroyed or damaged by fire, other casualty, act of God or by a public enemy to the extent of 50% or more of its cost of restoration to the condition in which it was before the occurrence, shall thereafter conform to all the provisions of this zoning code.
 - (b) The total structural repairs, improvements and alterations including repairs occasioned by fire, other casualty, act of God or by a public enemy to the extent of less than 50% of its cost of restoration, shall not, exceed 50% of the current reproduction value of the structure, unless the structure or use be permanently changed to a conforming use.
 - (c) Determination of the reproduction value shall be made by three practicing building construction contractors, one to be appointed by the owner, one to be appointed by the village, and the third to be selected by the mutual consent of the two parties.

(d) In the case of repair or replacement of partial destruction of the structure, a zoning permit shall be applied for within six months of the destruction and repairs shall be completed within six months of the issuance of the permit or the nonconforming use shall be considered to be abandoned.

(E) Discontinuance and Abandonment. Any nonconforming use of land or a building or structure shall be considered abandoned when the owner, lessee or tenant has voluntarily discontinued such use for two consecutive years.

150.414 NONCONFORMING BUILDINGS & STRUCTURES.

A nonconforming building or structure may continue to be used or occupied by a use permitted in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (A) Enlargement, Repair, and Alterations. A nonconforming building or structure may be enlarged, maintained, repaired, or structurally altered provided the additions are made to conform to all the regulations of the district in which it is located. However, no such enlargement, maintenance, repair, or structural alteration shall either create any additional nonconformity or increase the degree of the existing nonconformity of all or any part of such building or structure with respect to the regulations in this Zoning Code.
- (B) Moving. A nonconforming building or structure may be moved to a different location on the same lot or other parcel of land within the district, with approval of the Planning Commission, after a hearing, and provided proper and adequate alterations are scheduled to make the building or structure conform to the regulations of the district where it is to be located.
- (C) Restoration of Damaged Building or Structure. If a nonconforming building or structure is damaged or destroyed by any means, those portions so destroyed or damaged may be restored to the original footprint and floor area of the building or structure, provided the reconstruction is begun within six (6) months of the damage or destruction. Any restoration that exceeds the original footprint and/or floor area shall comply with Section 150.413(D)(4) (b)-(d).
- (D) Change in Principal Use of Building. The principal use of a nonconforming building may be changed to any other use permitted in the district in which it is located so long as the new use complies with all regulations of this Zoning Code specified for such use, except the regulations to which the building did not conform prior to the change in use.
- (E) Variances. Variances from district regulations on area, lot coverage, lot width, height, setbacks, location on the lot may be granted by the Planning Commission where necessary and where such variance meets the requirements of an area variance.

150.415 NONCONFORMING LOTS.

A lot of record that on the effective date of this Zoning Code, or any amendment thereto, does not comply with the lot area and/or lot width regulations of the district in which the lot is located may be used as follows:

- (A) Existing Buildings on Nonconforming Lots of Record.

- (1) Existing Building on a Nonresidential Nonconforming Lot. If a nonconforming lot is occupied by a building, such building shall be maintained and may be repaired, modernized or altered, provided that the building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this Zoning Code, except the lot area and lot width regulations of the district in which the lot is located.
- (2) Existing Dwelling on a Residential Nonconforming Lot. If a nonconforming lot is occupied by a dwelling, such dwelling may be maintained, repaired or altered; provided, however, the dwelling shall not be enlarged in floor area unless the expansion complies with the depth of the front setback, width of side setbacks and the rear setback regulations. No portion of the new building shall increase the nonconforming condition.

(B) Vacant Nonconforming Lot(s) of Record.

- (1) Nonconforming Lot(s) of Record in a Residential District. A nonconforming lot in a Single-family or Multi-family Residential District may be used provided that:
 - (a) No adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this zoning code;
 - (b) No adjoining land, or other vacant land can be equitably acquired; and
 - (c) All other regulations of this zoning code, except the lot area and width regulations, shall be complied with.
- (2) Vacant Nonconforming Lot in a Nonresidential District. A vacant nonconforming lot in a nonresidential district may be used for any use permitted in the district in which it is located when the development of such lot meets all development requirements of the district in which it is located, including the maximum lot coverage and minimum setback requirements, except for the minimum lot area and lot width requirements, except that no use that requires a greater lot size than the established minimum lot size for a particular district shall be permitted on a nonconforming lot. Review and approval of development on such lots of record shall be conducted according to the development plan review requirements set forth in Article 150.65.

150.416 NONCONFORMING PARKING FACILITIES.

A building, use or structure existing lawfully at the time this zoning code or any amendment thereto became effective, but which does not conform with the off-street parking or off-street loading regulations, may be occupied by the existing use or a use of similar intensity as determined by the Planning Commission without such parking and/or loading facilities being provided; however, any parking spaces that may be provided thereafter shall comply with the applicable regulations set forth in Article 150.37.

150.417 NONCONFORMING SITE CONDITIONS EXISTING AT TIME OF DEVELOPMENT PLAN REVIEW.

If a nonconforming site condition(s) exists when a revised development plan is required pursuant to Article 150.65, then such site condition(s) shall be brought into compliance with district regulations, unless the Planning Commission determines that such conformance cannot be reasonably achieved because of existing site conditions. Existing site conditions include, but are not limited to, the existing lot configuration and patterns of surrounding development; inability of the applicant to acquire

additional property; location of the existing structures on the site in question; the location of parking and access on the site in question, and the location of utilities both on and off-site. In such case, the Planning Commission shall approve a site plan that reduces the existing nonconforming site condition(s) to the maximum extent practicable.

150.418 NONCONFORMING SIGNS.

A sign, lawfully existing at the time this Zoning Code, or any amendment thereto, became or becomes effective, but which fails to conform to the sign regulations of the district in which it is located is a nonconforming sign. Non-conforming signs shall comply with the regulations set forth in Article 150.35, Sign Regulations.

150.419 EXISTING USE DEEMED CONDITIONAL USE; APPLICATION REQUIRED FOR CHANGE.

Any lawfully existing use that, at the time of its establishment, was not classified as a conditional use, but which now, because of the passage of this Zoning Code, or amendment thereto, is listed as a conditional use in the district in which it is located, shall be deemed without further action to be a conditional use. Any change, modification, enlargement or alteration of such use, site development conditions or signs, or change in operations shall only be permitted upon review and approval according to the procedures for conditional uses set forth in Article 150.67.

**ARTICLE 150.43
Demolition**

150.431	Purpose.	150.437	Permitted Hours Of Demolition.
150.432	Permit Required.	150.438	Required Notification Of Neighboring Properties.
150.433	Disconnection Of Utilities.	150.439	Time Limit For Permit.
150.434	Bond or Other Surety Required.	150.440	Penalty.
150.435	Site Conditions.		
150.436	Regulation of Demolition Contractors.		

150.431 PURPOSE.

The purpose of this article is to establish regulations concerning the demolition of buildings and structures so as to ensure that buildings and structures that have had utilities such as gas, electric, water and sewer are properly disconnected. These regulations reduce risk to public health and safety.

150.432 PERMIT REQUIRED.

- (A) No person shall demolish any building or structure or facility over 600 square feet in size and connected to utilities, without securing a permit in advance from the Village Administrator's Office.
- (B) A demolition permit shall be issued only to a demolition contractor duly registered with the state of Ohio accompanied by a notarized statement of the owner of the subject property that said registered demolition contractor is the agent for such demolition.
- (C) A demolition permit application shall be completed. The Village Administrator may revise the permit form from time to time as deemed necessary or appropriate.
- (D) The applicant shall pay the demolition permit fee established by Village Council at the time the demolition permit application is submitted.
- (E) At the time of application, the applicant shall specify when the building will be demolished, where the materials will be hauled, and the measures to be taken to secure the property during the demolition.
- (F) Prior to starting demolition, the demolition contractor shall provide proof of current, valid liability insurance coverage, written with an insurance company registered to do business in the state of Ohio. The liability insurance shall afford limits of liability no less than one hundred thousand dollars (\$100,000) for damages to a single person, and three hundred thousand dollars (\$300,000) for one (1) occurrence.

150.433 DISCONNECTION OF UTILITIES.

As a condition of receiving a demolition permit, the owner, agent or person in control of the building or structure to be demolished shall notify, in writing, the appropriate utilities or public authorities serving the building or structure regarding the person's intentions to demolish the building or structure. Such notice shall include a request that the utilities be disconnected. The owner, agent or person in control of the building or structure to be demolished, or the utility company, shall provide evidence to

the village that the utilities have been discontinued. The permit will not be issued until all proper verification has been received. Proof of verification that services have been discontinued may be evidenced on the application for a demolition permit.

150.434 BOND OR OTHER SURETY REQUIRED.

Prior to the issuance of a demolition permit, the owner, agent or person with control of the property subject to demolition shall post with the village a minimum of \$5,000 performance bond, cash deposit, or other surety approved by the Village Administrator to assure the village that the demolition work will proceed as permitted.

- (A) The terms of the surety shall provide that the village may retain or claim the surety proceeds if the permit holder fails to perform the demolition activities in accordance with the permit granted.
 - (1) In the event that the planned demolition is of such a size or scope that the \$5,000 bond, deposit or surety will be insufficient to assure completion for the demolition and site restoration activity, the Village Administrator may request a larger value performance bond, cash deposit, or other surety to assure the village that the demolition work will proceed as permitted, such larger value to be set on a case-by-case basis, upon majority vote of Council.
 - (2) In any event, the value of the surety shall not exceed the cost associated with the demolition and site restoration.
- (B) Bonds must be approved as to form by the Village Solicitor, indemnifying the Village for all liability arising by reason of the acts of the demolition contractor or his employees while in the pursuit of his business under a demolition permit issued by the Village.

150.435 SITE CONDITIONS.

- (A) During the course of the demolition activity, the owner, agent or person in control of the property subject to the demolition shall take steps to ensure the safety of the general public including dust and hazardous material, as governed by Ohio Administrative Code. The proposed steps shall be in compliance with generally accepted building industry safety practices as may be reflected in building codes applicable in the village and State of Ohio.
- (B) The demolition of any structure shall include the removal of all elements of the building, to include structural and roof parts, various and sundry debris generated by the demolition of the structure itself, any contents of the structure that remain at the time of demolition, and the building foundation.
 - (1) Removal of the foundation shall not be deemed complete unless and until every element of the foundation has been broken up and removed from the site, including all footers and material below grade.
 - (2) All surface irregularities, wells, septic tanks, basements, cellars, sidewalks, vaults and coal chutes shall be completely removed.

- (3) Once all the debris has been removed from the site, all holes shall be filled with environmentally clean compactable materials approved by the Village Administrator or designee.
- (C) Following the completion of demolition work, the owner, agent or person in control of the property or facility (industrial, commercial, public, and institutional) subject to the demolition activity shall provide for the restoration of the site so as to address safety and nuisance concerns. All such sites shall be brought to a level or other grade determined to be appropriate by the Village Administrator or designee.
- (D) The demolition contractor shall provide for the disposal of the debris associated with the demolition and/or rehabilitation work including dust control during demolition in compliance with OEPA requirements. The debris shall be placed in an appropriate container for removal by a private contractor, or another approved arrangement shall be made for the disposal of the debris on at least a weekly basis. No property owner or permit holder shall permit the non-containerized accumulation of demolition debris on any property in the village for a period in excess of seven calendar days. All debris and material associated with the demolition work shall be removed from the property.
- (E) All sanitary sewer leads that served the subject demolished building or structure shall be removed or grouted solid from structure to property line and shall be capped at the property line, or as may be required by the Village Administrator or designee. Applicants securing the demolition permit who choose to permanently terminate the water and/or sanitary sewer service must follow the guidelines of the Village Abandonment Procedures.
- (F) As soon as weather permits, the site, and adjacent public property that has been affected by the demolition activity, shall be restored (including the application of topsoil if necessary to ensure growth). Sod, grass seed or other ground cover material shall be installed to address soil erosion control. The Village Administrator or designee may require that straw or mulch material be placed on the site that is seeded to prevent erosion and enhance the likelihood of successful growth.
- (G) Any damage to public property such as but not limited to a public sidewalk shall be properly repaired and restored to its original condition. This work shall be accomplished within two weeks after the building has been demolished.

150.436 REGULATION OF DEMOLITION CONTRACTORS.

In undertaking any demolition work as defined in this article, the demolition contractor during his entire employment under a contract, whether public or private, shall be responsible and liable for:

- (A) Faithful compliance and adherence to all Federal, State and local laws and regulations relating to safe demolition and construction processes and procedures including equipment, apparel and individual protective device regulations, and requirements for pedestrian protection, adjoining property protection, vacant lot conditions, water accumulation, and utility disconnections in accordance with the Ohio Building Code. The Ohio EPA Division of Air Pollution shall be notified even if no asbestos or other hazardous materials are present.
- (B) Securing all necessary licenses, permits, easements and rights of way.

- (C) Early and adequate notice to the Village and utility companies for appropriate disconnections and the safeguarding thereof.
- (D) Minimization of air pollution and contamination through wetting, soaking and other dust and debris settling techniques, in compliance with all OEPA requirements.
- (E) Installation, erection and maintenance of barricades, warning lights and signals, pedestrian cautions and walkways in accordance with safety codes, regulations and ordinances. When necessary for the public protection, the contractor shall employ guards and watchmen.
- (F) Continuity of service to adjacent property by the replacement or repair of overhangs, cornices, downspouts, etc., which overhang from adjacent property and which have been removed or damaged by the contractor.

150.437 PERMITTED HOURS OF DEMOLITION.

Demolition activity shall be permitted between the hours of 7:30 a.m. and 7:30 p.m. Monday through Saturday only. Noise generating from demolition activity shall be in compliance with the village Noise Ordinance.

150.438 REQUIRED NOTIFICATION OF NEIGHBORING PROPERTIES.

Applicants who receive a demolition permit shall provide two business days advance written notification to all abutting property owners and occupants of the abutting properties prior to commencement of demolition.

150.439 TIME LIMIT FOR PERMIT.

The party receiving the demolition permit shall complete the demolition activity, including site restoration, within 30 calendar days from the receipt of the permit. The time limit may be extended at the discretion of the Village Administrator. The petitioner shall provide evidence to show that extenuating circumstances prohibited the completion of the demolition work in the 30-day time period.

150.440 PENALTY.

Whoever violates any provision of this article is guilty of a minor misdemeanor and shall be fined not more than \$100 for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

ARTICLE 150.61

Administrative Powers and Duties

150.611	Intent.	150.614	Committee of Zoning Appeals.
150.612	Zoning Administrator.	150.615	Village Council.
150.613	Planning Commission.		

150.611 INTENT.

This Article sets forth the powers and duties of the Zoning Administrator, Planning Commission, Committee of Zoning Appeals, and the Village Council with respect to the administration of the provisions of this Zoning Code.

150.612 ZONING ADMINISTRATOR.

- (A) Establishment. The Zoning Administrator, and his or her designee, shall act as the administrative officer for the purpose of effecting the proper administration of the Zoning Code, and may promulgate the necessary forms for carrying such duties.
- (B) Powers and Duties. The Zoning Administrator shall have the following powers and duties:
- (1) To enforce the provisions of this Code, unless specifically stated otherwise. The Zoning Administrator shall have all necessary authority on behalf of the Village to administer and enforce the provisions of this Code. The Administrator can appoint a qualified person to do inspections when necessary.
 - (2) To determine the meaning and application of this Zoning Code and its provisions;
 - (3) To accept, review for completeness, and respond to questions regarding applications upon which the Zoning Administrator is authorized by the provisions of this Zoning Code to review, including amendments to the Zoning Code, development plan review, variances, conditional uses, plats, and appeals;
 - (4) To coordinate the Village's administrative review of applications required by this Zoning Code;
 - (5) To issue Zoning Permits and Certificates of Zoning Compliance as provided by this Zoning Code and keep a record of the same with a notation of any special conditions involved;
 - (6) To review and act on sign applications, as provided for in Article 35, Sign Regulations, according to the procedures, standards, and criteria stated in this Zoning Code;
 - (7) To provide such technical and consultation assistance as may be required by the Planning Commission, the Committee of Zoning Appeals, the Village Council, and other boards and commissions, in the exercise of their duties relating to this Code;
 - (8) To maintain any records required by this Zoning Code including, but not limited to, inspection documents, records of all variances, amendments, development plan applications, and similar use determinations;

- (9) To make such records available for the use of Council, the Planning Commission, the Committee of Zoning Appeals, and the public according to Ohio Law;
- (10) To conduct or cause the inspection of buildings and uses of land to determine compliance with this Zoning Code;
- (11) To determine the existence of any violations of this Zoning Code and cause such notifications of violations or revocation notices, stop work orders to be issued, or initiate such other administrative or legal action as needed to address such violations;
- (12) To maintain in current status the "Official Zoning Map" of the Village of Swanton, as same may be amended; and
- (13) To perform such other functions as are referred or delegated by the Village Council or the Mayor.

150.613 PLANNING COMMISSION.

- (A) Establishment. In accordance with ORC §713.01, there is established a Village Planning Commission of five members consisting of the Mayor; one member of the Village Council to be elected thereby for the remainder of his/her term as such member of Village Council; and three electors of the municipality who shall be appointed by the Mayor, subject to the approval of a majority of the members elected to Council. Each appointee shall serve for a term of six years, except that the term of one of the members of the first commission shall be for four years and one for two years, so that the terms of the three appointed members are staggered.
- (B) Officers and Rules. The Planning Commission shall elect a Chairperson and Vice Chairperson from its members. The Zoning Administrator shall serve as Secretary to the Commission. The Commission shall adopt rules or by-laws for the holding of regular and special meetings, the transaction and disposition of its business and the exercise of the powers of the Commission, such procedure shall be followed.
- (C) Quorum. All meetings of the Planning Commission shall be open to the public. A majority of its members shall constitute a quorum at any meeting. No action of the Commission shall be deemed taken unless concurred in by a majority of its members.
- (D) Employment of Consultants. The Planning Commission may control, appoint or employ professional services, and may appoint clerks, craftsmen and other subordinates as it finds necessary in connection with the performance of its functions and duties. Expenditures for such service and employment shall be within the amount appropriated for such purpose by the Council.
- (E) Planning Commission Powers and Duties. The Planning Commission shall have such powers as are conferred by the general laws of the state, by ordinance of the Village Council as well as the following powers and duties:
 - (1) To review and act on all development plans as required by this Zoning Code;
 - (2) To review and act on Conditional Use Permits according to the procedures, standards and criteria stated in this Zoning Code;

- (3) To make a determination that a proposed use not listed or provided for in this Zoning Code is substantially similar to a principal use that is listed and provided for in this Zoning Code and refer such determination to the Village Council for confirmation;
- (4) To review and act on proposed subdivision plats according to the procedures, standards and criteria stated in Articles 151.30 and 151.40 of the Subdivision Regulations;
- (5) To hear and decide appeals from the refusal by the zoning administrator to issue a zoning permit or certificate of zoning compliance;
- (6) To authorize in specific cases exceptions to and variations from the terms of this Zoning Code as will not be contrary to the public interest, according to the review criteria set forth in this Zoning Code;
- (7) To review all proposed amendments to this Zoning Code and make recommendations to the Village Council as provided in this Zoning Code;
- (8) To investigate and propose on its own initiative such amendments to the Zoning Code, as it may deem consistent with the purposes of this Zoning Code and which further the public health, safety, and general welfare of the Village of Swanton;
- (9) To resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of Section 150.155, District Boundary Lines;
- (10) To review nonconforming uses, structures, buildings, site conditions in accordance with the provisions of this Zoning Code; and
- (11) To perform such other functions as are referred or delegated to it by the Village Council or the Mayor.

150.614 COMMITTEE OF ZONING APPEALS.

- (A) Establishment. In accordance with ORC §713.11, there is hereby established a Council Committee of Zoning Appeals consisting of the four Village Council members who do not serve on the Planning Commission.
- (B) Powers and Duties. The Committee of Zoning Appeals shall have the following powers and duties:
 - (1) To hear appeals and decide any issue involving the application of impartial considerations and judgments in regard to decisions made by the Planning Commission on matters relating to this Zoning Code, for relief from any order, requirement, decision or determination, including the refusal, granting or revocation of permits; and
 - (2) To hear and decide all matters specifically referred to it for decisions in other sections of this Zoning Code.
 - (3) This does not include zoning text or map amendments.
- (C) Officers. Committee membership shall not include the Mayor or the Council member serving as a member of the Village Planning Commission. The Committee shall elect a Chairperson and Secretary from among its members.

(D) Meetings.

- (1) All hearings conducted by the Committee shall be open to the public.
- (2) Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney.
- (3) The Committee shall have the power to subpoena and require the attendance of witnesses, to administer oaths, to compel testimony, to produce reports, findings and other evidence pertinent to any issue referred to it for decision.
- (4) The concurring vote of three members of the Committee shall be necessary to reverse any order, requirement, decision or determination of any duly authorized administrative officer.
- (5) A member of the Committee shall not be qualified to vote, if he or she has a direct or indirect interest in the issue appealed.

150.615 VILLAGE COUNCIL.

For the purposes of this Zoning Code, the Village Council shall have the following powers and duties:

- (A) To investigate and propose on its own initiative such amendments to the Zoning Code as it may deem consistent with the purposes of this Zoning Code and which further the public, health, safety, and general welfare of the Village of Swanton;
- (B) To hold public hearings and vote upon proposed amendments to this Zoning Code Zoning Map;
- (C) To approve the dedication of any public land, streets, or easements, and the vacation of dedicated street right-of-ways; and,
- (D) To hear and decide all other matters upon which it is required to pass by this Zoning Code.

ARTICLE 150.63
Zoning Permits and Certificates

150.631	Intent.	150.634	Certificate of Zoning Compliance
150.632	General Provisions for Application Filing		Required.
150.633	Zoning Permit Required.	150.635	Determination of Similar Uses.

150.631 INTENT.

In order to accomplish the purposes for which this Zoning Code is adopted, it is essential that its regulations be soundly and consistently applied, and that this Code be vigorously enforced. This article stipulates the general procedures to be followed in obtaining zoning approval.

150.632 GENERAL PROVISIONS FOR APPLICATION FILING.

The requirements of this section shall apply to all applications and review procedures set forth in this Zoning Code, unless otherwise stated.

- (A) Applicant. A person having legal authority to take action in accordance with the approval sought shall file an application for review in accordance with this Zoning Code. Persons having such legal authority include the legal owner of the premises and the legal owner’s representative who has express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.
- (B) Zoning Application Required. Prior to Filing Application for a Building Permit. All applicants for commercial and industrial construction shall submit an application for zoning permit review and approval prior to submitting for state building plan approval.
- (C) Application Filing Requirements. Applications required under this Zoning Code shall be submitted in a form and in such numbers as established by the Zoning Administrator and shall be accompanied by:
 - (1) An application form provided by the Village, completed and signed by the applicant.
 - (2) The appropriate information, plans, studies and other documents that are required by this Zoning Code based on the type of application submitted. Such list of filing submission requirements shall be made readily available to the public.
 - (3) Payment of fee(s). Applications shall be accompanied by the fee required in the Official Village of Swanton Zoning Code Fee Schedule as established by the Swanton Village Council. The schedule of fees shall be available at Village Hall, and may be altered or amended only by Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure that is referred to the Planning Commission for review. For all other applications, the zoning permit or certificate of zoning compliance shall not be issued until all fees have been paid in full
- (D) Application Filing Deadline. For applications requiring review by the Planning Commission, the applicant shall file an application with the Zoning Administrator at least 15 business days before

the date of the Planning Commission's regularly scheduled meeting at which such application is to be considered.

- (E) Complete Application Determination. The Zoning Administrator shall initiate the review and processing of a submitted application only after such application is determined to be complete.
- (1) The Zoning Administrator shall make a determination of application completeness within five (5) business days of the application filing
 - (2) If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant of necessary changes or additional information needed. No further processing of an incomplete application shall occur until the deficiencies are corrected.
 - (3) Once an application is determined to be complete, the Zoning Administrator shall process the application according to the procedures set forth in this Zoning Code.
 - (4) If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.
- (F) Review Meeting Date. For applications requiring review by the Planning Commission, a complete application shall be placed on the Commission's agenda for the next regularly scheduled meeting occurring not less than five (5) days from the date the application is determined complete.
- (G) Refund of Fees. Application or review fees are not refundable except where the Zoning Administrator determines that an application was accepted in error, or the fee paid exceeds the amount due; in which case the amount of the overpayment will be refunded to the applicant.
- (H) Submission Schedule. The Zoning Administrator is authorized to and shall establish the submission and review schedule for applications. The Zoning Administrator may amend and update these requirements as determined necessary.
- (I) Required Times for Action and Inaction. Whenever the provisions of this Zoning Code require that reviewers or decision-makers take action on an application within a specified period and such action is not taken within that time-frame, such inaction shall be deemed a denial of the application unless the applicant agrees to an extension of the review period.

150.633 ZONING PERMIT REQUIRED.

- (A) No excavation, grading, or improvement shall be commenced, and no building or structure shall be erected, constructed, enlarged, structurally or otherwise materially altered, or moved in whole or in part, no use of buildings or land shall be established or changed, and no building demolished in the Village of Swanton prior to the issuance of a Zoning Permit. The Zoning Administrator shall issue a Zoning Permit only when the plans for the proposed use, building, or structure fully comply with the regulations set forth in this Zoning Code and other codes of the Village.
- (B) Approval Required. A Zoning Permit and related approvals shall be required for the following circumstances, unless specifically exempted in this Zoning Code:

- (1) One-Family Detached and Uses Accessory Thereto. An application for a zoning permit for a one-family detached dwelling, including any accessory structure, accessory use or any other activity related to such dwelling, shall be reviewed according to the procedures in this Article.
- (2) All Other Permitted Uses. An application for any other permitted use not described in sub-section (A)(1) shall be reviewed according to the development plan review procedures set forth in Article 150.65, Development Plan Review Procedures or reviewed and approved pursuant to any other applicable procedures set forth in this Zoning Code.
- (3) Variance Requests. A Zoning Permit for a building or use requiring a variance from a requirement of this Zoning Code shall not be issued until such variance has been applied for and approved according to the procedures set forth in Article 150.69, Appeals and Variances.
- (4) Conditional Use Permit. A Zoning Permit for a building or use requiring a Conditional Use Permit shall not be issued until such Conditional Use Permit has been applied for and approved by the Planning Commission
- (5) Similar Uses. An application for any use not specifically listed in this Zoning Code as a permitted use has been reviewed and approved by the Planning Commission according to the procedures set forth in this Article.

(C) Approval of Zoning Permit.

- (1) For applications not requiring review by the Planning Commission:
 - (a) The Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this Section within 15 business days after a complete application is accepted.
 - (b) In conducting the review of the application, the Zoning Administrator may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this resolution. Any costs of review shall be borne by the applicant, as stated in the Village of Swanton fee schedule.
- (2) For applications requiring review by the Planning Commission, upon receiving a report of approval from the Planning Commission, the Zoning Administrator shall issue the zoning permit.
- (3) In the event an application is disapproved, the Zoning Administrator shall state in writing the reasons for the action taken. Such statement of disapproval shall include, but not be limited to, a list of regulations that would be violated by the proposed use and shall be transmitted to the applicant. The applicant may submit a revised application for review in accordance with this Article, or the applicant may appeal the decision to the Planning Commission in accordance with Article 150.69.

(D) Expiration of Zoning Permit. All zoning permits shall expire if work there under does not progress as follows, unless the Planning Commission finds due cause to extend such deadlines:

- (1) Within six (6) months from issuance, work shall have begun (e.g., ground shall have been broken).
- (2) Within two (2) years from issuance, work shall be complete as shown on the approved development plan.
- (3) An applicant with an approved Zoning Permit may, prior to the expiration of said permit, apply for approval in writing of one six-month extension to commence the work described in the original Zoning Permit without the payment of additional zoning fees.
- (4) Any zoning permit that has expired shall require a new application, and the applicant shall comply with all provisions of this Code in effect on the date of the new application.

150.634 CERTIFICATE OF ZONING COMPLIANCE REQUIRED.

No land, new building, or structure shall be occupied or used, in whole or in part, and no change in the use of an existing building or structure, or any part thereof, shall be permitted, until a Certificate of Zoning Compliance has been applied for and issued by the Zoning Administrator. A Certificate of Zoning Compliance shall also be required prior to the use or occupancy of any building or land, if Section 150.633, Zoning Permit Required, requires said land or building to receive a Zoning Permit.

(A) Certificate of Zoning Compliance shall be applied for and issued as follows:

- (1) **Occupancy of a Building.** A Certificate of Zoning Compliance shall be required before a building that has been constructed, or an existing building that has been altered, moved, changed in use, changed in tenancy, or changed as to off-street parking or loading requirements may be occupied. A Certificate of Zoning Compliance shall only be issued after the completion of the erection or alteration, or change in use of the building and the building is found, upon inspection, to conform to the provisions of this Zoning Code and any other applicable Village regulations, policies, and specifications.
- (2) **Occupancy of Land.** A Certificate of Zoning Compliance shall be required before occupancy of the land or where use of the land has been changed to a use different from the prior use. A Certificate of Zoning Compliance shall be issued when it is determined upon inspection that the use conforms to the provisions of this Zoning Code.
- (3) **Change in Use of Nonconforming Building or Use.** A Certificate of Zoning Compliance shall be required whenever a nonconforming building, structure, or land is changed to another nonconforming use, and shall not be issued until the Planning Commission has approved the change in accordance with the provisions of Article 150.41 Nonconforming Uses, Lots, Building, and Sites.

(B) An application for Certificate of Zoning Compliance shall include, in addition to the plans required for the Zoning Permit, accurate information as to the size, location, drawings and description of the lot, the dimensions of yards and setbacks, the use of land, and the application fee.

(C) After receiving an application for a Certificate of Zoning Compliance, the Zoning Administrator shall inspect the premises to determine whether such use/construction conforms to all provisions of this Zoning Code and the approved final development plan as applicable, or if it is a lawfully existing nonconforming use.

(D) Action by Zoning Administrator. The Zoning Administrator review the application. In evaluating the application, the Zoning Administrator may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this Zoning Code. Following the Zoning Administrator's review, the Zoning Administrator shall:

- (1) Approve. The Zoning Administrator shall issue a Certificate Zoning of Compliance upon finding that the building, structure or use, as proposed, complies with the provisions of this Zoning Code, if the maintenance and performance guarantees have been provided, as applicable.
- (2) Denial. If it is determined by the Zoning Administrator that the proposed building, structure or use would violate one or more provisions of this Zoning Code, then the Certificate of Zoning Compliance shall not be issued. Upon disapproval of any application, the Zoning Administrator shall notify the applicant in writing of the reasons for disapproval.
- (3) Temporary Certificate of Zoning Compliance. Pending the issuance of a permanent Certificate of Zoning Compliance, a temporary certificate may be issued, to be valid for a period not to exceed (6) six months from its date, pending the completion of any required improvements, provided a performance guarantee has been provided to the Village from a banking institution of sufficient amount to cover the estimated cost of materials and labor and in a form acceptable to the Village Solicitor.

150.635 DETERMINATION OF SIMILAR USES.

Each zoning district established by this Zoning Code, and amendments thereto, includes a list of uses of land or structures that are permitted in the district because they are considered compatible with one another. To the extent that new types of uses are created which have not been addressed by this Zoning Code, this Section provides the procedure by which the Planning Commission may make a determination that a new use is similar to a use permitted in a district.

- (A) Determination. A proposed use may be permitted as a similar use when the Planning Commission determines that such proposed use is in compliance with the following provisions:
- (1) The proposed use is not listed as a permitted use in any district within the Village;
 - (2) The proposed use is not explicitly prohibited in any district or the Zoning Code;
 - (3) The proposed use conforms to and is consistent with the purpose statement of the district in which it is proposed;
 - (4) The proposed use is of the same general character as the permitted uses in the district to which it is proposed or is similar to a specific use permitted in that district;
 - (5) Such proposed use does not create dangers to health and safety, and does not create 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 district to which it is proposed; and,
 - (6) Such proposed use does not create traffic to a greater extent than the other uses listed in the district to which it is proposed.

- (B) Assignment to Districts. If the Planning Commission approves the proposed similar use, then the similar use shall be added to the appropriate districts, as identified in the Planning Commission's determination.

**ARTICLE 150.65
Development Plan Review Procedures**

150.651	Intent.	150.658	Criteria for Reviewing Final Development Plans.
150.652	Development Plan Review Required.	150.659	Request for Additional Information.
150.653	Minor Alternations Approved by Zoning Administrator.	150.660	Development Plan Review Procedures.
150.654	Development Plan Process.	150.661	Significance of an Approved Plan; Plan Revisions.
150.655	Pre-Application Meeting Encouraged.	150.662	Expiration of Development Plan Approval.
150.656	Plan Submission Requirements.	150.663	Equivalency Provision.
150.657	Criteria for Reviewing Preliminary Development Plans.		

150.651 INTENT.

- (A) The purpose of this Article is to provide adequate review by the Planning Commission of proposed developments in those zoning districts where the uses permitted are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety, and general welfare of the community.
- (B) Development plan review provides a procedure with specific standards for development proposals. Items to be considered include, but are not limited to, safe and efficient access for pedestrians and vehicles, storm water management, preservation of existing natural features, adjacent land uses and general welfare and safety.

150.652 DEVELOPMENT PLAN REVIEW REQUIRED.

Review of a preliminary development plan and a final development plan shall be conducted in compliance with the following:

- (A) Development Plan Review Required. A development plan that indicates, among other things, the exact location of buildings, landscaping, parking areas, access drives, signs, and outdoor storage areas shall be required for the following:
 - (1) New construction of all permitted uses in the Business/Industrial, and Public/Open Space Districts;
 - (2) New Construction in the Planned Residential Development and Airport Highway Corridor Overlay Districts;
 - (3) New construction of all conditional uses; and,
 - (4) Any existing or previously approved development meeting the criteria of sub-sections (1) through (3) above that proposes to alter, reconstruct, or otherwise modify a use or site including expanding the floor area of the permitted use in excess of 5,000 square feet or 25% of the existing gross floor area, whichever is greater; increasing the number of dwelling units in a multi-family development; changing the use which requires an

increase in the amount of parking or a change in the site's circulation; or when the parking surface changes from a pervious to an impervious surface.

(B) Exceptions:

- (1) A change of occupancy in an existing structure, or in a previously approved final development plan, when there is no change in the bulk of the structure, and no change in the parking required and no change in use, shall be exempt from the development plan review procedures.
- (2) One-family detached dwelling and related structures and buildings are exempt from the development plan review procedure, except when the application requires a conditional use permit.

150.653 MINOR ALTERATIONS APPROVED BY ZONING ADMINISTRATOR.

When a minor alteration is proposed to an existing building, structure or site arrangement on a lot otherwise subject to development plan review pursuant to Section 150.652, the Zoning Administrator may approve the development plan application as specified in this Section:

(A) For the purposes of this Section, a minor alteration shall include:

- (1) Small, incidental alterations of existing off-street surface parking lots;
- (2) Small, incidental construction of accessory structures;
- (3) Incidental alterations to principal buildings on large zoning lots; and,
- (4) Minor design modifications that will have no discernible impact on neighboring properties, the public, or those intended to occupy or use the proposed development.

(B) The Zoning Administrator shall review the application to determine that the proposal is not contrary to and complies with all applicable regulations in this Zoning Code and will not result in any material adverse impact to the site or surrounding areas.

(C) After reviewing the application, the Zoning Administrator shall:

- (1) Approve the development plan as submitted; or,
- (2) Deny the development plan when the application does not demonstrate that the required standards have been met.

150.654 DEVELOPMENT PLAN PROCESS.

Development plan reviews should proceed and generally move in phases to include:

- (A) Pre-application meeting with the Zoning Administrator;
- (B) Preliminary development plan review by the Planning Commission. The preliminary development plan phase may be omitted when, in the opinion of the Zoning Administrator, the project is too minor to warrant preliminary development plan review;
- (C) Final development plan review by the Planning Commission.

150.655 PRE-APPLICATION MEETING ENCOURAGED.

The applicant is encouraged to meet with the Zoning Administrator prior to submitting an application for development plan review. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of this Zoning Code and the criteria and standards contained within. However, no action shall be taken at such a meeting and no opinions, suggestions, or recommendations discussed shall be relied on by the applicant to indicate subsequent approval or disapproval of the development plan.

150.656 PLAN SUBMISSION REQUIREMENTS.

- (A) General Requirements. An applicant for development plan review, both preliminary and final shall file with the Zoning Administrator the following along with the application fee.
- (1) A letter of submittal from the property owner or an agent authorized in writing by the property owner shall accompany the development plan which contains the applicant's phone number and mailing address;
 - (2) The development plan documents shall include a complete legal description of the property and a general location sketch showing nearby section lines and/or residential and major roadways;
 - (3) All development plans shall have the title "Development Plan Review" and include the site address; date of submittal and the submitter's name and address, and shall bear the seal and signature of a professional civil engineer/surveyor registered to practice in the state of Ohio. The site plan shall indicate the scale of the drawing and shall use an engineer's scale. The scale of the site shall not exceed one inch to 40 feet. The site plan shall have the north arrow pointing toward the top of the drawing. The location map and site plan orientation shall be the same;
 - (4) The documents shall be ten blue-line or black-line prints of the site plan on paper no smaller than 24 inches by 36 inches.; and,
 - (5) The development plan documents shall include a color aerial photograph of the site to be developed from a publicly obtainable source such as Google maps, Google earth, map.live.com and the like of sufficient size and resolution to clearly illustrate property details, attributes and all abutting streets and roadways.
- (B) Requirements for Preliminary Development Plan. An application for preliminary development plan review shall include a plan for the entire area of the proposed project and shall be submitted to the Zoning Administrator. The preliminary development plan shall include:
- (1) The location of all existing structures and access points.
 - (2) The general location of existing buildings, parking areas and access drives on parcels within 200 feet of the site;
 - (3) The general location of all proposed construction including buildings, structures, accessory buildings and structures, parking areas, and access points;
 - (4) The location of existing and proposed topography, major vegetation features, and wooded areas;

- (5) The general layout of the proposed internal road system, indicating the proposed vehicular right-of-way of all proposed public streets and pedestrian circulation;
 - (6) The general location of common open space; and,
 - (7) A summary table showing total acres of the proposed development, the number of acres devoted to each type of land use including streets and open space, and the number of proposed dwelling units by type.
- (C) Requirements for Final Development Plan Review. A final development plan shall indicate, among other things, the exact location of buildings, landscaping, parking areas, access drives, signs, and outdoor storage areas as well as the following:
- (1) The zoning classification(s) and existing uses of the property and all abutting property, the approximate location of buildings and driveway locations, opposite to and adjacent to the property;
 - (2) The dimensions indicating the area of the property, the dimensions of the existing and planned buildings to be constructed and any buildings to be removed or other alterations to occur to the property;
 - (3) The distance of existing and proposed structure(s) to all right-of-way lines and distances of the structure(s) to the front, side and rear property lines;
 - (4) The name for all adjacent roadways and rights-of-way and pavement widths measured from the centerline of the roadway;
 - (5) The locations, height and material of all existing and proposed fencing and/or walls on the property;
 - (6) The location, height, lighting, type and dimensions of existing or proposed signs on the property;
 - (7) The width(s) and location(s) of existing or proposed sidewalks, if any, and drive approach aprons. The drive approach width(s) shall be indicated where the apron meets the roadway pavement and shall be dimensioned at the throat;
 - (8) All ditches, creeks and other natural features that may affect the development of the property. When appropriate, two-foot contours and the 100-year high water elevation shall be shown on the site plan. Information on this requirement may be obtained from the Fulton County or Lucas County Engineer's office;
 - (9) The existing and proposed method of storm water drainage and/or areas to be used for storm water detention;
 - (10) Existing and proposed sanitary and storm sewers, water mains and the location(s) of fire hydrants if present. In the event these improvements are not proposed, the development plan shall indicate the location of proposed or existing wells and sewage systems both on-site and on abutting parcels.
 - (11) The location of existing or proposed off-street parking spaces and drive aisles with complete dimensions, the number and size of the proposed parking stalls including handicap spaces and the type of pavement composition of the parking area (asphalt or concrete) and if the off-street parking area is located next to an existing parking area or on another parcel, the method of circulation, if any, between the two areas;

- (12) The location of proposed plant material, mulch beds and other landscape improvements such as, but not limited to, berms, fences and the like, plant schedules with botanical and common plant names, quantity of plants to be installed, plant size at installation and on-center planting dimensions where applicable, and all existing plant material to be removed or retained and all new landscaping materials to be installed;
 - (13) A development plan with a proposed drive-through window operation shall indicate where the vehicles will be lined up and how many vehicles can be stored at one time while waiting to use the order board and drive-through window, as required in Section 150.335(E).
 - (14) Exterior building elevation(s) for all building walls visible from all abutting streets and highways.
 - (15) The submittal of a traffic impact study and or access management plan, if required, pursuant to Section 150.297, Access to Individual Parcels.
 - (16) Architectural Drawings. For buildings in the Business and Industrial Districts and the Airport Highway Corridor Overlay District, detailed architectural drawings for all proposed principal and accessory buildings including floor plans and elevations of the front, rear and two (2) sides of the building, together with additional views or cross sections, as necessary, to completely depict the exterior appearance of the structure.
 - (a) All elevations shall be drawn to the same scale, and be drawn at a reasonable scale to enable the Planning Commission to adequately review the information submitted.
 - (b) Each elevation shall show the accurate location of windows, doors, portals and other architectural features and all materials and finishes.
 - (c) Samples of colors and building materials, colored renderings, and photographs of the site shall accompany the elevations as necessary to convey the appearance of the structure.
 - (17) The plans and drawings shall be created by and bear the seal and signature of a professional architect and/or a professional engineer registered to practice in the state of Ohio.
- (D) Waiver of Submittal Requirements. The Zoning Administrator may waive any of the submittal requirements in this Section if, in his or her opinion, and based on recognized planning or engineering principles, they are unnecessary to determine compliance with appropriate Code provisions. Such waiver shall not be construed to authorize the reduction or waiver of any of the zoning standards, regulations, or other requirements of the Zoning Code.

150.657 CRITERIA FOR REVIEWING PRELIMINARY DEVELOPMENT PLANS.

The Planning Commission shall review a preliminary development plan to determine if such application complies with the review criteria set forth below. The Planning Commission shall take into consideration the comments and recommendation of staff and consultants. In order to approve a preliminary development plan, the Planning Commission shall determine that:

- (A) The preliminary plan is consistent with this Zoning Code and the Zoning Map of the Village;

- (B) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property; and,
- (C) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Zoning Code.

150.658 CRITERIA FOR REVIEWING FINAL DEVELOPMENT PLANS.

In reviewing final development plans, the Planning Commission shall review the development plan to determine if such application complies with the review criteria set forth below. The Planning Commission shall take into consideration the comments and recommendation of staff and consultants when reviewing the application. In order to approve a final development plan, the Planning Commission shall determine that:

- (A) The plan is consistent with any plan for the orderly development of the Village and, when applicable, conforms in all respects to the approved or provisionally approved preliminary development plan and the regulations of this Zoning Code;
- (B) The appropriate use and value of property within and adjacent to the area will be safeguarded;
- (C) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;
- (D) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- (E) The development will have adequate public service, parking; and open spaces, when applicable;
- (F) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Zoning Code, if applicable;
- (G) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas that is designed to minimize direct light, glare, and excessive glow, which unreasonably interferes with the use and enjoyment of adjacent property;
- (H) Points of ingress/egress to the development shall be controlled and designed in such manner as to minimize conflicts with adjacent properties and developments;
- (I) Adequate provision is made for emergency vehicle access and circulation. Adequate provision is made for fire hydrants and firefighting water supply;
- (J) Site lighting is designed to minimize direct light, glare, and excessive glow, which unreasonably interferes with the use and enjoyment of adjacent property;
- (K) The proposed signs, if applicable, comply with Article 150.35, Sign Regulations, and:
 - (1) Are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and,

- (2) Adequately identify the use; and,
 - (3) Are located to maintain safe and orderly pedestrian and vehicular circulation.
- (L) The landscape plan comply with the requirements of Article 150.39, Landscaping, Buffering, Fences & Lighting, and will adequately:
- (1) Enhance the principal building and site;
 - (2) Maintain existing trees to the extent possible;
 - (3) Buffer adjacent incompatible uses;
 - (4) Break up large expanses of pavement with natural material; and,
 - (5) Provide appropriate plant materials considering the ultimate mature size and shape of plants relative to the buildings and site, and the climate of the area, including typical weather conditions.
- (M) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas, and shall comply with the applicable regulations in this Zoning Code, and any other design criteria established by the Village or any other governmental entity which may have jurisdiction over such matters; and,
- (N) If the project is to be carried out in progressive stages, each phase shall be so planned that the foregoing criteria are complied with at the completion of each phase.
- (O) All utilities shall be extended to the perimeter of the development.

150.659 REQUEST FOR ADDITIONAL INFORMATION.

In their review of an application, the Planning Commission may request that the applicant supply additional information that the Commission deems necessary to adequately review and evaluate the proposed development.

150.660 DEVELOPMENT PLAN REVIEW PROCEDURES.

Preliminary and Final Development Plans shall be reviewed and distributed according to the following procedures:

- (A) Review for Completeness. The Zoning Administrator shall review the submitted application for completeness according to Section 150.632. When the application is deemed complete and the application fee paid, the Zoning Administrator shall officially accept the application for consideration of the action(s) requested on the date such determination is made and place it on the Planning Commission's agenda.
- (B) Distribution of Plans. When the Zoning Administrator determines that the application for preliminary or final development plans is complete, the Zoning Administrator shall forward the application to the appropriate Village departments, the Village Engineer, appropriate government agencies, and professional consultants for review, report and recommendation. Any reports, comments, or expert opinions shall be returned to the Zoning Administrator.

- (C) Transmission to the Planning Commission. For Preliminary and Final Development Plan Reviews, the Zoning Administrator shall distribute the application for development plan review, along with all applicable plans/data and any reports prepared by the individuals and agencies in subsection (B) above to the Planning Commission for the Commission's review at their next regularly scheduled meeting.
- (D) Action by the Planning Commission.
- (1) The Planning Commission shall review the site plan according to the applicable criteria in Section 150.657 and Section 150.658.
 - (2) Following its review, for a preliminary or final development plan, the Planning Commission shall:
 - (a) Approve the development plan as submitted; or
 - (b) Approve the plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements in the setback layout, open space arrangement, on-site control of access to streets, or such features as fences, walls and plantings to further protect and improve the proposed and surrounding developments; or
 - (c) Deny the development plan when the application does not demonstrate that the required standards have been met.
- (E) As part of the development plan review, a suitable performance guarantee to ensure the implementation of site improvements may be required.
- (F) For a preliminary or final development plan, the Planning Commission may also postpone action on the development plan, providing guidance to the applicant regarding alterations to the proposed development plan that may address the concerns expressed by the Planning Commission.
- (G) The Village shall promptly furnish the applicant with its written report on the preliminary development plan or its decision on the final development plan.
- (H) Failure of the Planning Commission to Act. Failure of the Planning Commission to act within ninety (90) days from the date the application was deemed complete, or an extended period as may be agreed upon, shall be deemed a denial of the application.
- (I) Re-application after Denial. The Zoning Administrator shall accept a reapplication for the proposed development plan only when the reapplication addresses the reasons for the denial of the initial application. The reapplication shall comply with all the requirements of this Article, including payment of the required fee. If an application is denied as a result of Section 150.660(H), the Zoning Administrator shall accept a reapplication for development plan review even if it has not been revised from the previous submittal.
- (J) Issuance of Zoning Permit. If the final site plan is approved or approved with conditions, the Zoning Administrator shall issue a Zoning Permit pursuant to Article 150.63, Zoning Permit and Certificates of Zoning Compliance. However, the Zoning Permit shall not be issued until:
- (1) When required by the Planning Commission, there shall be executed by the owner or applicant an agreement to construct required physical improvements located within the public rights-of-way or easements or connected to any public facility; and the applicant

shall execute and deliver to the Village a performance guarantee approved by the Village Engineer in the amount of the estimated cost of the required physical improvements as determined by the Village Engineer. The agreement and the performance guarantee shall provide for completion of all work within a time specified by the Village Engineer or before occupancy is allowed in any structure, whichever shall occur first.

- (2) The approval of the final development plan or the installation of improvements as required by this Zoning Code shall not obligate the Village to accept improvements for maintenance, repair, or operation. Acceptance shall be subject to local or state regulations where applicable, concerning the acceptance of each type of improvement.

150.661 SIGNIFICANCE OF AN APPROVED PLAN; PLAN REVISIONS.

- (A) An approved Final Development Plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved Final Development Plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. If an approved Final Development Plan is transferred to another entity, the Zoning Administrative shall be noticed so he/she can retain a copy of said transfer for the Village files. Any new entity that obtains the approved final development plan by means of transfer assumes all the administrative, financial, legal, and all other performance guarantees approved with the original, final development plan.
- (B) All construction and development under any zoning permit shall be in accordance with the approved final development plan. Any departure from such plan shall be cause for revocation of the zoning permit, and the property owner or other responsible parties are subject to penalties as prescribed by this Zoning Code.
- (C) Modification after Approval. Changes to the approved development plan shall require re-submittal for review pursuant to this section; provided, however, that the Zoning Administrator may administratively approve minor changes to the approved plan which do not:
 - (1) Result in an increase in the number of units.
 - (2) Encroach into the setback areas;
 - (3) Encroach into parking areas through an increase in its height, length or width that would magnify its effect on an adjoining area;
 - (4) Create a larger building mass that would magnify its effect on the adjoining area either through an increase in its height, length or width; and
 - (5) Alter specific conditions approved by the Village Planning Commission.

150.662 EXPIRATION OF DEVELOPMENT PLAN APPROVAL.

- (A) Preliminary Development Plan. An approved preliminary development plan shall remain valid for a period of twelve (12) months following the date of its approval, unless the Planning Commission authorizes a longer period at the time of approval or grants an extension to the above stated time frame for good cause. If, at the end of that time, a final development plan

has not been submitted to the Zoning Administrator, then approval of the preliminary development plan shall expire and shall be of no effect unless resubmitted and re-approved in accordance with this Article.

(B) Final Development Plan.

- (1) If construction of any phase of the approved development plan begins within one year after approval is granted, the approval shall be valid until the development is completed; provided, however, if the performance of the development plan is not substantially completed after the second year, the development plan is void.
- (2) If no construction has begun within one year after the approval is granted, the site plan's approval shall be void. An extension of time may be approved at the sole discretion of the Village Planning Commission.
- (3) For this purposes of this Section, construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included on the final development plan have been completed.

150.663 EQUIVALENCY PROVISION.

In reviewing the application, the Planning Commission may find that a final development plan either adheres to or is equivalent to the requirements of this Zoning Code.

- (A) The Planning Commission may consider elements of a final development plan to be equivalent to a requirement if:
- (1) The proposed final development plan substantially complies with all specific requirements and with the purposes, intent and basic objectives of the zoning district;
 - (2) Through imaginative and skillful design in the arrangement of buildings, open space, streets, access drives and other features, as disclosed by the application, the proposal results in a development of equivalent or higher quality than that which could be achieved through strict application of such standards and requirements; and,
 - (3) The development, as proposed, shall have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.
- (B) It shall be the responsibility of the applicant to demonstrate to the Planning Commission that the provisions of this Section have been satisfied. When evaluating the application with respect to this Section, the Planning Commission shall make any finding of equivalency in writing which explains how and why the proposal has satisfied the above criteria. When making such a finding, the Commission may approve the proposed application, including waivers from the numerical standards herein, as if the application were in strict compliance with the standards and requirements in this Zoning Code.
- (C) Approval under this Section is not a variance. Instead, this Section allows applicants to satisfy zoning requirements in ways not anticipated by the Village.

ARTICLE 150.67

Conditional Use Review Procedures

150.671	Conditional Use Permit Required.	150.675	Decision.
150.672	Designation As A Conditional Use.	150.676	General Criteria For Conditional Uses.
150.673	Conditional Use Permit Application.	150.677	Terms And Duration Of Approval.
150.674	Public Hearing And Review By Planning Commission.	150.678	Revocation Of Conditional Use Approval.

150.671 CONDITIONAL USE PERMIT REQUIRED.

When a proposed use is permitted in a zoning district as a conditional use as set forth in the district regulations, a conditional use permit is required and the application for such conditional use permit shall be submitted and reviewed according to the following review procedures.

150.672 DESIGNATION AS A CONDITIONAL USE.

- (A) Certain types of uses are classified as conditional uses because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements, or potential for significant impact on a particular district. The village has determined that such use may be permitted and desirable in certain districts but not without consideration in each case of the effect of the use upon neighboring land and the public need for a particular use at the particular location. The application of the planning standards for determining the location and extent of such use is a planning function and not in the nature of a variance or appeal. Consequently, the conditional use procedures call for a more flexible and equitable procedure for properly accommodating such activities in the community.
- (B) The purpose of this Article is to provide controllable and reasonably flexible requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provisions for the health, safety, convenience and general welfare of the Village's inhabitants.
- (C) In order to accomplish such a dual objective, this chapter sets forth a review procedure that enables a more detailed consideration of each conditional use. The review considers the proposal in terms of existing zoning and land use in the vicinity of the proposed use; the design, size, operation, processes and equipment employed, and intensity of the proposed use; the impacts of the proposed use at the proposed location on the public health, safety, convenience, comfort, prosperity and general welfare, including traffic generation and movement, the amount and kinds of public facilities and services required; and whether and to what extent all appropriate feasible steps have been taken by the permit applicant to minimize or mitigate any adverse impacts of the proposed use.
- (D) Review of this information by the Planning Commission is required to ensure that each proposed conditional use is consistent with the intent and objectives of the particular district in which it is to be located.

150.673 CONDITIONAL USE PERMIT APPLICATION.

An application for a conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the village, accompanied by an application fee as established by Village Council.

- (A) The application for a conditional use permit shall include the following items:
 - (1) A development plan and associated documentation as required in Section 150.652.
 - (2) A description of all uses proposed for the development, the location, extent and characteristics
 - (3) A statement or diagram showing compliance with any use-specific requirements specified in Article 150.33.
 - (4) Any other material and/or information as may be required by the Planning Commission to fulfill the purposes of this Article and to ensure that the application is in compliance generally with the ordinances of Swanton.

- (B) The Zoning Administrator may waive certain submittal requirements in order to reduce the burden on the petitioner and to tailor the requirements to the information necessary to review a particular petition. The Zoning Administrator may waive such requirements upon finding that the project size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver. Any such waivers shall be authorized in writing and retained in the project file.

150.674 PUBLIC HEARING AND REVIEW BY PLANNING COMMISSION.

- (A) Application for such conditional use permits received from the applicant shall be submitted by the Zoning Administrator to the Planning Commission.

- (B) The Planning Commission shall hold a hearing thereon, notice of which shall be published in a newspaper of general circulation, or mailed to the owners of property contiguous to and across the street from the parcel of which a conditional use permit is requested at least 20 days before the hearing.

- (C) The Planning Commission may require additional plans and documents further clarifying the nature and extent of the use or any aspect of the application.

150.675 DECISION.

- (A) The Planning Commission shall take action upon such application within 45 days after the date of receiving said application; failure to act within such period shall be deemed approval, unless an extension of this time is agreed to by the applicant.
 - (1) Approval. The Planning Commission may approve or approve with conditions the application for a conditional use permit.
 - (2) Denial. The Planning Commission may deny the application for a conditional use permit. If the Planning Commission denies the application, the application process ends.

Disapproval of the application for a conditional use permit shall include a statement of the reasons for the denial.

- (3) Failure of the Planning Commission to act within the time, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the application.
- (B) All conditions imposed upon any conditional use approval, with the exception of conditions made applicable to such approval by the terms of this Zoning Code, shall be set forth expressly in the resolution granting the conditional use permit.

150.676 GENERAL CRITERIA FOR CONDITIONAL USES.

A conditional use, and uses accessory to such conditional use, shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the following criteria. Furthermore, the Planning Commission shall review the particular facts and circumstances of each proposed use shall not approve the permit unless the following conditions and standards are complied with as set forth for the following districts.

(A) Residential Districts and the Public/Open Space District.

- (1) The proposed use shall be properly located in relation to the Comprehensive Plan or other adopted land use plans for the area, particularly to the secondary and local streets and pedestrian circulation;
- (2) When located on a local street the proposed use will generate the least possible traffic through a residential neighborhood and shall contain vehicular approaches to the property, so designed as not to create interference with traffic on surrounding public thoroughfares;
- (3) The proposed use is necessary to serve the surrounding residential areas which cannot be served satisfactorily if the same use is located in a nearby less restrictive district where it may be permitted by right;
- (4) The location, design and operation of such use will not discourage the appropriate development or impair the value of the surrounding residential district;
- (5) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- (6) The proposed use 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 the use will not change the essential character of the same area; and
- (7) For temporary structures every conditional use permit shall be reviewed every six months and may be renewed only while the construction operations are pursued diligently.

(B) Business and Industrial Districts.

- (1) The proposed use shall be necessary to serve the community needs and existing similar facilities located in a less restrictive, or more remote district in which the use may be permitted by right, are inadequate;
- (2) The proposed use shall be no closer than appropriate in the particular situation to schools, churches and other places of assembly;
- (3) The location, extent and intensity of the proposed use shall be such that its operation will not be objectionable to nearby dwellings by reason of noise, smoke, dust, odors, fumes, vibrations or glare than is normal or is permitted by the performance standards of the district;
- (4) The proposed use may be permitted in a more restrictive district than in which it is permitted by right only because of its limited extent, modern equipment and processes;
- (5) The hours of operation and concentration of vehicles in connection with the proposed use will not be more hazardous or dangerous than the normal traffic of the district;
- (6) The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- (7) The proposed use will not be hazardous or disturbing to existing or future neighboring uses; and
- (8) The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

(C) Electronic Message Center Signs.

- (1) The location, extent and intensity of the proposed sign shall be such that its operation will not be objectionable to nearby residential dwellings by reason of light, glare, intensity or brilliance than is normal for the standards of the zoning district;
- (2) The proposed use will not be hazardous or disturbing to existing residential uses; impair the vision of the drivers of motor vehicles or interfere with the effectiveness of an official traffic sign, device or signal;
- (3) All signs must be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign when notified to do so by the village if a malfunctioning sign does not turn off automatically;
- (4) The Planning Commission may permit a larger pole or ground sign in commercial zoning districts only, if the applicant agrees to consolidate multiple or nonconforming signs into a single sign; but in no case can any sign be greater than 150% of the size of a pole or ground sign permitted by right in any commercial zoning district. The Planning

Commission may also require additional setbacks from rights-of-way, residential zoning districts or property lines to accommodate larger signage.

- (D) Safeguards and conditions. In addition to complying with the general standards set forth in this section, conditions appropriate to each particular application may also be set forth in the permit.

150.677 TERMS AND DURATION OF APPROVAL.

- (A) Conditional use approval shall authorize a particular conditional use on the specific parcel for which it was approved. Approval of a conditional use, pursuant to this Article, shall be valid only for the use and the operation of such use as specified when granted by the Planning Commission. The breach of any condition, safeguard, or requirement shall constitute a violation of this Zoning Code.
- (B) A conditional use permit issued pursuant to this Article shall be valid only to the applicant to whom the permit is issued, unless the new owner agrees to all conditions, safeguards and requirements in the conditional use permit and a transfer of such permit is approved by the Zoning Administrator.
- (C) The conditional use permit shall become null and void within a six-month period after the date of approval, unless:
- (1) In the case of new construction, work upon the structure shall have begun above the foundation walls;
 - (2) In the case of occupancy of land, the use has commenced;
 - (3) As otherwise specifically approved by the Planning Commission at the time the conditional use approval is granted; or
 - (4) The Zoning Administrator grants an extension for good cause shown, upon the request of the applicant.
- (D) A conditional use permit may be considered abandoned and void if, for any reason, the conditional use is not conducted for more than six months.

150.678 REVOCATION OF CONDITIONAL USE APPROVAL.

A conditional use permit may be revoked if the established conditions for approval are violated. The Zoning Administrator is responsible for advising the Planning Commission of any violations.

**ARTICLE 150.69
Appeals and Variances**

150.691 Appeals To Planning Commission.	150.698 Planning Commission Review Of Variance Request.
150.692 Initiation Of Appeal.	150.699 Decision on Variance Application.
150.693 Planning Commission Hearing Of Appeal.	150.700 Review Of Nonconforming Uses, Structures And Lots.
150.694 Stay Of Proceedings.	150.701 Appeal To Committee of Zoning Appeal.
150.695 Decision of Planning Commission on Appeals.	150.702 Appeal To Court of Common Pleas.
150.696 Variances.	
150.697 Variance Application Requirements.	

150.691 APPEALS TO THE PLANNING COMMISSION.

Appeals may be made by any applicant aggrieved by a decision of the Zoning Administrator to refuse to issue a zoning permit or certificate of zoning compliance. Such appeal shall be made in writing to the Zoning Administrator for referral to the Planning Commission, and shall be submitted in writing within twenty (20) days after the decision.

150.692 INITIATION OF APPEAL.

- (A) Upon the filing of an appeal, the Zoning Administrator shall transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken.
- (B) All appeals shall be submitted with the required fees, as established in the Village of Swanton fee schedule.

150.693 PLANNING COMMISSION HEARING OF APPEAL.

- (A) Upon the filing of appeal with the Planning Commission, the Planning Commission shall fix a reasonable time for the public hearing of the appeal, notice of which shall be mailed to the applicant and to the affected property owners as they appear in the current records of the County Auditor or be published for two successive weeks prior thereto, in a newspaper of general circulation in the village.
- (B) The Planning Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.
- (C) The appellant and the officer whose act or omission is the subject matter of appeal shall have the right to appear in person and with legal counsel as well as any person in interest may appear at the public hearing in person or by attorney.
- (D) The Planning Commission shall have the power to subpoena persons, records and other pertinent data, on its own motion or at the request of the appellant or the administrative officer.
- (E) In considering the appeal, competent evidence may be presented directly affecting the subject matter of appeal.

150.694 STAY OF PROCEEDINGS.

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

150.695 DECISION OF THE PLANNING COMMISSION ON APPEALS.

- (A) The Planning Commission shall take action upon such application within 45 days after the date of receiving said application;
- (B) Within its powers, the Planning Commission may reverse or affirm, wholly or in part, the decision being appealed, and to that end shall have all the powers of the officers from whom the appeal is taken, and it may direct the issuance of a permit or certificate.

150.696 VARIANCES.

The Planning Commission may authorize upon appeal in specific cases a variance from the terms of this Zoning Code as will not be contrary to the public interest according to the following procedures.

150.697 VARIANCE APPLICATION REQUIREMENTS.

Application for a variance shall be received from the applicant by the Zoning Administrator and referred to the Planning Commission. The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Administrator to assure the fullest practicable presentation of the facts for the permanent record, including:

- (A) The completed application form, along with the appropriate review fee;
- (B) Legal description of property or portion thereof;
- (C) Description or nature of variance requested;
- (D) Narrative statements establishing and substantiating the justification for the variance pursuant to the criteria in Section 150.698(B); and,
- (E) A plan, neatly and legibly drawn to adequately depict the information showing the following, where applicable:
 - (1) The lot/parcel identification of the subject site and the adjacent parcels;
 - (2) The street providing access to the lot as well as the location and setback of driveways;
 - (3) The actual dimensions of the lot, the setbacks and other open space dimensions thereof and the location and size of any existing structures thereon;
 - (4) The location and size of the proposed structure, and/or the proposed enlargement of existing structures;

- (F) List of all owners of the property contiguous to and directly across the street from the property for which the variance is requested.
- (G) Any other information, including but not limited to floor plans and other drawings at a reasonable scale to convey the need for the variance, which, in the judgment of the Zoning Administrator, may be necessary to provide for the enforcement of this Code.
- (H) If a verbatim record is desired by the appellant, he/she shall furnish the court reporter and bear the expense of typing said record.

150.698 PLANNING COMMISSION REVIEW OF VARIANCE REQUEST.

- (A) Hearing and Notice. The Planning Commission shall schedule a hearing to review the variance application and give notice of the same.
 - (1) Upon such application being filed, the Zoning Administrator shall provide written notice to the owners of all properties directly contiguous to the property for which the variance is requested; or be published for two successive weeks prior thereto, in a newspaper of general circulation in the village.
 - (2) Such notice shall be provided by first class mail or hand delivery, at least ten (10) days before the date of the Planning Commission hearing at which the variance will be considered. Such notice shall be mailed to the address of such property owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any determination made by the Planning Commission.
- (B) Factors for Review of Variance Application. The Planning Commission shall review each application for a variance to determine if it complies with the purpose and intent of this Zoning Code and the evidence demonstrates that the literal enforcement of this Zoning Code will result in practical difficulty or unnecessary hardship, depending on the type of variance requested.
 - (1) Unnecessary Hardship for Use Variance. Where the literal application of the provisions of this zoning code would result in unnecessary hardships peculiar to the property involved, the Planning Commission may grant a use variance in the application of the provisions of the Zoning Code only if all of the following findings are made:
 - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the Zoning Code in the neighborhood or district in which the property is located.
 - (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed, further developed, or used in strict conformity with the provisions of the Zoning Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (c) That such unnecessary hardship has not been created by the appellant.
 - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or

- permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
- (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (2) In determining practical difficulty, the Planning Commission shall consider and weigh the following factors when determining whether the applicant will experience practical difficulties:
- (a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- (b) Whether the variance is substantial.
- (c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- (d) Whether the variance would adversely affect the delivery of governmental services.
- (e) Whether the property owner purchased the property with knowledge of the zoning restriction.
- (f) Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
- (g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- (3) The Planning Commission shall not grant a variance unless it shall, in each case, make specific findings of fact directly based upon the particular evidence presented to it from the factors above.
- (C) Requests for Additional Information. The Planning Commission may request that the applicant supply additional information that the Planning Commission deems necessary to review and evaluate the request for a variance.

150.699 DECISION ON VARIANCE APPLICATION.

- (A) The Planning Commission shall take action upon such application within 45 days after the date of receiving said application. The Planning Commission shall: approve; approve with supplementary conditions; or disapprove the request.
- (B) The Planning Commission may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulation(s) or provision(s) to which the variance applies will be met. Violation of such conditions and safeguards, when made a part of the terms under which the application is granted, shall be deemed a violation punishable under Article 150.71, Enforcement and Penalties.

- (C) If the Planning Commission fails to act within 45 days from the date of receiving the application, or an extended period as may be agreed upon by the Planning Commission and applicant, then the application shall be considered denied.

150.700 REVIEW OF NONCONFORMING USES, STRUCTURES AND LOTS.

The Planning Commission shall review applications regarding a nonconforming use, structure, or lot as specified in Article 150.41, as an appeal, and may authorize such application with such conditions and limitations as the Planning Commission shall deem in the public interest.

150.701 APPEAL TO COMMITTEE OF ZONING APPEAL.

Any party adversely affected by a decision of the Planning Commission may appeal such decision to the Committee of Zoning Appeals.

- (A) An appeal from a decision of the Planning Commission with regard to an application for a development plan, conditional use permit, similar use determination, specific referral, or some similar action may be made to the Committee by any person believing himself or herself aggrieved or by any such decision.
- (B) To be considered, the appellant shall, within ten days after the date of such decision, file in the office of the Zoning Administrator, a notice of appeal specifying the decision or section of this Zoning Code from which the appeal is sought, the error alleged and all relevant data.
- (C) Hearings.
- (1) Before making any decisions on any appeal, the Committee shall hold a public hearing or hearings during a regularly scheduled or special Village Council meeting.
 - (2) Notices of the time and place of hearings shall be mailed to the appellant and to the affected property owners as they appear in the current records of the County Auditor of Fulton or Lucas County or be published for two successive weeks prior thereto, in a newspaper of general circulation in the village.
 - (3) All hearings conducted by the Committee shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The Committee shall have the power to subpoena and require the attendance of witnesses, to administer oaths, to compel testimony, to produce reports, findings and other evidence pertinent to any issue referred to it for decision.
- (D) Action. The Committee of Zoning Appeals shall act within 45 days after receipt of all required information and failure to act within such period shall be considered approval of the appeal unless an extension of time is mutually agreed upon.
- (E) Record of decisions. The Committee Secretary shall provide a detailed report of all its proceedings, setting forth its reasons for decisions, the vote of each member participating therein the absence of a member, or a member's failure to vote. Immediately following the Committee's decision, such record, including any conditions prescribed by the Committee, shall be filed and posted for two weeks in the office of the Fiscal Officer. The report shall be open for public inspection and copies shall be provided to the appellant or any interested party noted therein.

- (F) Notice to Council and Planning Commission. Upon issuance by the Committee of Zoning Appeals of any ruling, determination or order, the Chairperson of the Committee shall send within 14 days of the date of such ruling, determination or order, a copy thereof to the Fiscal Officer and to the Chairperson of the Planning Commission who shall present such report at its next regular meeting.

150.701 APPEAL TO COURT OF COMMON PLEAS.

Any person aggrieved by a decision of the Committee of Zoning Appeals may, within 30 days after the filing of such decision, appeal such decision to the Court of Common Pleas of Fulton or Lucas County, as provided in R.C. Chapter 2506. Such appeals may be either on questions of law or on questions of fact.

**ARTICLE 150.71
Enforcement and Penalties**

150.711	Enforcement By Zoning Administrator.	150.714	Inspection, Stop Work and Order for Removal.
150.712	Construction And Use Shall Be As Approved.	150.715	Penalties For Violations.
150.713	Violations.	150.716	Records and reports

150.711 ENFORCEMENT BY ZONING ADMINISTRATOR.

- (A) This Zoning Code shall be enforced by the Zoning Administrator.
- (B) The Zoning Administrator is hereby authorized to enforce as well as issue orders to prevent and stop violations of the provisions of this code.

150.712 CONSTRUCTION AND USE SHALL BE AS APPROVED.

Permits, certificates and other approvals issued or granted as set forth in this Zoning Code on the basis of approved plans and applications authorize only the use and arrangement set forth in such approved plans and applications, or amendments thereto. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Code.

150.713 VIOLATIONS.

It shall be unlawful to:

- (A) Construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this Zoning Code or any amendment thereto.
- (B) Use or occupy any land or place, build, erect, alter, remodel, restore or rebuild thereon any building or structure, or permit any building or structure to remain on such land or use, occupy or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this zoning code;
- (C) Aid, assist or participate with any person placing, building, erecting, altering, remodeling, restoring or rebuilding any building or structure which is not permitted by the provisions of this zoning code;
- (D) Violate or fail to perform any condition, stipulation or safeguard set forth in any permit issued pursuant to this zoning code or continue to use or occupy the premises or building as previously authorized by such permit beyond the duration limit therein stated;
- (E) Knowingly make any materially false statement of fact in an application to the Zoning Administrator or his or her assistants for a permit or in any plans or specifications submitted in relation to any application under this zoning code; or
- (F) Being an owner or lessee of any premises, knowingly suffer or permit a violation of this zoning code to occur or exist on such premises.

150.714 INSPECTION, STOP WORK AND ORDER FOR REMOVAL.

- (A) Inspection. The Zoning Administrator is hereby empowered to enter any premises at a reasonable time to inspect a reported violation of this zoning code, examine and to order, in writing, the remedying of any condition found to be existing in violation of any provisions of this zoning code.
- (B) Stop Work. After such an order is served or posted on the premises, no work, except to correct or comply with said violation, shall proceed on any building or tract of land until said violation is corrected.
- (C) Injunction. No person shall erect, construct, alter or repair or maintain any building or structure, or use any land in violation of this zoning code or the regulations enacted pursuant thereto. In the event of any such violation, or imminent threat thereof, upon the request of the Mayor or Council, the Village Solicitor, on behalf of the village, shall institute a suit for injunction to prevent or terminate such violation.

150.715 PENALTIES FOR VIOLATIONS.

- (A) Offense of noncompliance. A person or corporation shall be guilty of a misdemeanor where any violation of any of the provisions of this zoning code exists in any structures, building or tract of land; where an order to remove any such violation has been served on the owner, agent, lessee or tenant of the structure, building or tract of land, or part thereof, or upon the architect, building contractor or any person who commits or assists in any such violation; and where such person shall fail to comply with such order within 30 days after the service of notice thereon.
- (B) Any person who violates any provisions for this section or other applicable sections of this zoning code shall be charged with a violation of this chapter for each such action or omission and upon conviction thereof shall be fined not more than \$100 together with the costs of prosecution. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt any offender from compliance with the provisions of this chapter.
- (C) Civil action. In the event any building or structure is being erected, constructed, altered, repaired or maintained in violation of the provisions of this zoning code, or there is an imminent threat of violation, the village or the owner of any contiguous or neighboring property who would be especially damaged by such violation may institute and maintain, in addition to any other remedies provided by law, a suit in the Court of Common Pleas of Fulton County or Lucas County for injunction to terminate or prevent such violation as a public nuisance.

150.716 RECORDS AND REPORTS.

The Zoning Administrator shall keep or cause to be kept, a record of any decisions, determinations or conclusions reached by the Inspector in connection with the enforcement of this zoning code. Such records shall be open to public inspection during regular business hours.

**ARTICLE 150.73
Amendments**

150.731	Authority For Amendments.	150.734	Planning Commission Review And Recommendation.
150.732	Initiation Of Zoning Amendments.		
150.733	Amendments Initiated Property Owner(s).	150.735	Public Hearing And Action By Council.
		150.736	Effective Date Of Amendment.

150.731 AUTHORITY FOR AMENDMENTS.

The regulations imposed and the districts created under this Zoning Code may be amended from time to time by resolution duly enacted by the Village Council according to the procedures in this Chapter of the Zoning Code.

150.732 INITIATION OF ZONING AMENDMENTS.

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

- (A) By adoption of a resolution by Village Council.
- (B) By adoption of a motion by the Planning Commission.
- (C) By the filing of an application to the Planning Commission by at least one owner or lessee of property or developer with an option to purchase property within the area proposed to be changed or affected by said amendment. The owners of at least fifty percent (50%) of the land in the affected zoning district shall be able to present a petition duly signed and acknowledged to Council requesting an amendment of the regulations prescribed for such area.

150.733 AMENDMENTS INITIATED PROPERTY OWNER(S).

An application for a zoning text or zoning map amendment initiated by at least one owner or lessee of property or developer with an option to purchase such property within the area proposed to be changed or affected by said amendment shall be submitted and reviewed according to the following:

- (A) Discussion with Planning Commission. Prior to submitting an application for an amendment to the Zoning Code and/or the Zoning Map, the applicant shall appear before the Planning Commission to informally discuss the proposed amendment. However, no action shall be taken at such a meeting and no discussions, opinions, suggestions, or recommendations of the Planning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval of the proposed amendment.
- (B) Submission Requirements. An application for amendment to the Zoning Code and/or the Zoning Map shall be in such form and contain such information as shall be prescribed from time to time by the Zoning Administrator, including the information listed below:
 - (1) The name, address and phone number of the applicant and the property owner if other than the applicant;
 - (2) A statement of the reason(s) for the proposed amendment;
 - (3) A statement on the ways in which the proposed amendment relates to the adopted plans and policies of the Village;

- (4) Additional information, including:
 - (a) The parcel numbers and the exact dimensions of the properties involved
 - (b) Legal description of the parcel(s) to be rezoned, drawn by an Ohio registered/licensed surveyor;
 - (c) Present use and zoning district; and the proposed use and zoning district;
 - (d) A vicinity map at a scale approved by the Zoning Administrator showing the existing conditions including: zoning, property lines, streets, structures, and such other items as the Zoning Administrator may require;
- (5) When the application includes an amendment to section(s) of the Zoning Code, the application shall include the proposed amendment or addition to the Code, specifying the existing and proposed section number(s).
- (6) Payment of the application fee as established by Council.
- (C) Acceptance of Application and Transmittal to Planning Commission. The Zoning Administrator shall review the submitted application for completeness in accordance with Section 150.632. When the application is determined complete, the Zoning Administrator shall officially accept the application for consideration and transmit the application to the Planning Commission.

150.734 PLANNING COMMISSION REVIEW AND RECOMMENDATION.

- (A) Referral to Planning Commission.
 - (1) A proposed amendment to the Zoning Code initiated by Council or initiated by a property owner through a completed application shall be referred to the Village Planning Commission for their consideration and recommendation thereon.
 - (2) If the Planning Commission has initially proposed the matter to Council in the form of an ordinance, then the provisions herein of referral to the Planning Commission for recommendation shall not be applicable.
- (B) The Commission shall be allowed a reasonable time, to be not less than 45 days after referral or submittal, for consideration and report.
- (C) The Planning Commission shall recommend one of the following:
 - (1) That the amendment be approved as requested,
 - (2) That the amendment be approved as modified by the Planning Commission as the Commission may deem reasonable or necessary, or
 - (3) That the amendment be denied.
- (D) Planning Commission Action. It shall be the duty of the Secretary of the Planning Commission to forthwith file with the Fiscal Officer, a report of the action and recommendation of the Commission with respect to any referral or submittal. Failure to file such report within 60 days after any referral or submittal by Council, shall be accepted as and be deemed an approval of the proposed change or amendment submitted.

150.735 PUBLIC HEARING AND ACTION BY COUNCIL.

- (A) Council shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than one hundred and twenty (120) days nor less than thirty (30) days from the date of the receipt of such recommendation from the Planning Commission.
- (1) Notices shall be provided according to the following:
 - (a) Notice of the public hearing shall be given by Council once a week for two consecutive weeks on the same day of the week, in a paper of general circulation and on the Village website, the first of such publication to take place not less than thirty (30) days in advance of the public hearing. The notice shall adequately describe the nature of the pending legislation,
 - (b) If the amendment intends to rezone ten or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Fiscal Officer, by first class mail or hand delivered, at least twenty 20 days before the date of the public hearing to all owners of property within the village and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list, the County Treasurer's mailing list or to such other list or lists that may be specified by Council. The failure of delivery of such notice shall not invalidate any such ordinance, measure, or regulation.
 - (2) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.
 - (3) During such 30 days, the text of such ordinance, measure, regulation or proposed change, together with the map, plans or copies forming part of or referred to in such ordinance, measure, regulation or proposed change, and the reports submitted by the Planning Commission, shall be on file for public examination in the office of the Fiscal Officer.
 - (4) Council may recess such hearing from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.
- (B) After the conclusion of the public hearing, Council shall take action within 90 days on the proposed amendment.
- (1) Council's action shall either:
 - (a) Adopt the recommendation of the Planning Commission;
 - (b) Deny the recommendation of the Planning Commission; or
 - (c) Adopt some modification thereof.
 - (2) In the event Council adopts the recommendation of the Planning Commission, concurrence by a majority of the full Council members shall be required.
 - (3) In the event Council elects to overrule the recommendation of the Planning Commission, concurrence by not less than two-thirds of the membership of the Council members shall

be required. Wherein Council fails to obtain such two-thirds vote, the recommendation of the Commission shall be considered as approved.

- (4) Any such proposal may be amended by majority vote, prior to the voting thereon by the Council, without further notice or postponement if such amendment shall be germane to the subject matter and is in accordance with the recommendation of the Planning Commission.

150.736 EFFECTIVE DATE OF AMENDMENT.

Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption, unless within such thirty (30) days after the adoption of the amendment there is presented to Council a referendum petition, the rules for such a petition being governed by the Ohio Revised Code.

ARTICLE 150.90
Definitions

- 150.901 Definitions and Rules of Interpretation.
150.902 Defined Words.

150.901 DEFINITIONS AND RULES OF INTERPRETATION.

This Article 150.90 includes definitions for words and phrases used in this Zoning Code. The general rules of interpretation are in Section 150.114 Rules of Interpretation. Any words or phrases not defined in this Article 150.90 shall be given their customary meanings, as determined by the Zoning Administrator.

150.902 DEFINED WORDS.

Words and terms with specific defined meanings are set forth below, listed in alphabetical order.

- ACCESSORY LIVING SUITE.** A secondary living space that is located wholly within the same building as the one-family detached dwelling. This definition shall not include a mobile home, camper, or recreational vehicle.
- ACCESSORY, BUILDING.** A subordinate building detached from, but located on the same lot as the principal building or principal use, the use of which is incidental and accessory to that of the principal building or principal use, and which is constructed subsequent to the principal building or principal use of the land.
- ACCESSORY, STRUCTURE.** A detached subordinate structure located on the same zoning lot as a principal building or use, the function of which is supportive of and accessory to the principal use, and which is constructed subsequent to or simultaneously with the principal building or principal use of the land.
- ACCESSORY, USE.** A use located on the same zoning lot with the principal use of the lot, , which is customarily incidental, subordinate, and related to that of the principal building or principal use, and which is established subsequent to or simultaneously with the construction of the principal building or establishment of the principal use of the land.
- ADULT ORIENTED BUSINESS ESTABLISHMENTS.** Bookstores, bars, lounges, restaurants, theaters or shops which have more than 20% of their stock in trade, or fare, books, pictures, slides, films, media of electronic visual portrayal or live entertainment, which are distinguished or characterized by their emphasis on matter or live conduct depicting, describing, exposing or relating to sexual activities or anatomical areas.
- AGRICULTURE (CROPS).** Includes plowing, tillage, cropping, seeding, cultivating, or harvesting food and fiber products, including silviculture and viticulture. The term agricultural activity as used herein excludes the husbandry of livestock, agricultural animals, or fur-bearing animals for food or other purposes.
- ALLEY.** A minor way which is used primarily for vehicular service access to the back or the side of properties whose lot frontage is on some other street.
- ANIMAL BOARDING/KENNEL.** A commercial establishment wherein three (3) or more domesticated animals more than four (4) months of age are kept or maintained overnight for commercial purposes such as boarding, breeding, and selling, and which may offer minor medical treatment. This use includes commercial kennels and pet shelters but excludes animal hospitals or clinics where animals are kept only for treatment by licensed veterinarians.
- ANIMAL GROOMING/ANIMAL DAY CARE.** A facility where the care and supervision of cats and dogs is provided but which does not include any overnight boarding or outdoor kennel. This use type shall also include establishments where the primary service provided is the cleaning and grooming of domestic pets including bathing, brushing, combing, nail and hair trimming, etc., and where there are no boarding facilities. The facility may also provide services such as obedience classes, training, or behavioral counseling.

- ANIMAL HOSPITAL/VETERINARIAN OFFICE.** A facility operated under the supervision of a licensed veterinarian where domestic animals are given medical or surgical treatment and the boarding of animals incidental to treatment does not exceed 30 days.
- APPLICANT.** The owner of the land proposed for application of a zoning permit or zoning certificate, or his/her representative who shall have express written authority to act on behalf of the owner. The authority of the representative shall be established to the satisfaction of the Zoning Administrator. Consent to subdivide shall be required from the legal owner of the premises.
- APPLICATION.** A formal submission by an applicant to obtain a permit, certificate or other approval pursuant to this Zoning Code and in such form and containing complete information, plans and specifications required by this Code.
- ARTISAN STUDIO/WORKSHOP.** An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers.
- AUCTION WAREHOUSE, SHOWROOM.** A building used for the storage of goods and materials which are to be sold by public auction and for the sale of said goods and materials by public auction via in person or internet, on an occasional basis.
- AWNING.** A roof like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.
- BASEMENT.** The portion of a building that is partly or completely below grade.
- BED AND BREAKFAST INN.** A one-family detached house, or portion thereof, where overnight lodging and meals are offered to the public for compensation at a daily rate, containing guest rooms, each of which is open to occupancy for periods of less than one week, and with not more than one kitchen facility to serve and/or be available for use by guests. The term "bed and breakfast" does not include: "rooming house", "hotel (or motel)", "inn", "restaurant-table service", or "restaurant counter service".
- BREWERY, DISTILLERY OR WINERY PRODUCTION FACILITY.** An establishment that produces a quantity that exceeds the allowance for a "micro-brewery", "micro-distillery", or "micro-winery" production facility, as defined in this zoning code.
- BREW PUB.** A restaurant with an onsite micro production facility that sells 25 percent or more of its product on site.
- BUFFER.** An area adjacent to side and rear property lines, measured perpendicularly from adjacent property lines, intended to reduce the impacts of proposed uses on adjacent property and/or to screen incompatible uses from each other, consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms.
- BUILDING, HEIGHT.** The vertical distance of a building measured from the average finished grade within 20 feet of the building, structure, or wall exposed above the ground surface to the highest point of the roof, parapet wall, or uppermost part, not including any exceptions permitted by this zoning code.
- BUILDING, PRINCIPAL.** A building occupied by the main use or activity of the lot on which building is located.
- BUILDING.** A completely enclosed structure having one or more floors and a roof supported by columns or walls and designed or intended for the shelter, housing or enclosure of persons, animals or property.
- CLINIC.** An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.
- CLUB.** A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- CODE.** The zoning code of the Village of Swanton.
- COMMITTEE.** The Committee of Zoning Appeals of the Village of Swanton.
- COMMON AREA.** Land in a subdivision or development area, with or without structures, that is held in common ownership by the owners or occupants of the dwellings or buildings in such subdivision or development area through a homeowners' association, community association, or other legal entity, or which is owned by the

individual members of a condominium association as tenants-in-common; includes, but is not limited to common open space and restricted open space.

CONDOMINIUM. A form of real property ownership, whether comprised of buildings with multiple units in one building or single-family detached units, containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of state law.

CONGREGATE CARE FACILITY. A residential facility that provides for the needs of individuals who are elderly or handicapped. The facility shall consist of residential dwelling units or rooms designed specifically for the elderly or handicapped, and may have common social, recreational, dining and food preparation facilities; and may provide for the needs of those able to live independently or residents with a range of personal limitation and medical impairments that require nursing care.

COUNCIL. The legislative body of the Village of Swanton.

COUNTY. The County of Fulton or the County of Lucas, Ohio

COURTYARD. An open space other than a yard, bounded on two or more sides by exterior walls of the building, or bounded by exterior walls of a building and lot lines.

DAY CARE CENTER. A commercial facility that provides individuals with care for less than 24 hours per day including, but is not limited to a day nursery, nursery school, preschool, adult day care center, or other supplemental care facility. This term does not include a family day care home, or care that is provided in a residence.

DECK. A flat surface that is not paved, which is capable of supporting weight similar to a floor, constructed outdoors and elevated from the ground that is either freestanding or attached to a building. Decks may also include stairways. Decks are unenclosed by solid or nonsolid walls or a roof. If a pergola or other roof structure is attached to the principal building and extends over the deck, then the deck and roofing shall be considered a porch. When fully enclosed by a roof and walls (including screening), such use shall be considered a part of the principal building as established in this zoning code.

DENSITY, GROSS: Unless otherwise defined, gross density shall be the total number of dwelling units divided by the gross area of a site (including streets, easements, rights-of-way, open space set-asides, and/or other public dedications established as part of the development).

DEVELOPER. A person commencing proceedings under this zoning code to effect the development of land for himself, herself or for another.

DEVELOPMENT AREA. The minimum area of land permitted by this zoning code to be developed by a single owner or a group of owners, acting jointly, which may consist of a parcel or assembled parcels, and includes a related group of buildings planned and developed as an entity.

DRIVE-THROUGH ESTABLISHMENT. A commercial facility which provides a service or product directly to a customer remaining in a motor vehicle either by allowing a motor vehicle into the premises or to a window or mechanical device on the premises to receive a service or product without exiting the vehicle. This shall not include the selling of fuel at a gasoline filling station or the accessory functions of a carwash facility such as vacuum cleaning stations.

DRIVEWAY. A paved or unpaved area used for ingress or egress of vehicles, allowing access from a street to a building, structure or other facility.

DWELLING UNIT. Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, designed for and intended to be occupied exclusively by one family (see definition of "Family").

DWELLING, MULTI-FAMILY. A building consisting of three or more dwelling units with varying arrangements or entrances and party walls.

DWELLING, ONE-FAMILY ATTACHED. Two or more single-family dwelling units attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is occupied by one family.

DWELLING, ONE-FAMILY DETACHED. A single building on a single lot on a permanent foundation containing one residential dwelling unit designed for and occupied by one family and that is completely separate from any other

building. A single-family detached dwelling may also include an "Accessory Dwelling Unit" if it meets the requirements for that additional use under this Zoning Code.

DWELLING, TWO-FAMILY. A building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances.

DWELLING. A building designed or occupied exclusively for residential use and permitted accessory uses.

EASEMENT. The right of a person, public utility, or local government agency to use common land or land owned by another for a specific purpose, within which the owner of the property shall not erect any permanent structures.

ELECTRIC VEHICLE CHARGING FACILITY. A facility in which electric vehicle charging services are made available to the public or to members for a fee, including structures, machinery, and equipment necessary and integral to support a passenger or light-duty electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

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

FAMILY DAY CARE HOME, TYPE B. A permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted; or as defined in the Ohio Revised Code. "Type B family day-care home" and "type B home" do not include any child day camp

FAMILY. Either one individual, any number of individuals related by blood, marriage adoption or foster children (see Foster Child) plus not more than two additional persons not related as set forth above, or not more than five persons not related by blood, marriage or adoption, occupying a dwelling unit as their primary place of residence. In each situation, all members of such family are living together as a single housekeeping unit and using one common kitchen facility. "Family" does not include groups occupying a hotel or motel or other transient lodging facility as herein defined; nor a facilities manager or house manager; nor persons currently illegally using or addicted to alcohol or a controlled substance as defined in the Controlled Substances Act, 21 U.S.C. § 802(6); nor persons who are in a group living arrangement as a result of criminal offenses; or persons in a society, club, fraternity, sorority, association or lodge.

FENCE. A structure constructed of wood, masonry, stone, chain link, non-vinyl clad, wire, metal, horticulture, or other material or combination of materials erected and positioned in such a manner to enclose or partially enclose, screen all or part of a lot or premises.

FISCAL OFFICER. The duly acting and qualified Fiscal Officer of the Village of Swanton.

FLEET VEHICLES. One or more cars, trucks, vans, and/or other vehicles, including motorized equipment and associated trailer needed to transport the equipment, which are owned by the operator of the principal use and used in the operation thereof, but not including a privately owned customer or employee vehicle.

GARAGE, DETACHED. An accessory building the use of which is incidental to that of the principal building and located on the same lot therewith, primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owned by the occupant of the principal building.

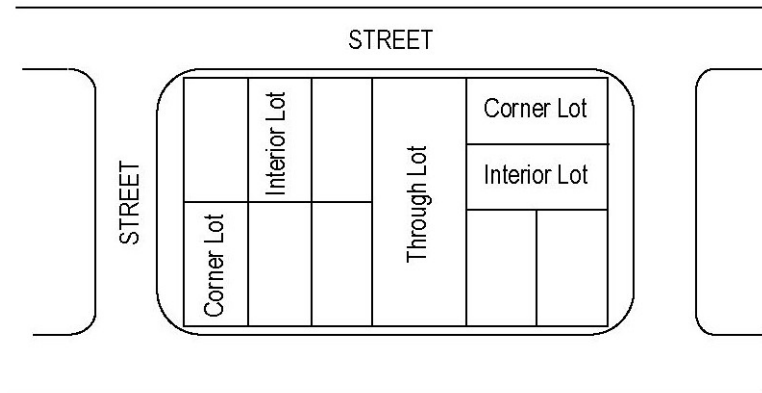
GARAGE, PRIVATE. A building, accessory to a one- or two-family dwelling, used exclusively for the parking or temporary storage of passenger automobiles.

GARAGE, REPAIR. A main or accessory building used or designed for repairing motor vehicles; a service garage if accessory to an automobile salesroom.

GARAGE, STORAGE. A main or accessory building, other than a private garage, used for the parking or temporary storage of passenger vehicles, and in which no service shall be provided for remuneration.

- GAZEBO.** A freestanding decorative roofed accessory structure that is not enclosed and that is utilized for the purpose of relaxation in conjunction with a residential dwelling.
- GROUP HOME, LARGE.** A licensed residential facility that complies with the regulations of either ORC 5119.341(B) for residential facilities for 6 to 16 persons with mental health issues or ORC 5123.19(N) residential facilities for 9 to 16 persons with developmental disabilities.
- GROUP HOME, SMALL.** A licensed residential facility that complies with the regulations of either ORC 5119.341(A) for residential facilities accommodating up to 5 persons with mental health issues or ORC 5123.19(M) residential facilities accommodating up to 8 persons with developmental disabilities, or an unlicensed residential facility accommodating up to 5 persons whose living arrangements constitute a family as defined in this Zoning Code.
- INDUSTRIALIZED UNIT.** A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. "INDUSTRIALIZED UNIT" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. INDUSTRIALIZED UNIT does not include a manufactured or mobile home as defined herein.
- INSTITUTION.** Buildings or land occupied by a nonprofit corporation or nonprofit establishment for public use.
- KENNEL.** Any lot or premises on which three or more dogs, three months of age or more, are kept for the purpose of breeding, permanently or temporarily boarded, or for sale.
- LAND COVERAGE.** That percentage of lot covered by the main and accessory building.
- LANDMINIUM.** A type of condominium form of ownership, built as part of a residential development, containing individually owned dwelling units whose owner owns both the unit and the land on which it is built.
- LOADING SPACE.** An open or enclosed space other than a street used for the temporary parking of a commercial vehicle while its goods are being loaded or unloaded.
- LOT AREA.** The total horizontal area within the lot boundary lines of a zoning lot.
- LOT DEPTH.** The mean horizontal distance of a lot measured along the building line at right angle to the mean lot depth line. Width at front lot line is measured along the street line.
- LOT FRONTAGE.** The width of contiguous land between property lines abutting upon a street right-of-way. On a corner lot, the frontage is measured along the front lot line.
- LOT LINE, FRONT.** The lot line separating an interior lot from the street upon which it abuts; or the shortest lot line of corner lot which abuts upon a street. Unless the context clearly indicates the contrary, it shall be construed as synonymous with STREET LINE.
- LOT LINE, REAR.** A lot line parallel or within 45 degrees of being parallel to the front lot line.
- LOT LINE, SIDE.** A lot line which is neither a front nor rear lot line.
- LOT LINE.** A boundary of a lot separating it from adjoining public, common or private land, including a public street.
- LOT OF RECORD.** Land designed as a private parcel on a plat map or deed in the records of Fulton County or Lucas County, Ohio.
- LOT WIDTH.** The horizontal distance of a lot measured along the building line at right angle to the mean lot depth line. Width at front lot line is measure along the street line.
- LOT, CORNER.** A lot abutting on two streets at their intersection, if the interior angle of intersection is not more than 135 degrees.
- LOT, INTERIOR.** A lot other than a corner lot or through lot.
- LOT, THROUGH.** A lot having a pair of opposite lot lines along two more or less parallel public streets and that is not a corner lot, also referred to as a double frontage lot.

Figure 1. Lot Types



LOT, ZONING. A parcel of land, composed of one or more recorded lots, that is designated by its owner at the time of applying for a zoning permit as one lot, all of which is to be used, developed or built upon as a unit under single ownership, meeting all the requirements for area, buildable area, frontage, width, yards, setbacks and any other requirements set forth in this Zoning Code.. Unless the context clearly indicates the contrary, the term LOT is used synonymously with ZONING LOT in this zoning code.

LOT. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

MANUFACTURED HOME PARK. As specified by ORC Chapter 4781, any tract of land upon which three (3) or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park.

MANUFACTURED HOME. A non-self-propelled building unit or assembly of closed construction fabricated in an off-site facility, and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

MAP. A drawing showing geographic, topographic or other physical features of the land.

MICRO-PRODUCTION FACILITY, INCLUDING MICRO-BREWERY, MICRO-DISTILLERY, MICRO-WINERY. A small-scale facility that produces a limited amount of a 'craft' or 'artisan' alcoholic beverage, depending on the type of beverage produced, which possesses the appropriate liquor permit from the State of Ohio, and which may sell to the public by one or more of the following methods: the traditional three-tier system (producer to wholesaler to retailer to consumer); the two-tier system (producer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tasting-room or restaurant sales, depending on the zoning district in which the use is located:

- A. "Micro-brewery" means a facility that produces less than 15,000 barrels (17,600 hectoliters) of beer per year (as defined by the Brewer's Association).
- B. "Micro-distillery" means a facility that produces less than 50,000 proof gallons per year (as defined by the American Distilling Institute).
- C. "Micro-winery" means a facility that produces less than 10,000 cases of wine per year, where all aspects of production occur within the footprint of the structure.

MOBILE HOME. A non-self-propelled a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or when erected on site, is three hundred twenty or more

square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home or as an industrialized unit as defined herein.

MOTEL. A building or buildings, providing overnight accommodations principally for travelers in which access to each rental unit is provided directly through an exterior door.

NONCONFORMING BUILDING. A building existing lawfully at the time this zoning code, or an amendment thereto, became effective but which does not conform to the lot area, width, access or other requirements of the district in which it is located.

NONCONFORMING LOT. A lot existing lawfully at the time this zoning code, or an amendment thereto, became effective but which does not conform to the lot area, width, access or other requirements of the district in which it is located.

NONCONFORMING SITE. Site improvements such as accessory off-street parking and loading areas, signs and landscaping on a lot, existing lawfully at the time this zoning code, or an amendment thereto, became effective but which does not conform to the site improvement regulations of the district in which the lot is located.

NONCONFORMING USE. The use of a building or land, existing lawfully at the time this zoning code, or an amendment thereto, became effective but which does not conform to the use regulations, of the district in which it is located.

NURSING HOME. A licensed extended or intermediate care facility that provides skilled nursing and dietary care for persons who are ill or incapacitated or which provides service for the rehabilitation of the persons who are convalescing from illness or incapacitation. A hospital is not included in this definition.

OPEN SPACE, RESTRICTED. The portion of the common area within a planned residential development that is of sufficient size and shape to meet the minimum zoning requirements.

OUTDOOR DINING FACILITY. An area outside but adjacent to the principal building of an establishment where food or drink are consumed.

OUTDOOR DISPLAY/SALES. Merchandise removed from its shipping packaging and representative of merchandise that is available for purchase inside the building placed in an outdoor area that is open to the general public or is available for purchase by the general public directly from the display area.

OUTDOOR STORAGE. The storage of goods, materials, merchandise or vehicles in the same place for more than 24 hours in an area outside of a building or structure, except for merchandise placed in an outdoor display in a manner that complies with the regulations for outdoor display.

PARKING AREA, ACCESSORY. An open or enclosed privately-owned area used for passenger vehicles for occupants, their guests or customers, of a main building.

PARKING AREA, PUBLIC. An open or enclosed publicly-owned area used for passenger vehicular parking, with or without a fee.

PATIO. A level-surfaced area, which may or may not be directly adjacent to a principal building, that has an average elevation of not more than thirty inches above finished grade, and without walls or a roof, usually constructed of concrete, brick, or other masonry material

PERSON. The individual, firm, association, corporation, trust or any other legal entity, including his, her or its agents.

PLAN, FINAL. The final plan prepared by a developer based upon the approved preliminary plan of a proposed development or development area which consists of detailed drawings and specifications.

PLAN, PRELIMINARY. A drawing prepared by a developer, which may include explanatory exhibits and text, submitted to the designated authority for the purpose of study of a proposed development of land, or a **PRELIMINARY PLAN** of land and buildings of a development area which, if approved by the designated authority, provides the basis for proceeding with the preparation of the final plan of a development or development area.

PLAT. A map of a lot, parcel, subdivision or development area on which the lines of each element are shown by accurate distances and bearings.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis; with four hundred (400) square feet or less when measured at the largest horizontal projection; is designed to be self-propelled or permanently towable by a light duty truck; and is designed as temporary living quarters for recreational, camping, travel or seasonal use.

- RESEARCH AND TESTING LABORATORY.** A building or group of buildings for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- RESTAURANT, CARRY-OUT/TAKE-OUT.** A restaurant where food, frozen dessert or beverages are primarily sold in a packaged, ready-to-consume state, intended for ready consumption by the customer on or off the premises.
- RESTAURANT.** A structure in which the principal use is the preparation and sale of food and beverages.
- RETAIL SALES ESTABLISHMENT.** A business which sells goods or merchandise to the general public for personal or household consumption, with display areas that are designed and laid out to attract the general public, provides services incidental to the sale of such products and maintains regular business hours. In determining whether a use is retail, the proportion of display area vs. storage area and to the number of display windows in the building façade may be considered. Adult oriented business is not a retail use.
- RETAIL, LARGE FORMAT.** A retail establishment that sells primarily large, oversized, bulky goods which consumers purchase relatively infrequently and that generates a low volume of customer traffic compared to traditional retail. Examples of such establishments include but are not limited to the sale of lumber and other similar types of building materials, furniture, large appliances, and swimming pools.
- RIGHT-OF-WAY.** All of the land included within an area which is dedicated, reserved by deed or granted by easement for street purposes, which is occupied, or intended to be occupied by transportation facilities, public utilities, or other special public uses, including but not limited to streets, alleys, or other public thoroughfares, and sidewalks, bicycle or pedestrian pathways.
- ROADWAY.** That portion of a right-of-way available for vehicular travel, including parking lanes.
- SELF-STORAGE UNIT FACILITIES.** A building or group of buildings of individual, self-contained units rented or leased for the storage of household and other personal property with no commercial transactions permitted other than the leasing or renting of units.
- SETBACK, FRONT.** The line that defines the depth of the required front yard measured from and parallel to the front property line to a regulated structure. The front setback shall be measured from the existing street right-of-way line, or proposed right-of-way as indicated on the thoroughfare plan.
- SETBACK, REAR.** The line that defines the width or depth of the required rear yard.
- SETBACK, SIDE.** The line that defines the width or depth of the required side yard.
- SETBACK.** The minimum required distance between a structure or parking area and the lot lines of the lot or parcel on which such structure or parking area is located. The setback line shall be parallel with the property line from which it is required.
- SHORT-TERM RENTAL.** The rental of an entire one-family detached dwelling unit or portion of a one-family detached dwelling unit for compensation at a daily rate for periods of less than one week, not including a “Bed and Breakfast” or “Hotel/Motel.” This definition does not include offering the use of one’s property where no fee is charged or collected.
- SMALL-SCALE SOLAR.** For purposes of this zoning code, the term “small-scale solar” refers to solar photovoltaic systems that produce up to ten kilowatts (kW) per hour of energy or solar-thermal systems which serve the building to which they are attached, and do not provide energy for any other buildings.
- SOLAR COLLECTOR SYSTEM, FREESTANDING OR GROUND-MOUNTED.** A system of panels, wiring, and related equipment used to transform direct solar energy into thermal, chemical, or electrical energy that is mounted either to the ground or to a building.
- STACKING LANE.** An area of stacking space and driving provided for vehicles waiting for drive-through service that is physically separated from other traffic and pedestrian circulation on the site.
- STACKING SPACE.** An area within a stacking lane for vehicles waiting to order a service, product or finish a drive-through transaction.
- STREET, ARTERIAL.** A principal or heavy traffic street of considerable continuity and used primarily as a traffic artery, also referred to as a major street. (i.e., Hallett Avenue).

- STREET, COLLECTOR.** A street which carries traffic from minor streets to arterial streets or major thoroughfares, including the principal entrance streets of a residential development and principal streets for circulation within such a development, also referred to as a secondary street. (i.e., Brookside Avenue).
- STREET, CUL-DE-SAC.** A street, one end of which connects with another street and the other end of which is a dead-end which allows space for turning of vehicles.
- STREET, LOCAL.** A street primarily for access to abutting residential, business and industrial properties and to serve local needs, also referred to as a minor street. (i.e., Lawrence Avenue).
- STREET, PRIVATE.** A street held in private ownership.
- STREET.** Any vehicular way which: is an existing state, county or municipal roadway; or is shown on a plat approved pursuant to law; or is approved by other official action; or is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved.
- STRUCTURE.** That which is constructed on or under the ground or attached or connected thereto, including but not limited to: buildings, barriers, bridges, bulkheads, chimneys, fences, garages, gazebos, greenhouses, outdoor seating facilities, parking areas, platforms, pools, poles, streets, tanks, towers, sheds, signs, walls and walks; and including mobile homes, trailers and other vehicles whether on wheels or other supports.
- TELECOMMUNICATIONS TOWER.** A structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A TOWER can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wire), of either lattice or monopole construction.
- TRAVEL TRAILER.** A vehicular, portable structure built on a chassis, designed to be used for temporary human habitation and for travel and recreational purposes, having a body not exceeding eight feet in width or 28 feet in length.
- USE, CONDITIONAL.** A use specifically designated as such in this zoning code that, because of its unique characteristics or infrequent use, cannot be properly classified as a permitted use in a particular zoning district and that may be conducted subject to compliance with certain standards and explicit conditions as set forth in this zoning code and the granting of a conditional use permit in accordance with this zoning code.
- USE, INSTITUTIONAL.** A nonprofit or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally-owned or operated building, structure or land use for public purpose.
- USE, PRINCIPAL.** The main use of an activity conducted on a lot, whether in a building, other structure or on the land.
- USE.** Any purpose of which buildings, other structures or land may be arranged, designed, intended, maintained or occupied; or any activity conducted in a building, other structure or on the land.
- VARIANCE.** A modification of the zoning regulations, permitted in instances where a literal application of the provisions of the zoning code would result in unnecessary hardships as a result of some peculiar or unique condition or circumstances pertaining only to the zoning lot in question in accordance with procedures and standards set forth in this zoning code.
- VEHICLE AND EQUIPMENT MAJOR REPAIR SERVICE.** An establishment primarily engaged in vehicle repair, rebuilding, reconditioning, or mechanical servicing of motor vehicle engines, transmissions, frames, including auto body repairs, framework, welding, and major painting. This use does not include “Vehicle Fuel Station or Vehicle Wash”
- VEHICLE SALES.** The use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks, vans or trailers and including any warranty repair work and other repair service conducted as an accessory use.
- VEHICLE SERVICE STATION, MINOR.** An establishment primarily engaged in providing minor motor vehicle repair services such as lubrication, oil and tire changes, engine tune-ups, brake repair, tire replacement, interior and exterior cleaning and polishing, installation of after-market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. This definition does not include major repairs as defined in this zoning code or “Vehicle Fuel Station or Vehicle Wash”

VEHICLE FUEL STATION. A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas or other fuels for motor vehicles, and which may include retail sales of minor automobile accessories such as motor oil, lubricants.

VEHICLE WASH. A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may be a self-serve, a production line with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.

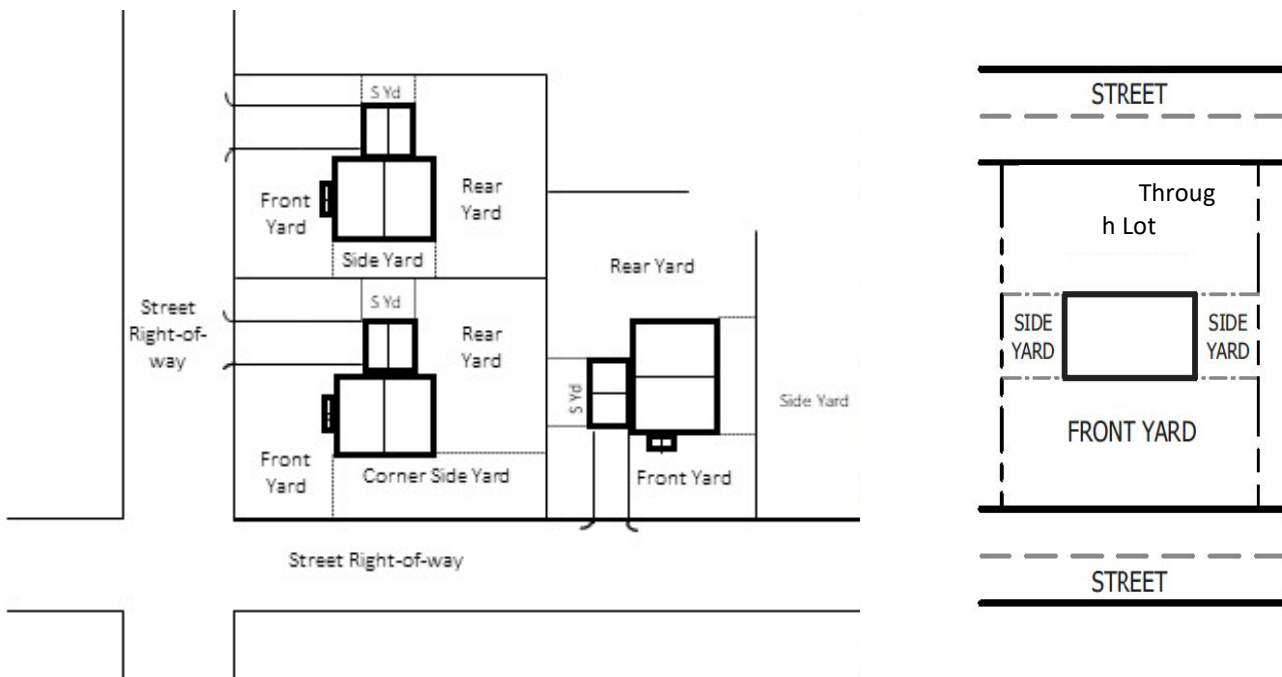
VILLAGE. The Village of Swanton.

YARD, FRONT. The horizontal space between the foundation or structural appurtenance of a principal building extending from the front wall of the building to the front lot line across the full width of the lot.

YARD, REAR. The horizontal space between the foundation or structural appurtenance of a principal building extending from the rear wall of the structure to the rear lot line across the full width of the lot.

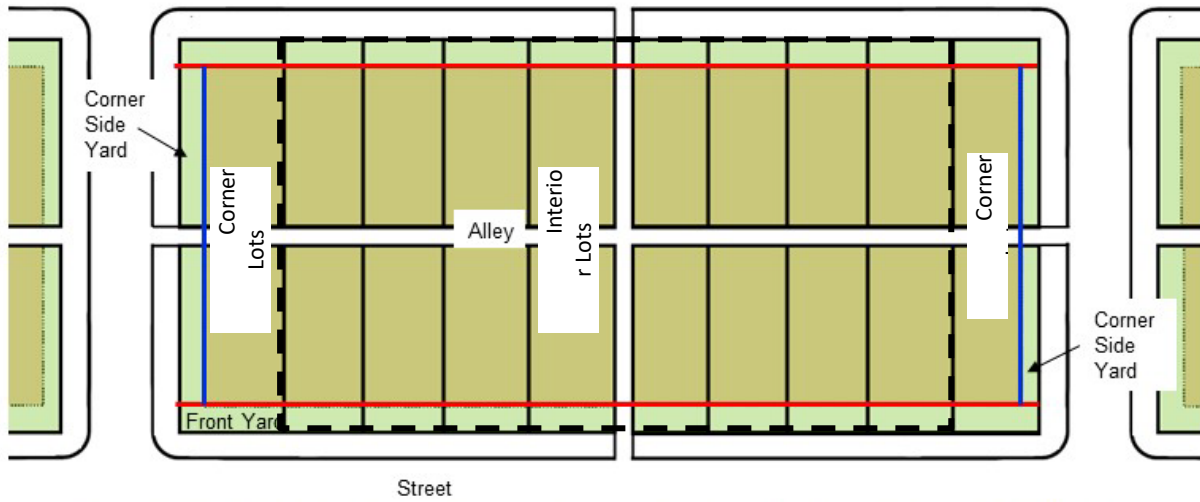
YARD, SIDE. The horizontal space between the foundation or structural appurtenance of a principal building and a side lot line extending from the front yard to the rear yard; provided, see also YARD, CORNER SIDE.

Figure 2. Side Yard vs. Corner Side Yard – Interior, Corner and Through Lots



YARD, CORNER SIDE. On a corner lot, the horizontal space between the foundation or structural appurtenance of a principal building and the side lot line adjacent to the street, and extending from the front yard to the rear lot line.

Figure 3. Corner Side Yard in neighborhoods with alleys



YARD. A space on the same lot with a principal use or building that is open and unobstructed except as otherwise authorized by this zoning code.

Title XV Land Usage Codes Update

DRAFT

Chapter 151 Subdivision & Site Construction Code

1/20/23

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**ARTICLE 151.10
General Provisions**

151.101	Title	151.106	Conformity To Development Plans And Zoning
151.102	Authority And Purpose		
151.103	Jurisdiction	151.107	Effective Date
151.104	Administration		
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151.101 TITLE.

This chapter shall be known and may be cited as the “Subdivision and Site Construction Code of Swanton, Ohio” and shall be hereinafter referred to as “these regulations”.

151.102 AUTHORITY AND PURPOSE.

- (A) This chapter is adopted pursuant to the authority granted to the village by ORC §711.
- (B) The purpose of these regulations is to guide and regulate the planning, subdividing, and development of land in order to promote and protect the public health, safety and general welfare by establishing standards for logical, sound and economical development and the construction of all public improvements. It is intended that the provisions of these regulations shall be applied to achieve the following objectives:
 - (1) Orderly development of land to obtain harmonious and stable neighborhoods;
 - (2) Safe and convenient vehicular and pedestrian circulation;
 - (3) Designs to allow ample public open spaces for schools, traffic, utilities, access for firefighting equipment, adequate light and air, recreational and other public purposes;
 - (4) Accurate surveying of land, and preparation and recording of plats;
 - (5) Ensure that lots are developed with adequate site improvements including street surfacing, curbs and sidewalks.
 - (6) The assurance that subdivision improvements are properly installed and completed, and private improvements are properly maintained in compliance with the regulations herein;
 - (7) Ensure the adequate provision of water, drainage, sanitary sewer facilities and other health requirements;
 - (8) Provide for necessary utility easements and the dedication of public ownership and maintenance of the rights-of-way for transportation; and
 - (9) Orderly development of land in accordance with zoning and future land use plans.

151.103 JURISDICTION.

These regulations shall be applicable to all subdivisions of land and related land development hereinafter made within the corporate limits of the village.

151.104 ADMINISTRATION.

These regulations shall be administered by the Village Planning Commission, the Village Administrator, Zoning Administrator and/or his, her or its representative(s) pursuant to the provisions hereof.

- (A) Classification. Upon the submission of a proposed division of land application, the application shall be classified by the Zoning Administrator as a major subdivision, minor subdivision, lot line adjustment or lot consolidation, after which, such application shall be reviewed in accordance with these regulations and ORC 711.09 and 711.131.
- (B) Administrative Act. Review of a subdivision, lot line adjustment or lot consolidation by the Village is an administrative act.

151.105 INTERPRETATION, CONFLICT AND SEPARABILITY.

- (A) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.
- (B) These regulations are not intended to repeal, abrogate, annul or in any manner interfere with any existing laws, covenants or rules provided. However, where the conditions imposed by any provisions of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- (C) The provisions of this chapter are separable. If for any reason, any section, sentence, clause, phrase or other part of this chapter is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this chapter. The regulations in this chapter shall not abate any legal action pending under prior subdivision regulations and shall not interfere with other applicable laws and regulations or with deed restrictions.

151.106 CONFORMITY TO DEVELOPMENT PLANS AND ZONING.

- (A) The arrangement, character, width and location of all arterial and collector thoroughfares or extensions thereof shall conform with the requirements of any adopted Major Thoroughfare Plan of the village. Thoroughfares not contained in the aforementioned plan shall conform to the recommendations of the Village Planning Commission based upon the design standards set forth within these regulations and upon accepted engineering standards.
- (B) No person shall subdivide by deed, plat, plan, instrument of conveyance or otherwise, any tract of land within the Village and no final plat of land within the Village shall be approved except in conformity with the provisions of this Subdivision and Site Construction Code and with the provisions of the Zoning Code of the Village.

- (C) No excavation of land or construction of any public or private improvements shall take place or be commenced until the final plat is fully accepted by the Village Council and it is in conformity with this Subdivision and Site Construction Code and other applicable plans, specifications, regulations and codes of the Village.
- (D) No lot or land shall be sold from any plat until such plat has been approved as herein required.
- (E) The Planning Commission shall follow the land use recommendations of the future land use plan of the village.

151.107 EFFECTIVE DATE.

These regulations shall be effective following adoption by the Village Council and the Planning Commission and certification to the Recorders of Fulton and Lucas Counties. Henceforth, any other regulations for the subdivision and development of land previously adopted by the Village Council and the Planning Commission shall be deemed to be repealed. These regulations shall in no way affect any subdivisions having received preliminary approval by the Planning Commission prior to the effective date; provided however, that no changes to the preliminary plan as approved are introduced by the subdivider.

ARTICLE 151.20
Definitions

- 151.201 Definitions and Rules of Interpretation.
 - 152.102 Defined Words.
-

151.201 DEFINITIONS AND RULES OF INTERPRETATION.

This Article 151.20 includes definitions for words and phrases used in this Subdivision and Site Construction Code, which are in addition to the definitions and rules of interpretation set forth in Chapter 150 Zoning Code, including Section 150.114 Rules of Interpretation and Article 150.90 Definitions. Any words or phrases used in Chapter 151 that are not defined in Article 150.90 or in Section 152.202 below shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application, as determined by the Flood Plain Administrator.

151.202 DEFINED WORDS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. The owner(s) of land proposed to be subdivided, or his/her/their representative who shall have express written authority to act on behalf of the owner. Consent to subdivide or develop the land shall be required from the legal owner of the premises.

BIKEWAY. A pathway, usually separated from the roadway, designed specifically to satisfy the physical requirements of bicycling.

BLOCK. A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way or parks and the like, or a combination thereof.

COMMON AREA. Land in a subdivision or development area, with or without structures, that is held in common ownership by the owners or occupants of the dwellings or buildings in a subdivision or development area through a homeowner's association, community association, or other legal entity, or which is owned by the individual members of a condominium association as tenants-in-common. Also referred to as common land or common open space.

CONCEPT PLAN. A preliminary presentation and documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and comment by the Planning Commission.

CONSTRUCTION PLANS. The maps, plans and drawings showing the specific location and design of improvements to be installed in a proposed subdivision in accordance with the requirements specified in these regulations.

CURB. A vertical or sloping edge of a roadway.

DEDICATION. The appropriation of land, or an easement therein, for the use of the public and accepted for such use by or on behalf of the public.

DRIVEWAY. A paved or unpaved area used for ingress or egress of vehicles, allowing access from a street to a building, structure or other facility.

EASEMENT. The right of a person to use common land or land owned by another for a specific purpose, within which the owner of the property shall not erect any permanent structures.

- FINAL PLAT.** The final map, drawing or chart on which a developer's plan of the subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted to the Recorder of Fulton or Lucas County.
- FLOODPLAIN.** The relatively flat area or low lands adjoining the channel of a river, stream or watercourse, which has been or may be covered by flood waters, more particularly that area designated by the Federal Emergency Management Agency or other appropriate authority as a flood hazard area, as further defined and regulated by Chapter 152 Flood Damage Reduction Code.
- FUTURE LAND USE PLAN.** A plan adopted by the Planning Commission which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- GROUND COVER.** A planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.
- GUTTER.** A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.
- IMPROVEMENT.** Any human-made, immovable item which becomes part of, placed upon, or is affixed to, real estate, including but not limited to public and private street pavement or resurfacing, curbs, gutters, sidewalks, walkways, water lines, sewer lines, storm drains, street lights, street trees, flood control and drainage facilities including storm water retention, detention and water management controls, utility lines, landscaping and other related matters normally associated with the development of raw land into building sites.
- ISLAND.** In street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing or lighting.
- LATERAL SEWERS.** Pipes conducting sewage from individual buildings to larger pipes called trunk or interceptor sewers that usually are located in street rights-of-way.
- LOT.** A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit.
- LOT CONSOLIDATION.** The consolidation of contiguous lots of record which are under one ownership.
- LOT, DOUBLE FRONTAGE.** A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot; also referred to as a through-lot.
- LOT FRONTAGE.** The length of the front lot line measured at the street right-of-way line.
- LOT LINE ADJUSTMENT.** The movement or relocation of one property line between two or more existing adjacent parcels where the land taken from one parcel is added to an adjacent parcel and where a greater or lesser number of parcels than originally existed are not thereby created.
- MAINTENANCE GUARANTEE.** Any security, such as a bond, check, or irrevocable letter of credit, which may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time.
- MAJOR SUBDIVISION.** A subdivision of land, also known as a PLATTED SUBDIVISION, as defined in ORC §711.001(B).
- MINOR SUBDIVISION.** A subdivision of land, also known as a LOT SPLIT, as defined in ORC §711.131, along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided.

MONUMENT.

- (1) TYPE A. A cylindrical concrete marker six inches in diameter and 30 inches in length with a one-quarter-inch iron rod cast at the central axis of the cylinder. Such marker shall be placed in a vertical position with its top being level with the surface of the surrounding ground.
- (2) TYPE B. A cylindrical concrete marker as described under Type A except that a machine type iron bolt (without nut) of one-inch diameter by 12 inches in length shall be placed in a vertical position with the head of the bolt upward and level with the surface of the pavement. A point shall be marked on the head of the bolt to indicate the exact point referred to on the final plat.

OFFSITE. Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application, or on a contiguous portion of a street or right-of-way.

OFFICIAL MAP. The map established by the Planning Commission, such as a Major Thoroughfare Plan showing the streets, highways and parks laid out, adopted and established by law and any amendments, by the Planning Commission or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.

OWNER. Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided and developed to commence and maintain proceedings to subdivide and develop the same under this Subdivision and Site Construction Code.

PERFORMANCE GUARANTEE. Any security, such as a bond, check, or irrevocable letter of credit, that may be accepted by a municipality as a guarantee that the improvements required as a part of a development are satisfactorily completed.

PLAT. A map of a lot, parcel, subdivision or development area on which the lines of each element are shown by accurate distances and bearings.

PRELIMINARY PLAT. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

PUBLIC OPEN SPACE. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservation purposes.

RIGHT-OF-WAY. All of the land included within an area which is dedicated, reserved by deed or granted by easement for street purposes. Also, a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, bikeway, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use.

SIDEWALK. A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

STREET. Any vehicular way which:

- (1) Is an existing state, county or municipal roadway;
- (2) Is shown on a plat approved pursuant to law;
- (3) Is approved by other official action; or
- (4) Is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved.
 - (a) ALLEY. A minor way which is used primarily for vehicular service access to the back or the side of properties whose principal frontage is on some other street.
 - (b) ARTERIAL STREET. A principal or heavy traffic street of considerable continuity and used primarily as a traffic artery, also referred to as a major street.

- (c) COLLECTOR STREET. A street which carries traffic from minor streets to arterial streets or major thoroughfares, including the principal entrance streets of a residential development and principal streets for circulation within such a development, also referred to as a secondary street.
- (d) CUL-DE-SAC STREET. A street which connects with another street at one end and dead end at the other end which allows space for the turning of vehicles.
- (e) HALF-STREET. A dedicated but unimproved street of half the normal width, located on the perimeter of a parcel and intended for future improvement.
- (f) LOCAL STREET. A street primarily for access to abutting residential properties and to serve local needs, also referred to as a minor street.
- (g) MARGINAL ACCESS STREET. A service street that runs parallel to a higher order street which, for purposes of safety, provides access to abutting properties and separation from through traffic. Street may be designed as a residential access street or subcollector as anticipated daily traffic dictates.
- (h) STUB STREET. A portion of a street for which an extension has been proposed and approved. Street may be permitted when development is phased in over a period of time, but only if the street in its entirety has been approved in the preliminary plan.

STREET, PRIVATE. A local private way that provides vehicular access to more than four residential structures, which is located in a recorded easement for use by residents of the development in which the private way is located, which shall be owned and maintained by an Association, management organization or other private entity.

STREET, PUBLIC. A public way that provides vehicular access to land, is located in a right-of-way shown on the plat or other conveyance of dedication, the dedication of which has been approved by the Swanton Village Council.

SUBDIVIDER. Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these subdivision and site construction regulations to effect a subdivision of land hereunder for himself, herself or for another.

SUBDIVISION. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted.

VILLAGE ENGINEER. The engineer hired by the Village of Swanton.

WYE. A Y-branch or Y-fitting. In a plumbing system, a branch in the shape of the letter "Y".

**ARTICLE 151.30
Major Subdivision Procedures**

151.301	Purpose.	151.312	Specifications of documents to be submitted.
151.302	Preapplication conference.	151.313	Preapplication conference documents.
151.303	Concept plan.	151.314	Concept plan documents.
151.304	Submission to State Highway Director.	151.315	Preliminary plat application documents.
151.305	Preliminary plat application filing.	151.316	Technical design and construction plan documents.
151.306	Preliminary plat review and action.	151.317	Final plat documents.
151.307	Public hearing.	151.318	Acceptance of streets.
151.308	Technical design and construction plans.	151.319	Modifications approved by Planning Commission.
151.309	Final plat application filing.	151.320	Revision of final plat after approval.
151.310	Final plat review and action.		
151.311	Replats, subdivision vacations.		

151.301 PURPOSE.

The purpose of this article is to establish the procedures for Planning Commission review and action on applications for major subdivisions as defined by ORC §711.001 and elsewhere. The procedure is intended to provide orderly and expeditious processing of such applications.

151.302 PREAPPLICATION CONFERENCE.

For the purpose of expediting applications and reducing subdivision and site plan design and development costs, the subdivider is encouraged to meet with the Village Zoning Administrator and Village Engineer prior to submitting a preliminary plat. This pre-application conference is an opportunity for the subdivider, Zoning Administrator, Village Engineer and other village officials to informally discuss the purpose and effect of these regulations, the criteria and standards contained herein; and to familiarize the developer with the Village’s future land use plan, Zoning Code and Flood Damage Reduction Code, and the drainage, sewerage and water systems for the village. It also provides the Zoning Administrator and Village Engineer an opportunity to review the plan and give recommendations to address some of the issues that otherwise would become stipulations or comments in the preliminary plan stage.

- (A) This step does not require a formal application, fee, or filing of the plan.
- (B) This step does not constitute formal acceptance of the subdivision application. The official acceptance date of the subdivision application shall be the date the Zoning Administrator accepts the preliminary plan of the subdivision for consideration at a meeting.

151.303 CONCEPT PLAN.

- (A) In addition or as an alternative to the pre-application conference, at the request of the applicant, the Planning Commission shall grant an informal review of a concept plan for a development for which the applicant intends to prepare and submit an application for development. The purpose of the concept plan is for the Planning Commission to provide input in the formative stages of subdivision and site plan design.

- (B) Applicants seeking informal review of a concept plan shall submit a sketch plan of the proposed subdivision containing the items specified in 151.314.
- (C) The applicant shall not be bound by any concept plan for which review is requested, nor shall the Planning Commission be bound by any such review.

151.304 SUBMISSION TO STATE HIGHWAY DIRECTOR.

Before any plat is approved affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway Director of any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Highway Director. The Commission shall not approve the plat for 120 days from the date the notice is received by the Highway Director. If the Highway Director notifies the Commission that he or she shall proceed to acquire the land needed, then the Commission shall refuse to approve the plat. If the Highway Director notifies the Commission that acquisition at this time is not in the public interest or upon the expiration of the 120-day period or any extension thereof agreed upon by the Highway Director and the property owner, the Commission shall, if the plat is in conformance with all provisions of these regulations, approve the plat.

151.305 PRELIMINARY PLAT APPLICATION FILING.

- (A) **Application Filing Requirements.** The subdivider shall apply in writing on an application form for preliminary plat approval obtained from the Zoning Administrator, and shall include the requisite number of plans, maps and other required documentation. The application shall be prepared according to the standards and the provisions of these regulations, including all documents specified in 151.315. The preliminary plat shall be considered officially filed on the date that the completed application, together with all required copies and filing fees, is received by the Zoning Administrator, and shall be so dated.
- (B) **Deposits and Fees.** The subdivider shall be responsible for payment of all deposits and fees at the time the application for a Preliminary Plat is submitted. Failure to submit the required deposits, fees and payments with the application shall be cause for the Zoning Administrator to stop further progress of the review of the project. The application fee shall be in such amount as determined by ordinance of Council. A schedule of filing fees shall be posted in the Village Administrative Office. No application for preliminary plat approval will be accepted without the total filing fee paid in full.
- (C) **Review by Zoning and Engineering.** The Zoning Administrator and Village Engineer shall review the submitted application to determine compliance with all Village zoning, subdivision, land development and flood damage reduction regulations. The Zoning Administrator and Village Engineer shall document their approval or rejection and reasons for rejection of these documents. Required documentation that is not properly submitted shall require the application process time cycle to begin again.
- (D) **Application Filing Deadline.** The applicant shall file an application with the Zoning Administrator at least at least two weeks prior to the regular Planning Commission meeting at which such application is to be considered.

151.306 PRELIMINARY PLAT REVIEW AND ACTION.

The Planning Commission shall review said application, which shall encompass but not be limited to all plan design issues, recommendations, stipulations, record requirements, agreements and covenants, surety and bond requirements and other government agency approvals. The Planning Commission shall consider options and may request further documentation and records as necessary.

- (A) If the subdivision lot areas or uses do not conform with the existing zoning classification, a petition to rezone must be submitted by the property owner and acted upon by the Village Council prior to the consideration of a preliminary plat.
- (B) The Planning Commission shall approve or disapprove the preliminary plat within 45 days after its submission to the Planning Commission.
- (C) One print with the signature of the Chairperson of the Planning Commission shall be returned to the applicant when the preliminary plat is approved. Conditional approval, subject to changes marked on the print and/or on any attachments thereto, may be granted by the Planning Commission.
- (D) Approval of the preliminary plat by the Planning Commission shall constitute authority for the subdivider to proceed with the preparation of the technical design and construction plans and the final plat, and shall guarantee that the terms under which the approval was granted will not be affected by changes to these regulations.
- (E) The approval of a preliminary plat shall be effective for a period of 12 months unless, upon application of the subdivider, the Planning Commission grants an extension. Upon the grant of an extension or extensions, the preliminary plat approval shall be valid for a maximum period of 36 months. If a final plat has not been submitted within this time limit, the preliminary plat must again be submitted to the Planning Commission for approval.

151.307 PUBLIC HEARING.

The Planning Commission may, on its own initiative or upon petition by a citizen or neighboring property owner and prior to acting on a preliminary plat of a subdivision, hold a public hearing thereon at such time and upon such notice as the Commission may designate.

151.308 TECHNICAL DESIGN AND CONSTRUCTION PLANS.

- (A) Prior to the filing of the final plat, the subdivider shall present to the Village Zoning Administrator an application for technical design and construction plan approval for all utilities and street improvements. All documents required by 151.316 must be submitted. The technical design and construction plans may be submitted simultaneously with the preliminary plat or they may be submitted subsequent to the approval of the preliminary plat.
- (B) The Zoning Administrator shall forward copies of the technical design and construction plans to such officials and agencies as may be necessary for the purpose of study and recommendation. These shall include the Village Engineer, the appropriate County Engineer or Sanitary Engineer or the appropriate Board of Health.
- (C) The technical design and construction plans shall be in conformance with the previously approved preliminary plat and shall address all conditions of preliminary plat approval.

- (D) When a phasing plan has been approved as part of the preliminary plat, technical design and construction plans for a subdivision may be submitted for final plat approval in consecutive phases in accordance with the approved phasing plan.
- (E) Business and Industrial Requirements: The subdivider in a nonresidential district shall present engineering drawings of structures, improvements and detail the type of operation proposed on the premises. The subdivider shall assure compliance with all business and industrial zoning regulations. The subdivider shall indicate proposed service facilities, retention systems, alleys and how screening, buffers and open space requirements are used and positioned to assure harmonious conformance with other neighboring development.
- (F) After receipt of written reports from such officials and agencies, the Commission shall determine whether the technical design and construction plans shall be approved, approved with modification or disapproved. If disapproved, the reasons for disapproval shall be stated in writing. The Commission shall act on the technical design and construction plans within 45 days unless such time is extended by agreement with the subdivider.
- (G) No improvements or utilities shall be installed prior to approval of the technical design and construction plans.

151.309 FINAL PLAT APPLICATION FILING.

- (A) An applicant requesting approval of a final plat shall submit to the Zoning Administrator an application for final plat approval, accompanied by the requisite number of copies of the final plat and other required documentation, prepared in conformance with the requirements of 151.317. The final plat shall have incorporated all changes or modifications to the preliminary plat required by the Planning Commission, otherwise it shall conform to the preliminary plat. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all requirements of these regulations.
- (B) The final plat application shall be accompanied by a statement from the Director of Public Works that the village is in receipt of as-built plans showing all streets and utilities in exact location and elevation and identifying those portions already installed and those to be installed. If a performance guarantee is required by 151.617, certification of compliance with those requirements shall also be submitted.
- (C) The final plat shall be considered officially filed on the date that the completed application, together with all required copies and additional information, is received by the Zoning Administrator, and shall be so dated.
- (D) The final plat application shall be filed at least two weeks prior to the regular Planning Commission meeting at which action is sought.

151.310 FINAL PLAT REVIEW AND ACTION.

- (A) The final plat and associated documentation shall be found to be in conformance with the previously approved preliminary plat and construction drawings.
- (B) Association Agreements and Covenants. Prior to final plat approval, the Planning Commission may require the subdivider to establish deed restrictions, covenants and/or an

association of property owners or homeowners to ensure that capital improvements, conservation areas, buffers, common ownership improvements and areas, easements, landscaping, public improvements, public access area or way, public right-of-way, flood area, waterway, parklands, natural features and reserve areas are maintained, protected, and adequately funded at all times.

- (1) The Village Solicitor shall review and approve such documents and require the addition of provisions that are deemed necessary to protect the Village and assure compliance.
 - (2) The Planning Commission shall audit and inspect these agreements, easements, and covenants to ensure the agreements are maintained, conditions sustained, and maintenance programs are funded properly.
- (C) The Commission shall approve or disapprove the final plat within 45 days after it is filed. Failure of the Commission to act upon the final plat within such time shall be deemed as approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission, and a copy of said record shall be forwarded to the subdivider. The Planning Commission shall not disapprove the final plat if the developer has met all of the requirements of the Commission and has proceeded in accordance with the conditions and standards specified in the preliminary plat.
- (D) The subdivider shall be notified of the final action of the Planning Commission, and the subdivider shall record the final plat with the appropriate County Recorder within 60 days after the date of approval; otherwise, the plan shall be considered void.
- (E) Two full size copies of the final plat as recorded shall be submitted to the Village Zoning Administrator and Village Engineer within ten (10) working days of such recording.

151.311 REPLATS, SUBDIVISION VACATIONS.

A subdivider proposing the (major) resubdivision of a plat previously recorded in the office of the County Recorder shall follow the same procedure as for a new plat, except that a preliminary map may not be necessary if changes in street alignment or like changes are not included in the proposal. Proposals for subdivision vacations/abandonments shall meet the requirements of the Ohio Revised Code, including ORC §711.17 to §711.23, inclusive. Plats of street openings, widenings and extensions; common area for common use by owners, occupants or lease holders; and easements for the extension and maintenance of public sewer, storm sewer drainage or other public utilities shall have the same plat requirements as stated above.

151.312 SPECIFICATIONS OF DOCUMENTS TO BE SUBMITTED.

- (A) The documents to be submitted are intended to provide the Planning Commission and other review authorities with sufficient information and data to ensure compliance with all municipal codes and specifications and ensure that the proposed development meets the design and improvement standards contained in these regulations.
- (B) In specific cases and for documented reasons, the Planning Commission may waive the submission of a particular document. The reasons for the waiver shall be indicated in the minutes of the Planning Commission.

151.313 PREAPPLICATION CONFERENCE DOCUMENTS.

No specific documents are required for a preapplication conference, but sufficient information to evaluate the development proposal should be provided.

151.314 CONCEPT PLAN DOCUMENTS.

An applicant seeking informal review of a concept plan shall submit a sketch plan containing the following information:

- (A) The name of the proposed subdivision, the scale of the sketch plan, a north arrow and the date of the sketch;
- (B) The names, addresses and phone numbers of each owner and developer involved;
- (C) The layout and acreage of streets, residential lots, common area and any other nonresidential land uses within the subdivision;
- (D) The location of all public utilities in the proposed subdivision, if available, or the location of the nearest sources for water and public facilities for the disposal of sewage and storm water;
- (E) The proposed subdivision in relation to existing community facilities, thoroughfares and other transportation modes, residential developments; and
- (F) Existing natural and human-made features such as soil types, drainage, vegetation, contours and utilities in the area.

151.315 PRELIMINARY PLAT APPLICATION DOCUMENTS.

An applicant seeking review of a preliminary plat shall submit the following required documents:

- (A) A completed preliminary plat application and preliminary plat checklist, as provided by the Zoning Administrator, together with all attachments required on the application;
- (B) A preliminary plat prepared by a registered engineer or surveyor and drawn at a scale not less than 100 feet to the inch on one or more sheets not larger than 24 by 36 inches in size. The preliminary plat shall contain the following information:

- (1) Proposed name of the subdivision. The name shall not duplicate, be the same in spelling, or alike in pronunciation with any other recorded subdivision;
- (2) Location by section, town, range, township, county and state;
- (3) Names and addresses of the subdivider, owner and surveyor;
- (4) Scale of the plan, north point and date;
- (5) Boundaries of the subdivision indicated by a heavy line and the approximate acreage;
- (6) Location, widths and names of existing or platted streets, railroad rights-of-way, easements, parks, permanent buildings, and section and corporation lines within or adjacent to the tract;
- (7) Existing sewers, water mains, culverts or other underground facilities and open drainage ditches in and within close proximity to the tract, indicating size, depth, flow and location;

- (8) Names of adjacent subdivisions and owners of adjoining parcels of nonsubdivided land;
 - (9) Zoning districts;
 - (10) Existing contours at two-foot intervals reference to sea level datum;
 - (11) Wooded areas, power transmission poles and lines, and any other significant items not otherwise listed here;
 - (12) Vicinity sketch;
 - (13) Layout of proposed streets, their proposed names and widths, and the widths of proposed alleys, crosswalks and easements;
 - (14) Layout, numbers, dimensions and area of lots or parcels with appropriate designations;
 - (15) Proposed building setback lines, showing dimensions;
 - (16) Location of sidewalks and ramps;
 - (17) Location and design of all street lights;
 - (18) Style of driveways in residential subdivisions;
 - (19) Diagram of the layout of the proposed sewer and water facilities, if any;
 - (20) Diagram of proposed drainage development including streets and lots with indication of their outlet into existing facilities;
 - (21) In critical areas, high water levels and areas subject to flooding are to be indicated;
 - (22) All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition or limitation of such reservation indicated; and
 - (23) Screen planting plan, if any.
- (C) A statement of the proposed use of lots, stating the type of residential buildings and the number of proposed dwelling units, and/or the type of business or industry proposed shall be submitted.

151.316 TECHNICAL DESIGN AND CONSTRUCTION PLAN DOCUMENTS.

An applicant seeking review of technical design and construction plans shall submit the following required documents, prepared by a professional engineer or professional surveyor registered in the state of Ohio, and drawn at a scale not less than 50 feet to the inch on one or more sheets not larger than 24 by 36 inches in size, in addition to the application for technical design and construction plan review:

- (A) Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within 100 feet of the intersections shall be shown. Approximate radii of all curves, lengths of tangents and central angles on all streets shall be shown;

- (B) Plans and profiles, construction details and quantities, showing the locations and typical cross-section of:
 - (1) Street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes and catch basins;
 - (2) The location of street lighting standards, street signs and subdivision identification signs;
 - (3) The location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and
 - (4) The exact location of all water, gas or other underground utilities or structures.
- (C) Location, size, elevation and other appropriate description of any existing facilities or utilities, including, but not limited to:
 - (1) Existing streets, sewers, drains, water mains, easements, water bodies, streams, swamps, railroads, buildings and other pertinent features; and
 - (2) The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high water elevations, referred to the U.S.G.S. datum. If the subdivision borders a stream or open ditch the distances and bearings of a meander line established not less than 20 feet from the ordinary high water mark of such waterway shall be shown.
- (D) All specifications and references required by the village's construction standards and specifications, including a site grading plan for the entire subdivision; and
- (E) Additional plans, specifications, profiles or details necessary to ensure compliance with the requirements of these regulations.

151.317 FINAL PLAT DOCUMENTS.

An applicant seeking review of a final plat shall submit the following required documents:

- (A) A completed final plat application and final plat checklist, as provided in Appendix I of these regulations, together with all attachments required on the application;
- (B) A final plat prepared by a professional engineer or professional surveyor registered in the state of Ohio and drawn at a scale not less than 100 feet to the inch (1"=100'). A final plat of a subdivision located in Fulton County shall be submitted on one or more sheets 18 by 24 inches in size. A final plat of a subdivision located in Lucas County shall be submitted on one or more sheets 20 by 30 inches in size. The final plat shall be clearly and legibly drawn in ink on mylar. The final plat shall contain the following information:
 - (1) Name of the subdivision;
 - (2) Location by section, town, range, township, county, state;
 - (3) The scale, date and north point;
 - (4) All plat boundaries with length of courses in feet and hundredths and bearings to half minutes. When required by the Village Engineer, all calculations and filed notes shall be submitted;

- (5) Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments, which shall be accurately described on the plat;
 - (6) Village, township, county or section lines accurately tied to the subdivision by distances and bearings;
 - (7) Location, names and widths of streets within the plat;
 - (8) Length of all arcs, chord bearings, radii, internal angles, points of curvature and tangent bearings;
 - (9) All easements for rights-of-way providing for public services or utilities, and any limitations of such easements;
 - (10) All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings or angles to street and alley or crosswalk lines;
 - (11) Accurate location of all monuments;
 - (12) Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon;
 - (13) Building setback lines, with dimension; and
 - (14) When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the width at the building line shall be shown.
- (C) A notation of any deed restrictions or covenants shall be included on the final plat.
- (D) The required certifications, where appropriate, shall be affixed to the final plat.

151.318 ACCEPTANCE OF STREETS.

- (A) As-Built-Documents. Upon completion of the subdivision, "as built plans" based on field construction, observations and supported by Village inspection records shall be submitted by the subdivider to the Village Engineer for approval.
- (1) Field construction materials are required to be properly compacted and compaction tested by a certified testing entity.
 - (2) A report of the test results shall be submitted to the Village Zoning Administrator.
- (B) Ordinance Requirement. The Village Engineer shall not approve a plat constituting an acceptance of a street for public use by the Village as provided in Ohio R.C. 711.091 until such time as the Village Council has enacted an ordinance accepting such street or streets for public use by the Village or other entity.
- (C) Prior Resolution of Costs. All financial guarantees, costs, fees and deposits owed to Swanton Village as required by this Subdivision and Site Construction Code shall be paid in full before the Village Council may enact an ordinance to accept any street.
- (D) Application to Village Council. The subdivider shall apply to the Village Council for final approval of the As-Built plat and Acceptance of Streets. The subdivider shall submit to the Zoning Administrator twelve (12) copies of the approved As-Built plat and other necessary documentation twenty (20) days in advance of the meeting of the Village Council where it shall be considered.

- (1) The subdivider shall provide a certification by the Village Engineer stating the subdivider has designed and installed all improvements in accordance with the provisions of these subdivision rules and any conditions set forth by the Planning Commission and the Village Council in their approval of the subdivision plans.
- (2) The subdivider shall provide a signed and notarized certification stating all improvements have been designed and installed in accordance with the provisions of these regulations, and any conditions set forth by the Planning Commission and the Village Council in their prior approval of the subdivision plans. The certification shall further state the offering of dedication of streets, rights-of-way, conservation areas, and any sites for public use or reserved by deed covenants for public or common use by property owners.
- (3) The subdivider shall provide documentation to the Village Council which shall include a Title Commitment in a form and an amount that shall be to the satisfaction of the Village Solicitor to insure deeds and titles to all open land, dedicated lands, and rights-of-way are proper and shall be recorded. The subdivider shall provide for the payment of fees, administrative costs, certifications and insurances associated with all street acceptance activities.
- (4) Subdivider shall provide certification by the Design Engineer of record, stating that the on-site improvements have been built in accordance with the original design specifications.

151.319 MODIFICATIONS APPROVED BY PLANNING COMMISSION.

- (A) According to ORC §711.09(C) and §711.101, the Village Planning Commission may modify the requirements of this Subdivision and Site Construction Code in specific cases where unusual topographical or other exceptional conditions, including but not limited to characteristics of surrounding development, require such modifications, or in the case of improvements, where unusual or exceptional factors or conditions require such modifications.
 - (1) The Village Planning Commission may permit such modification when it determines that such relief does not violate the intent of these regulations, protects surrounding properties and will not be detrimental to the public interest.
 - (2) Under no circumstances shall a modification be granted under this section to any requirements of the zoning code.
 - (3) In granting a modification, the Village Planning Commission may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements of these regulations.
 - (4) An application for any such modification shall be submitted in writing by the subdivider for the consideration of the Village Planning Commission. The application shall state fully the grounds for the modification requested and all the facts relied upon by the applicant.
- (B) Appeal of Planning Commission Waiver: The decision of the Planning Commission may be appealed by petition of any Swanton Village resident or property owner to the Village Council. Such petition may be filed at any time prior to the endorsement of the Final Plat by

the Village Council. A reversal of a Planning Commission recommendation shall require a 3/4 vote of the Village Council.

151.320 REVISION OF FINAL PLAT AFTER APPROVAL.

No changes, erasures, modifications or revisions shall be made to any final plat of a subdivision after approval by Village Council and an endorsement is made in writing on a final plat, unless that final plat is first resubmitted and the changes approved by the Planning Commission and Village Council, except that minor technical adjustments or corrections that do not significantly change the plan as approved may be made with the written combined approval of the Village Solicitor, Engineer and Mayor. Such approved changes shall be distributed to the Planning Commission and the Village Council.

ARTICLE 151.40

Minor Subdivision and Lot Line Adjustment Procedures

151.401	Purpose.	151.406	Review criteria.
151.402	Administrative waiver of plat.	151.407	Lot line adjustment.
151.403	Appeal by applicant.	151.408	Lot consolidation.
151.404	Application.		
151.405	Specifications of documents to be submitted.		

151.401 PURPOSE.

The purpose of this article is to establish the procedure for Planning Commission review and action on applications for minor subdivisions as defined by ORC §711.001 and, §711.131 and Section 151.202 of these regulations. The procedure is intended to avoid the necessity of the platting procedures in certain situations.

151.402 ADMINISTRATIVE WAIVER OF PLAT.

- (A) Administrative waiver of a minor subdivision without the necessity of the platting procedure may be granted by the Village Planning Commission or its designated representative(s) if the proposed division of a parcel of land meets all of the following conditions:
 - (1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road, and in the case of residential lots, does not involve an easement of access;
 - (2) No more than five lots are involved after the original parcel has been completely subdivided;
 - (3) The proposed subdivision is not contrary to applicable subdivision or zoning regulations; and
 - (4) The physical characteristics of the property are suitable for building sites.
- (B) The Planning Commission or its designee shall, within seven working days after submission, notify the subdivider of the administrative waiver of plat decision and of the next scheduled Planning Commission meeting, at which time the application shall be reviewed by the Commission for compliance with all applicable subdivision and zoning regulations.

151.403 APPEAL BY APPLICANT.

An applicant who has been denied administrative waiver of plat may, within 30 days of the denial, file an appeal with the Planning Commission. Within 30 days of the appeal filing, the Planning Commission shall review the action and affirm or reverse the administrative action. Waiver of plat shall be given only if all applicable subdivision, zoning, drainage and health requirements have been met. Modification to any requirement of the zoning code shall be reviewed as a variance in accordance with Article 150.69

151.404 APPLICATION.

- (A) An application for waiver of plat of the minor subdivision shall be submitted on the form available from the Zoning Administrator. The completed application must be submitted along with the minor subdivision plan and other required supplementary information, as specified in 151.405 of these regulations.
- (B) The application for minor subdivision waiver of plat must be accompanied by a filing fee, as established by the Village Council, and posted in the Municipal Building. No application for minor subdivision waiver of plat will be accepted without the total filing fee due.

151.405 SPECIFICATIONS OF DOCUMENTS TO BE SUBMITTED.

- (A) The subdivider shall submit a minor subdivision plan, prepared by a registered professional surveyor, and containing the following information:
 - (1) Name of the subdivider; location by section, range and township, or by parcel number; date; north arrow; scale; and acreage to the nearest hundredths of an acre;
 - (2) Abutting streets; and
 - (3) The seal of the registered professional surveyor who prepared the minor subdivision plan.
- (B) In addition, any of the following information may be required by the Planning Commission on the basis of the characteristics of the subject property:
 - (1) If a sewage treatment system other than a connection to the public sewer system is proposed, a statement from village authorities that such sewage treatment system is permitted;
 - (2) Approval by the appropriate Health Department if on-site sewage disposal systems are proposed;
 - (3) Lot grading and drainage plan, illustrating a plan for the handling of surface and subsurface drainage, showing proposed finished grade elevations, indicating the location of all proposed structures and driveways; the type, size, location and outlet of all existing and proposed drainage systems; swales; easements; and the proposed ground cover;
 - (4) Existing buildings, utilities and easements if applicable;
 - (5) Spot elevations;
 - (6) One-hundred-year floodplain elevations and delineations; and
 - (7) Other information as deemed necessary by the designated representative of the Planning Commission in order to ensure the creation of adequate building sites and to promote the public health, safety and welfare.

151.406 REVIEW CRITERIA.

The application for minor subdivision shall be approved if it complies with the following.

- (A) The proposed division of land must have frontage along an existing improved public street and involve no opening, widening or extension of any street or public utility. The right-of-

way width at the end of a right-of-way meant for future extension of the right-of-way does not constitute frontage along an existing improved public street. If the installation of any of the improvements described in this Subdivision and Site Construction Code are needed for future construction on the lots, the proposed division shall be reviewed as a major subdivision.

- (B) The proposed division must be properly integrated with adjoining developments or could be properly coordinated with the subdivision and extension of streets to adjoining land.
- (C) The proposed division complies with the planning principles and other sections of this Subdivision and Site Construction Code, the Zoning Code and other Codes and plans of the Village, or the owner has received the necessary variances. Verification of said variance shall be provided to the Zoning Administrator prior to approval.

151.407 LOT LINE ADJUSTMENT.

- (A) An application for a lot line adjustment as defined in this code and not otherwise classified as a subdivision shall include a metes and bounds legal description and a survey drawing and be submitted to the Zoning Administrator for administrative review and approval.
- (B) The proposed lot line adjustment shall result in parcels that comply with all applicable zoning, subdivision and building requirements determined by the Zoning Administrator and Village Engineer.
- (C) Within seven (7) working days after submission, the Zoning Administrator shall make a determination.
 - (1) If the application conforms to subsection 151.407(B), then the Zoning Administrator shall approve and stamp the deed(s) for the lot line adjustment with an approved stamp.
 - (2) If the application does not conform to subsection 151.407(B), then the Zoning Administrator shall not approve the application and shall state the conditions that must be complied with before it will be approved.

151.408 LOT CONSOLIDATION.

The purpose of the lot consolidation shall be for planning and building purposes. The lot consolidation shall comply with all applicable zoning, subdivision, and other land use controls as deemed necessary by the Zoning Administrator.

**ARTICLE 151.50
Subdivision Design Standards**

151.501	Purpose.	151.507	Public open space and recreation.
151.502	Site design standards.	151.508	Landscaping.
151.503	Planned unit developments encouraged.	151.509	Street names.
151.504	Blocks.	151.510	Circulation system design.
151.505	Residential development lot design.	151.511	Commercial street design.
151.506	Commercial and industrial development lot design.	151.512	Industrial street design.
		151.513	Utility and drainage easements.

151.501 PURPOSE.

The purpose of this article is to establish standards for subdivision layout and improvements design that will create functional and attractive developments, minimize adverse impacts and ensure that proposed subdivisions will be an asset to the village. To promote this purpose, the subdivision shall conform to the following standards, which are designed to result in a well planned community without adding unnecessarily to development costs.

151.502 SITE DESIGN STANDARDS.

- (A) Design of the development shall take into consideration all existing local and regional plans for the municipality and the surrounding community.
- (B) To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, to minimize negative impacts and alteration of natural features and to preserve historically significant structures and sites.
- (C) Development shall be designed to avoid construction on steep slopes in excess of 20% as measured over a ten-foot interval unless appropriate engineering measures concerning slope stability, erosion and resident safety are taken into consideration.
- (D) The development shall be laid out to avoid adversely affecting ground water and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects for shadow, noise, odor, traffic, drainage and utilities on neighboring properties.
- (E) Variations, exceptions and/or modifications of these regulations may be made by the Planning Commission in specific cases where it is deemed that unusual topographical or other exceptional conditions require such modification or adjustment of these regulations, or for special developments of rental units or new concepts of solar orientation or other methods of platting, provided that such plats are self-contained and do not encroach unfavorably on or interfere with the normal development of abutting properties.
- (F) If the Planning Commission finds that land proposed to be subdivided is unsuitable for development due to flooding, inadequate drainage, topography, inadequate water supply, inadequate sanitary sewage disposal, schools, transportation facilities or other such conditions which may endanger health, life or property; and if from investigations conducted by various public agencies concerned, it is determined that in the best interest of

the public, the land should not be developed for the purpose proposed, the Planning Commission shall not approve the land for subdivision.

151.503 PLANNED RESIDENTIAL DEVELOPMENTS ENCOURAGED.

The planned residential development (PRD) approach to development is encouraged by the Planning Commission through use of the Planned Residential Development (PRD) Overlay set forth in Article 150.23 of the Zoning Code. These subdivision and site construction regulations may be modified by the degree necessary to accomplish the objectives and standards required by the planned development of a PRD residential subdivision, in accordance with the provisions of the Zoning Code. Nothing within this section, however, shall exempt the developer from the requirements of subdivision plat approval as specified in Article 151.30 Major Subdivision Procedures of these regulations. All planned residential developments are subject to approval by the Planning Commission and Village Council.

151.504 BLOCKS.

- (A) Blocks shall be designed to accommodate lots of a size and character required for the zoning district in which the development is located and to provide convenient circulation, service and safety on boundary streets. The blocks shall be designed so that the rear lot lines shall coincide with drainage courses, railroads and divisions in land uses.
- (B) The maximum length of blocks shall be 1,320 feet. The Planning Commission may require a crosswalk at approximately the center of the block in blocks that exceed 900 feet in length.
- (C) The width of blocks shall be sufficient to provide for an ultimate development of two tiers of lots between streets and eliminate double frontage lots. A single tier of lots, having a greater depth than the required minimum, may be required to separate residential development from major or arterial streets, adjoining nonresidential land uses, or unusual topographic or natural features. An easement of at least ten feet in width for screening, which shall not be traversed by vehicles, may be required along the lots abutting such a major or arterial street or nonresidential land use.
- (D) Where all or part of a subdivision is adjacent to or in the vicinity of a primary or secondary street, the greater dimension of blocks shall generally parallel the primary or secondary streets to avoid unnecessary ingress and egress.
- (E) Blocks for multi-family residential, commercial or industrial uses shall be adequate to accommodate the building sites and provide the yards, service drives, off-street parking and other required facilities.

151.505 RESIDENTIAL DEVELOPMENT LOT DESIGN.

- (A) The lot arrangement and design shall be such that all lots provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development.
- (B) Each lot shall conform to or exceed the requirements of these regulations and the zoning requirements for the district in which it is located and the use for which it is intended.

- (C) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, except where the Planning Commission determines that a variation to this rule provides a better street and lot layout.
- (D) Lots with double frontage shall be avoided except where the Planning Commission determines that double frontage lots are essential to provide separation of residential development from arterial streets or nonresidential land uses, as provided in Section 151.504(C) of these regulations.
- (E) Corner residential lots shall have extra width sufficient to maintain building lines on both streets, as required by the Zoning Code.
- (F) All lots shall abut on a dedicated street.
- (G) Utility easements should generally follow rear lot lines, where it is not practicable to install utilities within the road right-of-way, and provide continuous easement to public ways.

151.506 COMMERCIAL AND INDUSTRIAL DEVELOPMENT LOT DESIGN.

- (A) A commercial subdivision may show lots which need not conform to any minimum width or area, except those required in the zoning ordinance, but such subdivisions shall show the location within which buildings may be erected and the area that is to be reserved for off-street parking and service areas.
- (B) The location for vehicular movements between the subdivision and adjacent streets shall be indicated, and restrictions shall be recorded upon the plat which will restrict such vehicular movement to the location shown on the plat.
- (C) Easements may be required providing for vehicular movements through parking areas and to and from service areas, as well as easements which can be improved as buffer areas wherever the area adjoins property zoned for residential use. The installation of plantings, walls, fences or other improvements that will assure a satisfactory buffer or protective screen within such easement may be required.

151.507 PUBLIC OPEN SPACE AND RECREATION.

- (A) Where the subdivision contains a street, park, school or other public area which is shown upon the future land use plan as intended for public ownership, all or part of such area shall either be dedicated to the proper public agency or it shall be reserved for acquisition, within a specified period by purchase or other means and an agreement shall be entered into between the subdivider and the proper public agency regarding the time and method of acquisition and the cost thereof, or an agreement shall be made by the appropriate public agency upon an alternate location that is satisfactory to the Planning Commission.
- (B) Due regard shall be shown for the preservation of outstanding natural and cultural features such as scenic spots, watercourses, historic sites and substantial stands of trees.

151.508 LANDSCAPING.

- (A) Reasonable landscaping should be provided at site entrances, in public areas and adjacent to buildings and in compliance with the requirements of the zoning code for the type of

development. The type and amount of landscaping required shall be allowed to vary with the type of development.

- (B) The plant or other landscaping material that best serves the intended function shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions and availability of water. The impact of the proposed landscaping plan at various time intervals shall also be considered.

151.509 STREET NAMES.

Names of new streets shall not duplicate or nearly duplicate those of existing or platted streets, irrespective of the use of the suffix "street", "avenue", "circle", "boulevard", "drive", etc. When a new street is a direct extension of an existing street, the name should remain the same. Street names shall be subject to the approval of the Village Planning Commission or Village Administrator with review and recommendations from other governmental agencies such as law enforcement and emergency response departments.

151.510 CIRCULATION SYSTEM DESIGN.

- (A) The road system shall be designed to permit the safe, efficient and orderly movement of traffic to meet, but not exceed, the needs of the present or future population to be served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- (B) In residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic.
 - (1) Public Streets. Publicly dedicated streets shall be required for the following:
 - (a) For access to all sublots within the residential subdivision that are designed as a part of a standard detached single-family subdivision.
 - (b) For major through streets in any residential subdivision that connect two existing public streets, or that are intended to provide a future continuing street system beyond the project boundaries, and which are expected to accommodate pass-through traffic going to and from adjacent areas.
 - (2) Private Streets. Streets that are not otherwise required to be public streets pursuant to Division B.1. above may be permitted to be private streets in compliance with the following regulations:
 - (a) A private street shall not be planned or expected to be extended to serve property outside the subdivision.
 - (b) The applicant shall demonstrate to the reasonable satisfaction of the Planning Commission that the private streets will be properly controlled and maintained in perpetuity by a Homeowners Association or other means acceptable to the Planning Commission.
 - (c) All elements of a private street shall be constructed in accordance with the construction standards/street section requirements set forth for public streets in the Subdivision Improvement Requirements.

- (C) The pedestrian system shall be located as required for safety and shall meet all applicable village ordinances. In conventional developments, walks shall be placed parallel to and along both sides of all streets, with exceptions permitted to preserve natural features or to provide visual interest. In planned unit developments, walks may be placed away from the road system, but they may also be required parallel to the street for safety reasons.
- (D) Bikeways, greenways, hiking trails or other alternative pedestrian linkages should be provided where a connection to an existing system is readily available.
- (E) New streets shall be a continuation of existing streets or provide a minimum jog of 120 feet from the existing street alignment.
- (F) Permanent dead-end streets shall not be permitted. Temporary dead-end streets, or stub streets, shall be permitted only as part of a continuing street plan, and only if a temporary turnaround satisfactory to the Planning Commission in design is provided and provisions for maintenance, removal and ultimate extension are advanced. Temporary dead-end streets longer than 200 feet shall not be permitted. Where temporary dead-end streets are permitted, all requirements of 151.605 shall be satisfied.
- (G) Cul-de-sac streets shall be not be over 600 feet in length and the terminal shall be circular in area, with no center island, with a minimum diameter of 100 feet, provided, however, that in exceptional circumstances the Planning Commission may approve different arrangements.
- (H) The street and alley arrangement shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide convenient access to it, and shall further the development of a coherent neighborhood street pattern in the vicinity of the subdivision. Subdividers are encouraged to leave open space in such areas as may provide future street rights-of-way for new or extended streets on to adjoining properties.
- (I) Dedication of half-streets shall not be accepted unless exceptional circumstances are found by the Planning Commission to justify the same. Where there exists a dedicated or platted half-street or alley adjacent to the tract being subdivided, the other half shall be platted if deemed necessary by the Planning Commission.
- (J) Alleys shall not be used in residential subdivisions except when deemed necessary by the Planning Commission to meet unusual conditions.
- (K) Frontage on high volume traffic ways shall be provided with parallel service streets, or buffering as provided in 151.504 of these regulations, or such other means of minimizing access as may be appropriate to the conditions.
- (L) The angle of intersection between minor streets and major streets should not vary by more than ten degrees from a right angle. All other streets should intersect each other as near to a right angle as possible and no intersection of streets at angles of less than 60 degrees shall be permitted.
- (M) Access restriction controlling ingress and egress to streets may be required by the Planning Commission to minimize points of intersection and to relieve congestion at intersections. Direct access to streets within 600 feet of a major intersection shall not be provided except where it is the only access to property and in such cases should be avoided whenever possible and in all cases will be limited in number.

151.511 COMMERCIAL STREET DESIGN.

- (A) Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersections of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than 100 feet from the intersection of an arterial or collector street with any other street, and shall be spaced not less than 200 feet from each other. The Commission may require marginal access streets to provide maximum safety and convenience.
- (B) Alleys are required in the rear of all commercial lots if no other provisions are made for adequate service access or for parking. The rights-of-way for such alleys shall be not less than 20 feet and dead-end alleys shall not be permitted.

151.512 INDUSTRIAL STREET DESIGN.

- (A) Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. The intersections of service streets from parking areas with arterial or collector streets shall be not less than 100 feet from the intersection of the arterial or collector street with any other street. Streets shall be planned to extend to the boundaries of any adjoining land planned for industry, except in the case of severe physical conditions or where the Planning Commission finds such extension is not in accord with the approved future land use plan of the area.
- (B) Alleys are required in the rear of all industrial lots if no other provisions are made for adequate service access or for parking. The rights-of-way for such alleys shall be not less than 20 feet and dead-end alleys shall not be permitted.

151.513 UTILITY AND DRAINAGE EASEMENTS.

- (A) Easements of at least 15 feet in width centered along rear and/or side lot lines shall be provided for sanitary sewers, gas mains, waterlines and electric lines or other utilities where it is not practicable to locate said utilities within the road right-of-way. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities, where both water and sewer lines are located in the same easement, or where the Planning Commission feels that such widths are necessary to provide adequate access.
- (B) Whenever any stream or important surface drainage course is located in the area being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, relocating, improving or protecting the stream for drainage or recreational use.

**ARTICLE 151.60
Improvement Standards**

151.601	Purpose.	151.610	Fire Protection.
151.602	Minimum Improvements.	151.611	Sanitary Sewers.
151.603	Grading.	151.612	Storm Water Management.
151.604	Erosion Control.	151.613	Monuments.
151.605	Streets.	151.614	Telephone, Electric and Other Utilities.
151.606	Street Lighting.	151.615	Oversize and Offsite Improvements.
151.607	Sidewalks.	151.616	Utility Line Extensions.
151.608	Residential Parking.	151.617	Improvement Guarantees.
151.609	Water Supply.		

151.601 PURPOSE.

The purpose of this article is to establish standards for required improvements design and installation that will create functional and attractive developments, minimize adverse impacts and ensure that proposed subdivisions will be an asset to the village. To promote this purpose, all subdivision improvements shall conform to the following standards which are designed to result in a well planned community without adding unnecessarily to development costs.

151.602 MINIMUM IMPROVEMENTS.

All plats and subdivisions of land located within the corporate limits of the village shall conform to the rules and regulations contained herein as adopted by the Village Council and/or the Planning Commission, and the subdivider shall provide, construct, install and pay for the minimum improvements required by the village and specified herein.

151.603 GRADING.

Prior to the granting of final plat approval, the subdivider shall have installed or shall have furnished an adequate performance guarantee, as provided in 151.617 hereof, for the ultimate installation of the following.

- (A) All lots shall be graded so that all storm water will drain therefrom. Such grading shall not cause ponding on properties adjacent to the plat, add areas of storm water runoff nor provide points of extreme concentration on them not existing prior to the proposed development.
- (B) The basement or other lowest floor elevation shall be at a minimum elevation of one foot above the estimated high water level of any area affected or likely to be affected by the flooding of public watercourses. Such elevations shall be a matter of public record and recited on the final plat. Compliance with this section shall be a condition of obtaining zoning or building permits.

151.604 EROSION CONTROL.

Prior to the granting of final plat approval, the subdivider shall have installed or shall have furnished adequate guarantee, as provided in 151.617 hereof, for the ultimate installation of the following. All soil surface areas within the street rights-of-way shall be seeded to grass with a mixture of seed to be

specified by the village. All disturbed soil areas outside the street rights-of-way shall be seeded or planted to a quick growing ground cover of grass, shrubs or other vegetation to prevent erosion of the soil.

151.605 STREETS.

Prior to the granting of final plat approval, the subdivider shall have installed or shall have furnished adequate guarantee, as provided in 151.617 hereof, for the ultimate installation of the following.

- (A) The minimum right-of-way width for all public streets shall be 60 feet, except that where there are unusual topographical or other physical conditions, the Planning Commission may require a greater or lesser width.
- (B) All streets, including private streets shall be constructed in conformance with the current Location and Design Manual and Construction and Material Specifications of the Ohio Department of Transportation (ODOT). All streets and thoroughfares shall be graded to their full right-of-way width including side slopes, and shall be extended to the farthest line of each lot in the subdivision.
- (C) Public streets shall have a minimum pavement width of 28 feet, measured face-to-face of curbs.
- (D) Additional pavement lanes and/or traffic signalization may be required for commercial or other special developments to provide acceleration, deceleration or left turn lanes, or handle or control excessive traffic that may be generated by such developments. Complete data with respect to character and volume of expected traffic generated by the development may be required.
- (E) Concrete curbs and gutters are required on all streets, per ODOT Construction and Material Specifications Item 609. The minimum pavement gutter elevations shall be at or above hydraulic grade line for a ten-year frequency storm.
- (F) The subgrade shall be free of sod, vegetative or organic matter, soft clay and other objectionable materials for a depth of at least two feet below finished grade. The subgrade shall be properly rolled, shaped and compacted, and shall be subject to the approval of the Village Engineer.
- (G) The developer has the option of using any of the following base courses, based upon findings of the design engineer as to soil and traffic conditions: aggregate, bituminous aggregate, asphaltic concrete, water-bound macadam, portland cement concrete or equally suitable base course. Materials and thickness shall be determined by the design engineer, subject to approval by the Village Engineer, as set forth by ODOT Construction and Material Specifications.
- (H) Upon expiration of the established maintenance period for the base course, the surface course shall be constructed using either asphaltic concrete, bituminous mix or portland cement concrete. Specific materials and thickness shall be determined by the design engineer, subject to approval by the Village Engineer, as set forth by ODOT Construction and Material Specifications.
- (I) Intersections shall have a minimum 25 feet radius, measured to the back of the curb.

- (J) All street construction shall be inspected by the Village Engineer. It shall be the responsibility of the owner to notify and obtain village approval before placing the base course and also before placing the surface courses. Final acceptance of the street will not be made without these approvals. The developer shall provide certification that the construction meets all appropriate village and ODOT standards, including ODOT Construction and Material Specifications, Item 400 (Flexible Pavement) or Item 450 (Rigid Pavement), whichever is appropriate.
- (K) The transition curb connecting a street to the circular terminus of a cul-de-sac shall have a radius of not less than 100 feet.
- (L) Streets abutting the subdivision that are not presently paved or curbed nor have a design grade on them will normally not be required to be paved at the time the subdivisions are to be constructed. However, all lots in the plat abutting such streets shall have included in their deeds, or portions thereof, a waiver of objection for the assessment for paving, curbing and draining. This waiver of objection is to be recited on the plat, and is to be an instrument of record affecting future title of properties.
- (M) Street name signs, traffic-control signs and sign posts of a type in use throughout the village, shall be erected by the developer at all intersections and other points in the subdivision as directed by the village. To avoid duplication and confusion, the proposed names of all streets shall be approved by the village prior to the names being assigned or used.
- (N) The recorded plat of any subdivision that includes a private street shall clearly state that such street(s) is a private street. Further, the initial purchaser of a newly created lot served by a private street shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the private street(s).

151.606 STREET LIGHTING.

Prior to the granting of final plat approval, the subdivider shall have installed or shall have furnished adequate guarantee, as provided in 151.617 hereof, for the ultimate installation of the following.

- (A) The subdivider, shall install street lights in accordance with the village construction standards in each residential subdivision which contains a majority of lots with an individual lot width of 100 feet or less at the front property line. Such lights shall be located at each street entrance to the subdivision and in each street intersection within the subdivision. In addition, whenever the distance between two adjacent street lights would exceed 300 feet, then additional street lights shall be installed in such a manner that proper light intensity shall be provided and maintained.
- (B) New subdivision street lighting shall be installed with all associated wiring underground.
- (C) The design of all street light posts and lamp heads must be approved by the village prior to installation.

151.607 SIDEWALKS.

Prior to the granting of final plat approval, the subdivider shall have installed or shall have furnished adequate guarantee, as provided in 151.617 hereof, for the ultimate installation of the following.

- (A) Concrete sidewalks not less than five (f) feet in width and having a minimum thickness of four inches shall be provided on both sides of the new streets within any residential

- subdivision, on the abutting side of any existing street contiguous to the subdivision, and as part of the development of a vacant residential or nonresidential lot. Where such new sidewalk meets an existing sidewalk that is less than five feet in width, the new sidewalk may be narrowed sufficiently to meet the existing sidewalk evenly. Handicapped accessible sidewalk ramps shall be required at intersecting street rights of way in accordance with ADA standards.
- (B) A utility strip a minimum of two feet in width shall be maintained between the inside edge of the sidewalk and the outside edge of the curb. This utility strip is to be seeded with grass or other suitable ground cover and shall not be used as a shade or street tree planting area.
 - (C) The subgrade shall be free of sod, vegetative or organic matter, soft clay and other objectionable materials for a depth of at least one foot below finished grade. The subgrade shall be properly shaped and compacted.
 - (D) Installation may be deferred for a period of three years by posting a financial guarantee, as provided in 151.617 hereof, to permit the building of dwellings prior to the installation of sidewalks provided that no such deferment shall be continued in effect or granted as to a particular block in a subdivision after 70% or more of the lots in such blocks have dwellings constructed thereon. In the event sidewalks are installed prior to the construction of dwellings, the minimum thickness for the sidewalk at the driveway shall be six inches.
 - (E) In commercial and industrial subdivisions, sidewalks are required by the Planning Commission, and shall be installed along each lot line that abuts a public or private street.
 - (F) All sidewalks shall be installed in conformance with the ODOT Location and Design Manual and shall conform to ODOT Construction and Material Specifications Item 608.
 - (G) The location of sidewalks and ramps will be presented to the Planning Commission at the time of preliminary plat approval.
 - (H) The design and location of street lights shall be approved by the Planning Commission at the time of preliminary plat approval.

151.608 RESIDENTIAL PARKING.

- (A) The location of residential driveways shall comply with Section 150.218 of the Zoning Code, and each driveway shall be wholly on the residential lot to which it is accessory. Driveways shall be prohibited from encroaching on an adjoining property.
- (B) The style of residential driveways shall be determined at the time of preliminary plat approval. Selected driveway designs shall be consistent throughout the subdivision unless the Planning Commission grants approval for a combination of driveways.
 - (1) The following types of driveways may be considered:
 - (a) Concrete;
 - (b) Asphalt; and
 - (c) Brick or pavers.
 - (2) Dirt or stone driveways are not allowed.
- (C) Driveways shall be graded and constructed with adequate drainage so as dispose of all surface water and drainage on site. Surface water and drainage shall not be allowed to flow

onto adjacent properties nor shall water be permitted to drain onto or over public rights-of-way and sidewalks or remain standing in driveways.

151.609 WATER SUPPLY.

Prior to the granting of final plat approval, the subdivider shall have installed or shall have furnished adequate guarantee, as provided in 151.617 hereof, for the ultimate installation of the following.

- (A) The subdivider shall provide a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. Such water system shall conform to all applicable requirements of the village.
- (B) Each lot must be served by individual water line connections, except in the case of duplexes, which may be served with an approved wye tap, provided that each unit has an individual shutoff valve. Each dwelling unit, whether single-family or multi-family, must have an individual meter easily accessible.
- (C) All water line connections (tap-ins) will be made by the village. The subdivider will provide all excavation, backfill and compaction; and all excavations shall be safe to enter as determined by village employees. Backfill material in roadways, driveways and sidewalks shall meet appropriate ODOT specifications. The Village Street Department must be notified two business days in advance of the work to be performed.
- (D) All water service connections shall be of copper pipe, sufficiently sized to provide adequate water service.
- (E) Where a public water supply is used, water supply lines shall be installed within the public road right-of-way, unless exceptional circumstances warrant their location elsewhere. Regardless of the location of the water supply lines, fire hydrants must be located within the road right-of-way.

151.610 FIRE PROTECTION.

Prior to the granting of final plat approval, the subdivider shall have installed or shall have furnished adequate guarantee, as provided in 151.617 hereof, for the ultimate installation of the following.

- (A) Fire hydrants shall be provided by the subdivider in all subdivisions with public water supplies. Such hydrants shall be spaced to provide necessary fire flow. Hydrants shall be spaced no farther than 500 feet apart. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length. In commercial and industrial subdivisions, the minimum spacing between hydrants shall be 300 feet.
- (B) A hydrant shall be located at all low points and at all high points with adequate means of drainage provided.
- (C) Hydrants shall be located at the ends of lines, and valves of full line size shall be provided after hydrant tees at the ends of dead lines that may be extended.
- (D) The minimum size of a water line serving any hydrant shall be not less than six inches in diameter and should be a circulating water line.
- (E) Size, type and installation of hydrants shall conform to the current village construction standards and be approved by the Fire Chief or his or her designee and Village Engineer or

his or her designee. The hydrants should be located between property lines and curbs, within the road right-of-way, with all outlets facing or parallel to the street.

151.611 SANITARY SEWERS.

Prior to the granting of final plat approval, the subdivider shall have installed or shall have furnished adequate guarantee, as provided in 151.617 hereof, for the ultimate installation of the following:

- (A) Public sanitary sewers shall be installed to adequately serve all lots, including lateral connections. Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency (EPA) and all village standards. Combinations of sanitary sewers and storm sewers shall be prohibited. The Village Engineer will review all sanitary sewer proposals.
- (B) Where exceptional circumstances warrant, as determined by the Planning Commission, the subdivider may provide a private sewer extension to serve the property being platted. Any private sewer line extensions must meet all village and Ohio EPA standards as well as those of the appropriate Board of Health and be approved by the Village Engineer. The subdivider, his, her or its heirs, successors and assigns shall be responsible for the maintenance of the private line. Under no circumstances will the village assume ownership or maintenance responsibilities for private lines so installed. The subdivider must agree to tap into the public sewer system should public sewers be extended to the property.
- (C) Where exceptional circumstances warrant, as determined by the Planning Commission, the subdivider may provide an adequate private sanitary treatment plant, or package plant, and the necessary sanitary sewer lines accessible to each lot. The system, where practicable, is to be designed so it can be integrated into the master plan of sanitary sewers when the public sewers are installed.
- (D) Where exceptional circumstances warrant, as determined by the Planning Commission, the subdivider may provide private on-site sewage disposal systems, typically a septic tank and leach field system, for lots of one acre or more in area if soil percolation tests, as prescribed by the appropriate Board of Health, have indicated a reasonably useful life for such disposal methods and all other relevant requirements of the appropriate Board of Health have been met. Other private on-site disposal methods may be approved by the appropriate Board of Health.
- (E) Where a public sanitary sewer extension is provided by the developer, such sanitary sewer lines shall be installed within the public road right-of-way, unless exceptional circumstances warrant their location elsewhere.
- (F) All lateral connections shall be a minimum of six inches in diameter.
- (G) The minimum elevation at the top of any sanitary manhole casting shall be not less than one foot higher than the estimated 25-year high water level.

151.612 STORM WATER MANAGEMENT.

An adequate storm drainage system shall be provided for each subdivision and site construction project documented in the Stormwater Management Plan. The design of said system shall be based on a minimum fifty-year frequency.

- (A) Prior to the granting of final plat approval, the subdivider shall have installed or shall have furnished adequate guarantee, as provided in 151.617 hereof, for the ultimate installation of the improvements included in the subdivision's or development's Stormwater Management Plan.
- (B) All necessary facilities, including underground pipe, inlets, catch basins, open drainage ditches and detention ponds, shall be installed to provide for the adequate disposal of surface water and to maintain any natural drainage course.
- (C) Rainfall intensity, runoff coefficients and concentration times used in computing flows and structure sizes shall be in accordance with the tables, charts and the data established in the Stormwater Management Plan for such calculations. All areas which contribute storm water to the proposed storm drainage system must be considered on the determination of the sizes of pipes, structures and channels.
- (D) Drainage plans shall be accompanied by two (2) copies of the design computations and a topographic map showing existing and proposed contours and indicating design increments. Hydraulic gradient checks for less frequent storms may also be required by the Village Engineer where deemed appropriate.
- (E) Culvert sizes shall be determined by using the Rational Method and shall be based on a minimum ten-year frequency rainfall, or other more stringent methodology as required by the Village Engineer and the Stormwater Management Plan.
- (F) Detention ponds (preferably underground detention) or basins shall be provided where necessary to control the volume and velocity of storm water leaving the site. Detention ponds and basins shall be designed to meet and exceed the Stormwater Management Plan. Such facilities shall be approved by the Village Engineer and the appropriate County Soil and Water Conservation District.
- (G) Storm sewer and drainage system connections shall be provided to every lot at least to the building setback line, and easements shall be provided by the subdivider for maintenance. The subdivider shall provide for the continued maintenance or for a property owner association or for an agreement for such continued maintenance that meets the approval of the Village Solicitor and the Planning Commission. All downspouts shall be connected. Such connections shall be to underground piping. No above ground drainage pipe shall be permitted.
- (H) Footer drains shall be connected to storm sewers or drainage system as required by the Wood County Building Department standards. The building contractor or excavator shall test and determine the water level at the excavation site and notify the Village Engineer of this level before the foundation is placed.
- (I) Storm sewers shall be constructed of materials approved for use by the Village Engineer based on performance standards as established by the Ohio Department of Transportation (ODOT).
- (J) Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet. Detention or retention basins required for the proper management of storm water in a platted subdivision with a permanent to semi-permanent water depth greater than two feet and side slopes steeper than four horizontal to one vertical may be required to be fenced by the

- Village Planning Commission. Such fencing if required, such be a minimum of four feet in height. Chain link fences are prohibited in residential and commercial subdivisions.
- (K) Catch basins shall be installed in street gutters and located so that not more than 400 feet of gutter is drained into any basin. The catch basins shall conform to ODOT Construction and Material Specifications Item 604. Storm inlet or catch basin grates shall be of a type design to permit safe crossing by bicycles and other pedestrian traffic as approved by the Ohio Department of Transportation (ODOT).
- (L) Manholes shall be provided at all changes in alignment, end points, and grade changes of storm sewers and at such other locations as necessary to provide sufficient maintenance access and maintain a maximum interval between manholes on storm sewers of three hundred-fifty feet (350) for pipes sizes twelve (12) inches to twenty-four (24) inches and five hundred (500) feet for pipe sizes greater than twenty-four (24) inches or shorter distance intervals as required by the Village Engineer.
- (M) Storm sewers shall be installed to outlet the street catch basins and to provide storm drainage for the lots. Storm sewers shall extend to the farthest lot line and terminate in a manhole that conforms to ODOT Construction and Material Specifications Item 604. These sewers shall be a minimum of 12 inches in diameter and consist of tongue and groove, sealed joint, rigid pipe or an approved equal. All storm sewers under the pavement and curbs shall be of reinforced or extra strength pipe and shall be backfilled with granular material in concurrence with ODOT Construction and Material Specifications Item 603 Type B conduit specifications. All sewers shall be laid with a gradient that will provide a minimum full flow velocity of two feet per second.
- (N) All storm sewers must be inspected by a representative of the village and thereby obtain approval from the village before backfilling. Final acceptance of the storm sewer system will not be made without this approval.
- (O) In order to protect the health, safety and general welfare of the people, the Planning Commission may reject any proposed subdivision located in an area subject to periodic flooding, and shall reject any proposed subdivision located in a 100-year floodplain, as identified by the Federal Emergency Management Agency or other appropriate authority. If the subdivision is located in an area having poor drainage or other adverse physical characteristics, the Commission may approve the subdivision provided the subdivider agrees to perform such improvements as will render the area safe for the intended use. In lieu of improvements, the subdivider shall furnish adequate guarantee, as provided in 151.617 hereof, covering the cost of the required improvements.
- (P) Where natural drainage channels intersect the street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed.
- (Q) Rear yard drainage shall be provided in all residential subdivisions. Rear yard catch basin shall be placed so that no more than three lots in one direction or 350 feet of lot frontage, whichever is less, is directed to one basin. A minimum grade of 0.5% shall be maintained for rear yard swales.
- (R) Applicants are encouraged to implement low-impact development (LID) best practices to integrate hydrologically functional design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. LID's goal is to

mimic natural hydrology and processes by using small-scale, decentralized practices that infiltrate, evaporate, detain, and transpire stormwater. LID stormwater control measures (SCMs) should be uniformly and strategically located throughout the site, and should be designed in conjunction with green infrastructure opportunities for accessory parking areas.

151.613 MONUMENTS.

Prior to the granting of final plat approval, the subdivider shall have installed the following.

- (A) A permanent concrete monument, as defined in 151.200 of these regulations, shall be placed at each change in direction on the boundary of the plat, and one such monument shall be placed on the centerline of the right-of-way of each street intersection, at the beginning and end of all street curves, and at such other points as are necessary to establish definitely all lines of the plat.
- (B) Iron pipe or pins shall be placed at the corners of all lots and at other points as are required by the Planning Commission.

151.614 TELEPHONE, ELECTRIC AND OTHER UTILITIES.

- (A) All distribution wires and cables including electrical distribution and telephone and cablevision wires and cables, and those wires and cables used for street lighting, shall be installed underground in accordance with standards and regulations promulgated by the Public Utilities Commission of Ohio and by the public utility supplying such service. The Planning Commission may waive in whole or part the above requirements where a strict application thereof would result in excessive removal of trees or for other aesthetic reasons.
- (B) Where practicable, utilities such as electrical distribution and telephone and cablevision wires and cables shall be placed within the public road right-of-way or within designated utility easements centered along rear and/or side lot lines.

151.615 OVERSIZE AND OFFSITE IMPROVEMENTS.

The Village Council, with a recommendation provided by the Planning Commission and consulting engineer, to ensure the orderly development of adjacent properties may require utilities, pavements and other land improvements for a proposed subdivision be designed oversized and/or with extensions provided to the boundary of the proposed subdivision prior to the approval of the final plat to serve nearby land which is an integral part of the community service or drainage area. The developer shall be required to pay for all of the construction costs for the streets, utilities and other required improvements for the proposed subdivision as determined by the Village Planning Commission and consulting engineer. The village may pay the difference between the cost of required improvements for the proposed subdivision and improvements required to service the surrounding areas. Each case requiring village participation shall be approved by the Village Council.

151.616 UTILITY LINE EXTENSIONS TO BOUNDARIES.

Utilities or required subdivision improvements shall be extended to the boundary of the proposed subdivision to serve adjoining unsubdivided land on adjacent properties as required by the Village Council, with a recommendation provided by the Planning Commission and consulting engineer.

151.617 IMPROVEMENT GUARANTEES.

- (A) Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility and other improvements as specified in this article. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.
- (B) No final plat of any subdivision shall be approved until:
- (1) The improvements listed in this article, inclusive, hereof have been completed; or
 - (2) The subdivider has filed with the Village Administrator a performance guarantee in the form of a bond, certified check or irrevocable letter of credit equal to estimated cost of construction of the improvements, as determined by a professional engineer licensed in the state, plus 10% of the required improvements; guaranteeing to the village the completion of such improvements in a satisfactory manner within such time, not to exceed two years, as may be fixed by the Planning Commission. The form of bond, check or letter of credit shall be approved by the Village Solicitor or other authorized legal representative, and shall be made payable to and enforceable by the village.
- (C) Upon application of the subdivider, the Planning Commission may waive compliance with division (B) above upon the following conditions:
- (1) After the preliminary plat drawing of the proposed subdivision has been approved by the Village Planning Commission, the subdivider may improve a portion of the proposed subdivision and submit a final plat for that improved portion to the Village Planning Commission for approval. If the Planning Commission deems it necessary to defer the construction of any required improvement, the subdivider shall pay his or her share of the costs of the deferred future improvements, as determined by the village, to the village prior to the approval of the final plat by the village. The subdivider shall provide a surety bond, certified check or irrevocable letter of credit equal to the estimated cost of the construction of the improvements as determined by a professional engineer licensed in the state plus 10% of the remaining required improvements, guaranteeing to the village the completion of such improvements in a satisfactory manner within such time, not to exceed two years, as may be fixed by the Planning Commission. The form of bond, check or letter of credit shall be approved by the Village Solicitor or other authorized legal representative, and shall be made payable to and enforceable by the village;
 - (2) No lot or land abutting the unopened and unimproved street shall be sold and/or conveyed until said lot or land are in conformity with divisions (B)(1) or (B)(2) above. However, with the consent of the Planning Commission, all of such abutting lots or land may be sold and/or conveyed as one unit; and
 - (3) No building or zoning permit shall be issued or buildings constructed on lots or land abutting an unopened and unimproved street until the conditions set forth in divisions (B)(1) or (B)(2) above have been complied with.
- (D) In the event the developer fails to complete the installation of all improvements according to the terms and conditions of divisions (B)(2) and (C)(1) above, the village, upon proceed to

- have such work completed and appropriate such portion of bond, certified check or irrevocable letter of credit posted for the faithful performance of said work.
- (E) Inspections during installation of improvements shall be made by the village to ensure conformity with the approved technical design and construction plans and other specifications. The subdivider shall be liable for costs incurred for necessary inspections during construction. An amount covering the estimated costs of such inspections shall be deposited with the Village Administrator prior to commencing the work. The subdivider shall notify the proper administrative officials 24 hours prior to commencing work.
- (F) Upon completion of all required improvements, the developer shall notify the Village Administrator, in writing, of the completion of improvements and request a final inspection. The village, its consulting engineer or other authorized representatives shall inspect all improvements of which such notice has been given and shall file a detailed report, in writing, with the Village Administrator listing items of work necessary to accomplish satisfactory completion of the improvements; and/or recommending acceptance of the improvements. The Village Administrator shall notify the developer in writing, by certified mail, of the contents of the inspection report no later than 45 days after receipt of the notice of completion from the developer.
- (G) The Village Council shall either approve or reject the improvements based on the contents of the inspection report and the recommendation of the Village Administrator; and shall notify the developer in writing, by certified mail, of the decision of the Village Council with a statement for the reason of any rejection. No improvements shall be approved by the Village Council until a maintenance guarantee in the form of a bond, certified check or irrevocable letter of credit is filed with the village in an amount equal to 25% of the total cost of the improvements in the subdivision guaranteeing the workmanship and materials for a period of two years after acceptance of the improvements by village. All streets, sewers, waterlines or other improvements dedicated for public use shall be accepted by the village for public use and maintenance only upon passage of an ordinance authorized for such purpose.
- (H) At the end of the two-year maintenance period, the village, along with its consulting engineer, or other authorized representatives shall inspect all improvements to ensure such improvements remain in an acceptable condition. After the inspection, the village either:
- (1) Issue a letter to the developer, the developer's bank or surety, and/or the developer's contractor releasing the maintenance guarantee; or
 - (2) Issue a letter to the developer and/or the developer's contractor listing items of work necessary to be completed or corrected before the release of the maintenance guarantee will be made.

ARTICLE 151.70

Enforcement, Penalties and Amendments

151.701	Enforcement.	151.706	Schedule Of Fees, Charges And Expenses.
151.702	Recording Of Plat.	151.707	Penalties Imposed By The Ohio Revised Code.
151.703	Revision Of Plat After Approval.	151.708	Amendments.
151.704	Sale Of Land Within Subdivisions.		
151.705	Public Improvements.		

151.701 ENFORCEMENT.

It shall be the duty of the Village Administrator, or other designee, to enforce the provisions of the subdivision and site construction regulations of the village and to bring to the attention of the Village Council and Planning Commission any violations or lack of compliance. Zoning permits for lots within any subdivision may be withheld for failing to comply with the Village of Swanton Subdivision and Site Construction Code or Zoning Code.

151.702 RECORDING OF PLAT.

No plat of any subdivision shall be recorded by the County Recorder of Fulton or Lucas County or have any validity until said plat has received final approval in the manner prescribed in these regulations.

151.703 REVISION OF PLAT AFTER APPROVAL.

No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Village Planning Commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the Commission for review and approval of any proposed changes, erasures, modifications or revisions.

151.704 SALE OF LAND WITHIN SUBDIVISIONS.

No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plat of the subdivision before such plat has been approved and recorded in the manner prescribed in these regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

151.705 PUBLIC IMPROVEMENTS.

The village will withhold all public improvements of whatsoever nature, including the maintenance of streets and the furnishing of sewage facilities and water service from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted by the Village Council in the manner prescribed herein.

151.706 SCHEDULE OF FEES, CHARGES AND EXPENSES.

- (A) The Village Council shall establish a schedule of fees, charges and expenses, and a collection procedure for the same, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the Fiscal Officer, and may be altered, or amended only by the Village Council.
- (B) No application will be accepted and no action shall be taken on any application or appeal until all applicable fees, charges and expenses have been paid in full.

151.707 PENALTIES IMPOSED BY THE OHIO REVISED CODE.

- (A) Violations of rules and regulations (ORC §711.102).
 - (1) Whoever willfully violates any rule or regulation adopted by the legislative authority of a municipal corporation or a board of county commissioners pursuant to ORC §711.101 or fails to comply with an order issued pursuant thereto, shall forfeit and pay not less than \$10 nor more than \$1,000.
 - (2) Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of the county in which the land lies relative to which such violation occurred, by the legal representative of the village, city or county, in the name of such village, city or county and for the use thereof.
- (B) Forfeiture for wrongfully recording plats (ORC §711.15). A County Recorder who records a plat contrary to ORC §711.01 to §711.38, inclusive, shall forfeit and pay not less than \$100 nor more than \$500 to be recovered with costs in a civil action by the prosecuting attorney in the name of and for the use of the county.
- (C) Transfer of land before recording; forfeiture (ORC §711.13).
 - (1) Whoever, being the owner or agent of the owner of any land within or without a municipal corporation, willfully transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision as specifically defined in this chapter, before the plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than \$10 nor more than \$500 for each lot, parcel or tract of land so sold. The description of the lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.
 - (2) If the land is within a municipal corporation, the sum may be recovered in a civil action, brought in any court of competent jurisdiction by the city director of law or other corresponding official of the municipal corporation in the name of the municipal corporation and for the use of the street repair fund thereof.
 - (3) The sale of lots, parcels or tracts from a plat of a subdivision on which any and all areas indicated as streets or open grounds are expressly indicated as for the exclusive use of the abutting or other owners in the subdivision and not as public streets, ways or grounds shall not serve to exempt the seller from the requirements of this chapter or from the forfeiture provided in this section.
- (D) Disposal of lots; forfeiture (ORC §711.15). Any person who disposes of, offers for sale or leases for a time exceeding five years, any lot or part of a lot, in a subdivision with intent to

violate ORC §711.001 to §711.14, inclusive, shall forfeit and pay the sum of not less than \$10 nor more than \$500 for each lot or part of a lot so sold, offered for sale or leased, to be recovered, with costs, in a civil action, in the name of the County Treasurer for the use of the county.

151.708 AMENDMENTS.

When necessary to further the purpose of this chapter, the Village Council may, after a public hearing, amend, supplement or change these regulations upon the recommendation of the Planning Commission. Notice shall be given on the time and place of such public hearing by publication in at least one newspaper of general circulation published in the local area, 30 days prior to the date of such hearing. The amendment or amendments shall be available in the office of the Fiscal Officer for public examination during said 30 days.

Title XV Land Usage Codes Update

DRAFT

Chapter 152 Flood Damage Reduction Code

1/20/23

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**ARTICLE 152.10
General Provisions**

152.101	Statutory authorization	152.106	Basis for establishing the areas of special flood hazard
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152.103	Statement of purpose	152.108	Interpretation
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152.101 STATUTORY AUTHORIZATION.

Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety and general welfare of its citizens. This chapter adopts regulations for areas of special flood hazard that are necessary for participation in the National Flood Insurance Program. Therefore, the Council of the Village of Swanton does ordain as follows.

(Ord. 2011-17, passed 7-18-2011)

152.102 FINDINGS OF FACT.

The village has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, this chapter is adopted.

(Ord. 2011-17, passed 7-18-2011)

152.103 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to:

- (A) Protect human life and health;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business interruptions;
- (E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (F) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (G) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (H) Minimize the impact of development on adjacent properties within and near flood prone areas;

- (I) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (J) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (K) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (L) Meet community participation requirements of the National Flood Insurance Program.
(Ord. 2011-17, passed 7-18-2011)

152.104 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (A) Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (B) Requiring that uses vulnerable to floods including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- (D) Controlling filling, grading, dredging, excavating and other development which may increase flood damage; and
- (E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

152.105 LANDS TO WHICH THESE REGULATIONS APPLY.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the village as identified in Section 152.106, including any additional areas of special flood hazard annexed by the village.

(Ord. 2011-17, passed 7-18-2011)

152.106 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

- (A) For the purposes of this chapter, the following studies and/or maps are adopted:
 - (1) The areas of special flood hazard have been identified by the Federal Emergency Management Agency in scientific and engineering reports entitled “Flood Insurance Study, Lucas County, Ohio, Volumes 1-4; including the Village of Swanton”; August 16, 2011; and
 - (2) These studies, with Flood Insurance Rate Maps Panel 185, Map Number 39095C0185E and Panel 205, Map Number 39095C0205E, and any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of this chapter.
- (B) Such maps and/or studies are on file in the office of the Village Administrator, Swanton, Ohio.

152.107 ABROGATION AND GREATER RESTRICTIONS.

- (A) This chapter is not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes.
- (B) In the event of a conflict between this chapter and any other ordinance, the more restrictive shall be followed.

- (C) This chapter shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by this chapter.

(Ord. 2011-17, passed 7-18-2011)

152.108 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this chapter may be in conflict with a state or federal law, such state or federal law shall take precedence over this chapter.

(Ord. 2011-17, passed 7-18-2011)

152.109 WARNING AND DISCLAIMER OF LIABILITY.

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

(Ord. 2011-17, passed 7-18-2011)

152.110 SEVERABILITY.

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

(Ord. 2011-17, passed 7-18-2011)

ARTICLE 152.20
Definitions

- 152.201 Definitions and Rules of Interpretation.
152.202 Defined Words.
-

152.201 DEFINITIONS AND RULES OF INTERPRETATION.

This Article 152.20 includes definitions for words and phrases used in this Flood Damage Reduction Code, which are in addition to the definitions and rules of interpretation set forth in Chapter 150 Zoning Code, including Section 150.114 Rules of Interpretation and Article 150.90 Definitions. Any words or phrases used in Chapter 152 that are not defined in Article 150.90 or in Section 152.202 below shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application, as determined by the Flood Plain Administrator.

152.202 DEFINED WORDS.

Words and terms with specific defined meanings are set forth below.

ACCESSORY STRUCTURE. As defined in the Village Zoning Code.

APPEAL. A request for review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year. The BASE FLOOD may also be referred to as the 1% chance annual flood or 100-year flood.

BASE (100-YEAR) FLOOD ELEVATION (BFE). The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in feet mean sea level (MSL). In Zone AO areas, the BASE FLOOD ELEVATION is the natural grade elevation plus the depth number from one to three feet.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT. Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ENCLOSURE BELOW THE LOWEST FLOOR. See LOWEST FLOOR.

EXECUTIVE ORDER 11988 (FLOODPLAIN MANAGEMENT). Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.

FILL. A deposit of earth material placed by artificial means.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or

- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM). Usually the initial map, produced by the Federal Emergency Management Agency, or United States Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM). An official map on which the Federal Emergency Management Agency or the United States Department of Housing and Urban Development has delineated the areas of special flood hazard.

FLOOD INSURANCE RISK ZONES. Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions.

- (1) ZONE A. Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
- (2) ZONES A1-30 AND ZONE AE. Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
- (3) ZONE AO. Special flood hazard areas inundated by the 100-year flood; with flood depths of one to three feet (usually sheet flow on sloping terrain); average depths are determined.
- (4) ZONE AH. Special flood hazard areas inundated by the 100-year flood; flood depths of one to three feet (usually areas of ponding); base flood elevations are determined.
- (5) ZONE A99. Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a federal flood protection system under construction; no base flood elevations are determined.
- (6) ZONE B AND ZONE X (SHADED). Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile; and areas protected by levees from the base flood.
- (7) ZONE C AND ZONE X (UNSHADED). Areas determined to be outside the 500-year floodplain.

FLOOD INSURANCE STUDY (FIS). The official report in which the Federal Emergency Management Agency or the United States Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on flood boundary and floodway maps), and the water surface elevations of the base flood.

FLOOD PROTECTION ELEVATION (FPE). The base flood elevation plus one foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the FLOOD PROTECTION ELEVATION can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A FLOODWAY is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The FLOODWAY is an extremely hazardous area, and is usually characterized by any of the following: moderate to high velocity flood waters; high potential for debris and projectile impacts and moderate to high erosion forces.

FREEBOARD. A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. FREEBOARD tends to compensate for the many unknown factors that could

contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

HISTORIC STRUCTURE. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the state's inventory of historic places maintained by the Ohio Historic Preservation Office; or
- (4) Individually listed on the inventory of historic places maintained by the village's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS. An analysis performed by a professional engineer, registered in the state, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

LETTER OF MAP CHANGE (LOMC). An official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps, and flood insurance studies. LOMCs are broken down into the following categories.

- (1) **LETTER OF MAP AMENDMENT (LOMA).** A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property is not located in a special flood hazard area.
- (2) **LETTER OF MAP REVISION (LOMR).** A revision based on technical data that, usually due to human-made changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
- (3) **CONDITIONAL LETTER OF MAP REVISION (CLOMR).** A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective flood insurance rate maps, flood boundary and floodway maps, or flood insurance studies.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

MANUFACTURED HOME. As defined in the Village Zoning Code.

MANUFACTURED HOME PARK. As defined in the Village Zoning Code.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). A federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This

insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the federal government will make flood insurance available within the community as a financial protection against flood loss.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the initial effective date of the Village of Swanton Flood Insurance Rate Map, February 15, 1984, and includes any subsequent improvements to such structures.

PERSON. As defined in the Village Zoning Code.

RECREATIONAL VEHICLE. As defined in the Village Zoning Code.

REGISTERED PROFESSIONAL ARCHITECT. A person registered to engage in the practice of architecture under the provisions of ORC Section 4703.01 to 4703.19.

REGISTERED PROFESSIONAL ENGINEER. A person registered as a professional engineer under ORC Chapter 4733.

REGISTERED PROFESSIONAL SURVEYOR. A person registered as a professional surveyor under ORC Chapter 4733.

SPECIAL FLOOD HAZARD AREA. Also known as AREAS OF SPECIAL FLOOD HAZARD, it is the land in the floodplain subject to a 1% or greater chance of flooding in any given year. SPECIAL FLOOD HAZARD AREAS are designated by the Federal Emergency Management Agency on flood insurance rate maps, flood insurance studies, flood boundary and floodway maps and flood hazard boundary maps as Zones A, AE, AH, AO, AI-30, and A99. SPECIAL FLOOD HAZARD AREAS may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

START OF CONSTRUCTION. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The ACTUAL START means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the ACTUAL START OF CONSTRUCTION means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

STRUCTURE. A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures, which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include:

- (1) Any improvement to a structure that is considered “new construction”;
- (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (3) Any alteration of a “historic structure” provided that the alteration would not preclude the structure’s continued designation as a “historic structure”.

VARIANCE. A grant of relief from the standards of this chapter consistent with the variance conditions herein.

VIOLATION. The failure of a structure or other development to be fully compliant with this chapter.

**ARTICLE 152.30
Administration**

152.301	Designation of the Floodplain Administrator	152.307	Post-construction certifications required
152.302	Duties and responsibilities of the Floodplain Administrator	152.308	Revoking a floodplain development permit
152.303	Floodplain development permits	152.309	Exemption from filing a development permit
152.304	Application required	152.310	Map maintenance activities
152.305	Review and approval of a floodplain development permit application	152.311	Data use and flood map interpretation
152.306	Inspections	152.312	Substantial damage determination

152.301 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The Village Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(Ord. 2011-17, passed 7-18-2011)

152.302 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

- (A) Evaluate applications for permits to develop in special flood hazard areas;
- (B) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information;
- (C) Issue permits to develop in special flood hazard areas when the provisions of this chapter have been met, or refuse to issue the same in the event of noncompliance;
- (D) Inspect buildings and lands to determine whether any violations of this chapter have been committed;
- (E) Make and permanently keep all records for public inspection necessary for the administration of this chapter including flood insurance rate maps, letters of map amendment and revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances and records of enforcement actions taken for violations of this chapter;
- (F) Enforce the provisions of this chapter;
- (G) Provide information, testimony or other evidence as needed during variance hearings;
- (H) Coordinate map maintenance activities and FEMA follow-up; and
- (I) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of this chapter.

(Ord. 2011-17, passed 7-18-2011)

152.303 FLOODPLAIN DEVELOPMENT PERMITS.

It shall be unlawful for any person to begin construction or other development activity including, but not limited to, filling; grading; construction; alteration, remodeling or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 152.106, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of this chapter. No such permit shall be issued by the Floodplain Administrator until the requirements of this chapter have been met.

(Ord. 2011-17, passed 7-18-2011)

152.304 APPLICATION REQUIRED.

- (A) An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his or her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location.
- (B) Such applications shall include, but not be limited to:
- (1) Site plans drawn to scale showing the nature, location, dimensions and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing;
 - (2) Elevation of the existing, natural ground where structures are proposed;
 - (3) Elevation of the lowest floor, including basement, of all proposed structures;
 - (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations;
 - (5) Technical analyses conducted by the appropriate design professional registered in the state and submitted with an application for a floodplain development permit which will include:
 - (a) Floodproofing certification for nonresidential floodproofed structures as required in Section 152.505;
 - (b) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 152.504(E) are designed to automatically equalize hydrostatic flood forces;
 - (c) Description of any watercourse alteration or relocation that the flood-carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 152.509(C);
 - (d) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where

the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 152.509(B);

- (e) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 152.509(A); and
 - (f) Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 152.503(A).
- (C) The applicant shall be responsible for payment of the floodplain development permit application fee in such an amount as shall be determined by ordinance of Council.

152.305 REVIEW AND APPROVAL OF A FLOODPLAIN DEVELOPMENT PERMIT APPLICATION.

(A) Review.

- (1) After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of this chapter have been met. No floodplain development permit application shall be reviewed until all information required in Section 152.304 has been received by the Floodplain Administrator.
- (2) The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the United States Army Corps of Engineers under Section 10 of the Rivers and Harbors Act, being 33 U.S.C. Section 403 and 404 of the Clean Water Act, being 33 U.S.C. Section 1344 and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act, being 33 U.S.C. Section 1341.

- (B) Approval. Within 30 days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one year. A floodplain development permit shall expire one year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(Ord. 2011-17, passed 7-18-2011)

152.306 INSPECTIONS.

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(Ord. 2011-17, passed 7-18-2011)

152.307 POST-CONSTRUCTION CERTIFICATIONS REQUIRED.

The following as-built certifications are required after a floodplain development permit has been issued:

- (A) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency elevation certificate completed by a registered surveyor to record as-built elevation data. For

elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative; and

- (B) For all development activities subject to the standards of Section 152.310(A), a letter of map revision.

(Ord. 2011-17, passed 7-18-2011)

152.308 REVOKING A FLOODPLAIN DEVELOPMENT PERMIT.

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Village Planning Commission in accordance with Section 152.701 through 152.706, Appeals and Variances.

(Ord. 2011-17, passed 7-18-2011)

152.309 EXEMPTION FROM FILING A DEVELOPMENT PERMIT.

- (A) An application for a floodplain development permit shall not be required for:

- (1) Maintenance work such as roofing, painting and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000;
- (2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the O.A.C. Section 3701;
- (3) Major utility facilities permitted by the Ohio Power Siting Planning Commission under ORC Section 4906;
- (4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Planning Commission under ORC Section 3734; and
- (5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

- (B) Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of this chapter.

(Ord. 2011-17, passed 7-18-2011)

152.310 MAP MAINTENANCE ACTIVITIES.

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the village's flood maps, studies and other data identified in Section 152.106 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified.

- (A) Requirement to submit new technical data.

- (1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

- (a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - (b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - (c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - (d) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 152.503(A).
- (2) It is the responsibility of the applicant to have technical data, required in accordance with this section prepared in a format required for a conditional letter of map revision or letter of map revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- (3) The Floodplain Administrator shall require a conditional letter of map revision prior to the issuance of a floodplain development permit for:
- (a) Proposed floodway encroachments that increase the base flood elevation; and
 - (b) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- (4) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a letter of map revision from FEMA for any development proposal subject to division (A)(1) above.
- (B) Right to submit new technical data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Council of the village or its designee, and may be submitted at any time.
- (C) Annexation/detachment. Upon the occurrence of annexation or detachment, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the village have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the village's flood insurance rate map to accurately represent the its boundaries, notification shall include a copy of the map of the village suitable for reproduction, clearly showing the new corporate limits or the new area for which the village has assumed or relinquished floodplain management regulatory authority.

(Ord. 2011-17, passed 7-18-2011)

152.311 DATA USE AND FLOOD MAP INTERPRETATION.

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard.

- (A) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state or other source.
 - (B) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
 - (C) When preliminary flood insurance rate maps and/or flood insurance study have been provided by FEMA:
 - (1) Upon the issuance of a letter of final determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering this chapter; and
 - (2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
 - (D) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 152.701 through 152.706, Appeals and Variances.
 - (E) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks and the like) shall prevail.
- (Ord. 2011-17, passed 7-18-2011)

152.312 SUBSTANTIAL DAMAGE DETERMINATION.

- (A) Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire and the like. After such a damage event, the Floodplain Administrator shall:
 - (1) Determine whether damaged structures are located in special flood hazard areas;
 - (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
 - (3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation or reconstruction.
- (B) Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include

issuing press releases, public service announcements and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state and local agencies to assist with substantial damage determinations; providing owners of damaged structures with materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with increased cost of compliance insurance claims.

(Ord. 2011-17, passed 7-18-2011)

**ARTICLE 152.50
Use and Development Standards for Flood Hazard Reduction**

152.501 Use Regulations.	152.506 Accessory Structures.
152.502 Water And Wastewater Systems.	152.507 Recreational Vehicles.
152.503 Subdivisions And Large Developments.	152.508 Above Ground Gas Or Liquid Storage Tanks.
152.504 Residential Structures.	152.509 Assurance Of Flood-Carrying Capacity.
152.505 Nonresidential Structures.	

152.501 USE REGULATIONS.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 152.106 or 152.311(A):

- (A) Permitted uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the village are allowed provided they meet the provisions of this chapter; and
- (B) Prohibited uses.
 - (1) Private water supply systems in all special flood hazard areas identified by FEMA, permitted under ORC Section 3701; and
 - (2) Infectious waste treatment facilities in all special flood hazard areas, permitted under ORC Section 3734.

(Ord. 2011-17, passed 7-18-2011)

152.502 WATER AND WASTEWATER SYSTEMS.

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

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

(Ord. 2011-17, passed 7-18-2011)

152.503 SUBDIVISIONS AND LARGE DEVELOPMENTS.

- (A) Requirements:
 - (1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in this chapter;
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or five acres, whichever is less.
- (B) The applicant shall meet the requirement to submit technical data to FEMA in Section 152.310(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by division (A)(4) above.
- (Ord. 2011-17, passed 7-18-2011)

152.504 RESIDENTIAL STRUCTURES.

- (A) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (this division (A)) and construction materials resistant to flood damage (division (B) below) are satisfied.
- (B) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- (C) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (D) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- (E) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - (1) Be used only for the parking of vehicles, building access or storage; and
 - (2) Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - (3) Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (F) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (G) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of this section.
- (H) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(Ord. 2011-17, passed 7-18-2011)

152.505 NONRESIDENTIAL STRUCTURES.

- (A) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 152.505.
- (B) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - (1) Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (3) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency floodproofing certificate, that the design and methods of construction are in accordance with divisions (B)(1) and (B)(2) above.
- (C) In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

(Ord. 2011-17, passed 7-18-2011)

152.506 ACCESSORY STRUCTURES.

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- (A) They shall not be used for human habitation;
- (B) They shall be constructed of flood-resistant materials;
- (C) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- (D) They shall be firmly anchored to prevent flotation;

- (E) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- (F) They shall meet the opening requirements of Section 152.504(E)(3).
(Ord. 2011-17, passed 7-18-2011)

152.507 RECREATIONAL VEHICLES.

Recreational vehicles must meet at least one of the following standards:

- (A) They shall not be located on sites in special flood hazard areas for more than 180 days;
- (B) They must be fully licensed and ready for highway use; or
- (C) They must meet all standards of Section 152.504.
(Ord. 2011-17, passed 7-18-2011)

152.508 ABOVE GROUND GAS OR LIQUID STORAGE TANKS.

All above-ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(Ord. 2011-17, passed 7-18-2011)

152.509 ASSURANCE OF FLOOD-CARRYING CAPACITY.

Pursuant to the purpose and methods of reducing flood damage stated in this chapter, the following additional standards are adopted to assure that the reduction of the flood-carrying capacity of watercourses is minimized.

- (A) Development in floodways.
 - (1) In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - (2) Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - (a) Meet the requirements to submit technical data in Section 152.310(A);
 - (b) An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - (c) Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - (d) Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - (e) Concurrence of the Council of the village or designee and the legislative authority or designee of any other communities impacted by the proposed actions.

- (B) Development in riverine areas with base flood elevations but no floodways.
- (1) In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than one foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or
 - (2) Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - (a) An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible; and
 - (b) Divisions (A)(2), (A)(2)(a), (A)(2)(c), (A)(2)(d) and (A)(2)(e) above.
- (C) Alterations of a watercourse. For the purpose of this chapter, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage". The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a federal, state or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply.
- (1) The bankfull flood-carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood-carrying capacity of the watercourse will not be diminished.
 - (2) Adjacent communities, the United States Army Corps of Engineers and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
 - (3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood-carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the village specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
 - (4) The applicant shall meet the requirements to submit technical data in Section 152.310(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

(Ord. 2011-17, passed 7-18-2011)

**ARTICLE 152.70
Appeals and Variances**

152.701 Appeals Board established	152.704 Variances
152.702 Powers and duties	152.705 Procedure at hearings
152.703 Appeals	152.706 Appeal to the court

152.701 APPEALS BOARD ESTABLISHED.

- (A) As established by the village, the Planning Commission shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (B) The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Planning Commission shall be kept and filed at the Swanton Municipal Office, Swanton, Ohio.

152.702 POWERS AND DUTIES.

- (A) The Planning Commission shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of this chapter.
- (B) Authorize variances in accordance with Section 152.704 of this chapter.
(Ord. 2011-17, passed 7-18-2011)

152.703 APPEALS.

- (A) Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Planning Commission provided that such person shall file, within 14 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator’s decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator’s decision was made to the Planning Commission.
- (B) Upon receipt of the notice of appeal, the Planning Commission shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within 45 days after the date of receiving said appeal.
(Ord. 2011-17, passed 7-18-2011)

152.704 VARIANCES.

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Planning Commission shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with federal regulations, as will not be contrary to the public interest where, owing to

special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

- (A) Application for a variance.
 - (1) Any owner or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Planning Commission.
 - (2) Such application at a minimum shall contain the following information: name, address and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
 - (3) All applications for a variance shall be accompanied by a variance application fee as set forth in the schedule of fees adopted by the Village of Swanton.
- (B) Notice for public hearing. The Planning Commission shall schedule and hold a public hearing within 30 days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in a newspaper of general circulation, or mailed to the owners of property contiguous to and across the street from the parcel of which a variance is requested at least 20 days before the date of the hearing.
- (C) Public hearing.
 - (1) At such hearing the applicant shall present such statements and evidence as the Planning Commission requires. In considering such variance applications, the Planning Commission shall consider and make findings of fact on all evaluations, relevant factors and standards specified in other sections of this chapter as well as the following factors:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (f) The necessity to the facility of a waterfront location, where applicable;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (2) Variances shall only be issued upon:
- (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. In increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant;
 - (c) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws;
 - (d) A determination that the structure or other development is protected by methods to minimize flood damages; and
 - (e) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) Upon consideration of the above factors and the purposes of this chapter, the Planning Commission may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this chapter.
- (D) Other conditions for variances.
- (1) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (2) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (0.5) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in division (C)(1)(a) through (C)(1)(k) above have been fully considered. As the lot size increases beyond one-half (0.5) acre, the technical justification required for issuing the variance increases.
 - (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

152.705 PROCEDURE AT HEARINGS.

- (A) All testimony shall be given under oath.
- (B) A complete record of the proceedings shall be kept, except confidential deliberations of the Planning Commission, including all documents presented and a record of the testimony of all witnesses.
- (C) The applicant or counsel shall proceed first to present evidence and testimony in support of the appeal or variance.
- (D) The Flood Administrator or counsel may present evidence or testimony in opposition to the appeal or variance.
- (E) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- (F) The Planning Commission shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- (G) Planning Commission Decision.
 - (1) The Planning Commission shall prepare conclusions of fact supporting its decision.
 - (2) The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision shall be issued in writing within 45 days after the hearing.

(Ord. 2011-17, passed 7-18-2011)

152.706 APPEAL TO THE COURT.

Those aggrieved by the decision of the Planning Commission may appeal such decision to the Fulton or Lucas County Court of Common Pleas, as provided in ORC Chapter 2506.

(Ord. 2011-17, passed 7-18-2011)

ARTICLE 152.80
Enforcement And Penalty

152.801 Compliance Required. 152.990 Penalty.
152.802 Notice Of Violation.

152.801 COMPLIANCE REQUIRED.

- (A) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the village, unless specifically exempted from filing for a development permit as stated in Section 152.309.
- (B) Failure to obtain a floodplain development permit shall be a violation of this chapter and shall be punishable in accordance with Section 152.990.
- (C) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto. Use, arrangement or construction contrary to that authorized shall be deemed a violation of this chapter and punishable in accordance with Section 152.990.

(Ord. 2011-17, passed 7-18-2011)

152.802 NOTICE OF VIOLATION.

- (A) Whenever the Floodplain Administrator determines that there has been a violation of any provision of this chapter, he or she shall give notice of such violation to the person responsible therefor and order compliance with this chapter as hereinafter provided.
- (B) Such notice and order shall:
 - (1) Be put in writing on an appropriate form;
 - (2) Include a list of violations, referring to the section or sections of this chapter that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of this chapter;
 - (3) Specify a reasonable time for performance;
 - (4) Advise the owner, operator or occupant of the right to appeal; and
 - (5) Be served on the owner, occupant or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant or agent if a copy thereof is sent by registered or certified mail to the person’s last known mailing address, residence or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(Ord. 2011-17, passed 7-18-2011)

152.990 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a minor misdemeanor and upon conviction thereof shall be fined not more than \$100 together with the costs of prosecution. Each day during which such violation continues shall be deemed as a separate offense. Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation. The village shall prosecute any violation of these regulations in accordance with the penalties stated herein.

(Ord. 2011-17, passed 7-18-2011)