

Z O N I N G   O R D I N A N C E

**VILLAGE OF SOUTH CHARLESTON  
ZONING ORDINANCE**

*June, 1997*

**Z O N I N G O R D I N A N C E**

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**PART THREE**  
**ZONING DISTRICTS**

**ARTICLE XI  
STANDARD ZONING DISTRICT REGULATIONS**

**Section 11.01 Regulation of the Uses of Land or Structures**

Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the zoning districts as established in Article XII, are hereby established and adopted.

**Section 11.02 Rules of Application**

11.02.01 Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Ordinance.

11.02.02 Permitted Uses

A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:

1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article V of this Ordinance.
2. An unlisted use may be determined by the Planning and Zoning Board to be a similar use, pursuant to Sections 11.02.05 of this Article.

B. No more than one (1) permitted use shall exist on any one zoning lot.

11.02.03 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use, and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations, and the requirements of Article XXVI of this Ordinance.

11.02.04 Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Planning and Zoning Board shall, in addition to the development standards for the specific district, set forth additional requirements as will render

the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article VII of this Ordinance.

#### 11.02.05 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Planning and Zoning Board.

Within thirty (30) days after such submittal, the Planning and Zoning Board shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Planning and Zoning Board shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the district to which it is to be added and is more appropriate to it than to any other district.
- C. Such use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

#### 11.02.06 Development Standards

Development standards set forth shall be the minimum allowed for uses permitted in that district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

#### 11.02.07 Development Plan

For particular uses in specific districts, a Development Plan will be cited as required. In such cases, the Development Plan shall be submitted by the applicant at the time of the application for a zoning permit. The Development Plan shall contain a site plan for the property, drawn to scale, showing all property lines and building outlines, access drives, parking areas, and other notable physical features. The Development Plan shall also show the size, design, materials and location of all signage proposed for the development. The Development Plan shall contain a narrative description of the proposed use, and how such use will impact adjacent residential property

The Development Plan shall be reviewed by the Planning and Zoning Board and must be approved as a condition for the issuance of a zoning permit. In approving a Development Plan, the Planning and Zoning Board shall find that the following criteria have been met:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate adverse impacts on adjacent residential areas and to protect the residential character of such areas.
- C. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods.

#### 11.02.08 Essential Services

Essential Services, as defined and specified in Article II of this Ordinance, shall be permitted in any and all zoning districts within the Village.

**ARTICLE XII  
ZONING DISTRICTS AND ZONING DISTRICT MAP**

**Section 12.01 Zoning Districts Established**

The following zoning districts are hereby established for the Village of South Charleston:

- (ER) - *Estate Residential District*
- (SR) - *Suburban Residential District*
- (OVR) - *Old Village Residential District*
- (MH-R) - *Manufactured Home Residential District*
- (AR) - *Apartment Residential District*
- (OVB) - *Old Village Business District*
- (SB) - *Suburban Business District*
- (OVI) - *Old Village Industrial District*
- (I) - *Industrial District*
- (SU) - *Special Use District*

**Section 12.02 Official Zoning District Map**

The districts established in Section 12.01 of this Ordinance are shown on the Official Zoning District Map, which together with all notations, references, data, district boundaries and other explanatory information, are hereby adopted as a part of this Ordinance. The Official Zoning District Map shall be identified by the signatures of the Mayor and the Clerk, and shall be on file in the Municipal Building.

**Section 12.03 Interpretation of Zoning District Boundaries**

Except where referenced and noted on the Official Zoning District Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, center lines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Ordinance. The Zoning Inspector shall interpret the boundary lines from the Official Zoning District Map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Planning and Zoning Board.

**Section 12.04 Newly Annexed Areas**

Territory which is annexed into the Village of South Charleston subsequent to the effective date of this Ordinance shall, upon the effective date of the annexation, be zoned into the ER District. Within three (3) months from the date of annexation, the Planning and Zoning Board shall present a zoning plan for the annexed territory to the Village Commission. Village Commission may hold a public hearing on the proposed zoning plan, as recommended by the



Board. After said hearing, Village Commission shall approve, or approve with modification, the zoning plan.

Nothing in this Section shall prevent the owner of property within the annexed territory from applying for a zoning amendment, after the effective date of annexation, pursuant to the procedures specified in Article V of this Ordinance.

## **ARTICLE XIII (ER) ESTATE RESIDENTIAL DISTRICT**

### **Section 13.01 Purpose**

The Estate Residential District is established to permit very low-density residential development in areas of the Village which may not be served by public water and sewer, to conserve such areas for more intensive future development and to provide areas for the continuance of agricultural uses.

### **Section 13.02 Permitted Uses**

- A. Agricultural uses, as defined in Section 13.04 below
- B. One-family detached dwellings
- C. Public parks and/or public or private nature preserves, provided that over 85% of the total acreage of such facility is retained in its natural state.

### **Section 13.03 Accessory Uses**

- A. One-family detached dwellings, as an accessory to principal agricultural use
- B. Private detached garages or carports.
- C. Tool / garden sheds or similar accessory structures.
- D. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of construction work.
- E. Private swimming pools, tennis courts and similar facilities for primary use by occupants of the principal use of property on which the facility is located, subject to the regulations of Article XXVI
- F. Dishes or other devices for the reception of television signals, provided such device is for the sole use of occupants of the principal use of the property on which the device is located, and such device is not located in any front or side yard, and complies with the provisions of Section 26.03 of this Ordinance.
- G. Home occupations, subject to the requirements of Section 26.05 of this Ordinance.
- H. Temporary roadside stands, offering for sale only agricultural products grown on the premises.

#### **Section 13.04 Agricultural Uses Defined**

Agricultural use means use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, including structures typically associated with the implementation of farming operations, and the residence of the person who owns or operates the farm and family thereof. Such agricultural use shall not include:

- A. Maintenance and operation of commercial greenhouses or hydroponics farms.
- B. Wholesale or retail sales as an accessory use unless specifically permitted by this article.
- C. Feeding, grazing or sheltering of animals in pens or confined areas within 200 feet of any residential use.
- D. The storage or feeding of garbage to animals or operation or maintenance of a commercial stockyard or feed lot.
- E. Raising poultry or fur-bearing animals as a principal use

#### **Section 13.05 Conditional Uses**

- A. Animal boarding facilities.
- B. Golf courses and/or country clubs, provided a Development Plan showing the location of all facilities is submitted and approved by the Planning and Zoning Board pursuant to Section 11.02.07.

#### **Section 13.06 Development Standards**

##### 13.06.01 Lot Area

For each principal permitted use, the lot area shall be not less than one (1) acre.

##### 13.06.02 Minimum Lot Frontage

150 feet frontage on a dedicated, improved street or highway.

##### 13.06.03 Minimum Front Yard Depth (from right-of-way line)

Fifty (50) feet.

##### 13.06.04 Minimum Side Yard Width

Twenty (20) feet.

##### 13.06.05 Minimum Sum of Side Yard Widths

Forty (40) feet.

13.06.06 Minimum Rear Yard Depth

Fifty (50) feet.

13.06.07 Maximum Building Height

Thirty-five (35) feet for buildings. Silos, windmills, or any other structure listed as a permitted, accessory or conditional use may exceed this height provided such structures maintain a distance equal to their height to any adjacent property or zoning district.

**ARTICLE XIV  
(SR) SUBURBAN RESIDENTIAL DISTRICT**

**Section 14.01 Purpose**

The Suburban Residential District is established to provide for new single-family residential development at densities typical of contemporary suburban environments. The SR District is to be utilized in areas on the periphery of the Village that are generally vacant at the time of development, but are served by public water and sewer. It is the intent of the SR District to discourage large concentrations of intensive development where that density would be inconsistent with the existing character of the area.

**Section 14.02 Permitted Uses**

- A. One-family detached dwellings.

**Section 14.03 Accessory Uses**

- A. Private detached garages or carports.
- B. Tool / garden sheds or similar accessory structures.
- C. Private swimming pools, for primary use by occupants of the principal use of the property on which the pool is located, and subject to the provisions of Section 26.02.
- D. Dishes or other devices for the reception of television for occupants of the principal use of the property on which the device is located, provided such device is not located in any front or side yard, and is located not less than fifteen (15) feet from any adjoining property lines and complies with the provisions of Section 26.03 of this Ordinance.
- E. Home occupations, subject to the requirements of Section 26.05 of this Ordinance.
- G. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

**Section 14.04 Conditional Uses**

- A. Public parks and open space.
- B. Public playgrounds.

**Section 14.05 Development Standards**

14.05.01 Minimum Lot Area

12,000 square feet

14.05.02 Minimum Lot Width

For each principal use, there shall be lot width of not less than eighty (80) feet with frontage on a publicly dedicated, improved street or highway. Minimum lot width on curved street shall be fifty (50) feet.

14.05.03 Minimum Front Yard Depth

Thirty (30) feet.

14.05.04 Minimum Side Yard Width

Twelve (12) feet.

14.05.05 Minimum Rear Yard Depth

Thirty (30) feet.

14.05.06 Maximum Percent of Lot Coverage

Thirty Percent (30%)

14.05.07 Maximum Building Height

Thirty-five (35) feet.

## **ARTICLE XV (OVR) OLD VILLAGE RESIDENTIAL DISTRICT**

### **Section 15.01 Purpose**

The OVR District is established to provide for the continuance of single-family housing within the older portions of the Village of South Charleston, and the allow for expansion of such uses at densities consistent with existing development, thereby encouraging private reinvestment and revitalization in such areas, and increasing the diversity of housing choice while maintaining adequate development standards.

It is recognized that, since property in the OVR District is likely to be located in the older areas of the Village and such areas likely to be characterized by patterns of mixed land use. Many of these mixed uses are the result of past development practices and would not be allowed under the provisions of this OVR District. It is the intent of this Ordinance, and this district in particular, to *protect* and *preserve* the *basic property rights* of such existing nonconforming uses. Specific provisions are made for the continuance, substitution and extension of such use, pursuant to Article IX of this Ordinance and Section 713.15 of the Ohio Revised Code.

The district can also be used to allow for new development in outlying areas of the Village by meeting standards intended to promote the historic neighborhood character of such new development.

### **Section 15.02 Permitted Uses**

- A. One-family detached dwellings.
- B. Public parks, playgrounds and open space.

### **Section 15.03 Accessory Uses**

- A. Private detached garages or carports.
- B. Tool and/or garden sheds.
- C. Private swimming pools, for primary use by occupants of the principal use of the property on which the pool is located, and subject to the provisions of Section 26.02 of this Ordinance.
- D. Dishes or other devices for the reception of television for occupants. of the principal use of the property on which the device is located, provided such device is not located in any front or side yard, and complies with the provisions of Section 26.03 of this Ordinance.
- E. Home occupations, subject to the provisions of Section 26.05 of this Ordinance.

### **Section 15.04 Conditional Uses**

A. Churches and places of public worship, provided the seating capacity of the sanctuary is not more than 300 persons and not more than one (1) sign not exceeding twenty (20) square feet in size is provided.

B. Bed-and-Breakfast establishments, subject to the following standards:

1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale.

2. Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as not to shine on adjacent properties.

3. Exterior signage shall be limited to a single sign not more than four (4) square feet in size. No signs shall be internally illuminated. External illumination of such sign shall meet the requirements of Section 27.08 G (1) of this Ordinance.

4. Not more than one (1) person shall be employed that is not a resident of the dwelling.

5. Accommodations shall be provided for not more than five (5) guest rooms.

## **Section 15.05 Development Standards**

15.05.01 Minimum Lot Area

6,000 square feet.

15.05.02 Minimum Lot Width

Forty (40) feet of lot width with frontage on a publicly dedicated, improved street or highway.

15.05.03 Minimum Front Yard Depth

Twenty (20) feet, or the average of the existing principal structures in the same side of the street and facing thereon within the same block, whichever is less.

15.05.04 Minimum Side Yard Depth

Four (4) feet.

15.05.05 Minimum Rear Yard Depth

Fifteen percent (15%) of lot depth, but not less than twenty (20) feet.

15.05.06 Maximum Building Height

Thirty-five (35) feet.

15.05.07 Additional Requirements for New Lots Developed in the OVR District

Presently undeveloped areas outside the older portion of the Village may be developed in the OVR District, subject to the following regulations:

A. Development Plan

A Development Plan shall be required for all new residential development within the OVR District, containing more than five (5) dwelling units. Such Development Plan shall show the proposed layout of all streets, lots and buildings, as well as the location of all public spaces.

B. Garages

All garages shall be located within the rear yard.

C. Street Trees

Street trees shall be required along all new streets developed within OVR District. The spacing of trees along streets shall be not less than thirty (30) feet on center. A minimum of twelve feet (12') of overall height or a minimum caliper (trunk diameter measured six inches above the ground) of at least two inches (2") shall be required.

D. Sidewalks

Sidewalks of not less than four (4) feet in width shall be required for both sides of all new streets developed within the OVR District.

F. Required Open Space

Not less than 20% of the total net developable area of the proposed development shall be dedicated to permanent open space parks, and/or public spaces. Such open space shall be granted to a homeowner's association, or - with the approval of the Village Commission - may be granted to the Village. For the purposes of this calculation, net developable area shall mean the area of the site proposed for development, minus public and/or private streets and/or alleys.



**ARTICLE XVI  
(MH-R) MANUFACTURED HOME RESIDENTIAL DISTRICT**

**Section 16.01 Purpose**

The Village of South Charleston recognizes that manufactured housing presents residential opportunities and options, especially related to cost, which are unavailable with conventional site-built housing. Nonetheless, such manufactured housing has unique development characteristics that require special treatment in regard to location, placement and land use compatibility.

The Manufactured Home Residential (MH-R) District is established to provide areas for manufactured homes so as to provide a desirable residential environment, protected from adverse neighboring influences, with adequate access for vehicular traffic and circulation. These residential communities shall be developed and located so as to not promote excessive vehicular traffic on streets in adjoining neighborhoods, and shall provide overall desirability equivalent to that for other forms of residential development.

**Section 16.02 Requirements Generally**

Permanently sited manufactured homes and modular homes, as defined in Article II of this Ordinance, shall be considered as permitted uses in any district that permits single-family dwellings. Mobile homes, as defined in Article II of this Resolution and/or Section 4501.01 of the Ohio Revised Code, and manufactured homes not qualifying as permanently sited manufactured homes shall not be considered as permitted or conditional uses in this or any other zoning district in the Village of South Charleston.

**Section 16.03 Permitted Uses**

- A. One- and two-family detached, semi-detached, and attached dwellings.
- B. Manufactured home communities.
- C. Individual manufactured homes on single lots.
- D. Public or private parks or playgrounds.

**Section 16.04 Accessory Uses**

- A. Uses and structures incidental and accessory to specified permitted uses to include common areas, community/recreational facilities and offices for rental and management of units therein.

**Section 16.05 Conditional Use**

- A. Nursery schools and/or day care centers

**Section 16.06 Development Standards**

The following standards for the arrangement and development of land and buildings are required in the MH-R District.

16.06.01 Minimum Lot Area

- A. The minimum lot area for any manufactured home community shall be ten (10) acres. Maximum gross density shall not exceed six (6) dwelling units per acre.
- B. Individual manufactured home lots shall be not less than 4,000 square feet.
- C. For any other permitted use, the minimum lot area shall not be less than 7,500 square feet.

16.06.02 Minimum Lot Width

- A. The minimum lot width for any manufactured home community shall be not less than 300 feet. Frontage shall be provided on a publicly dedicated and improved street. The ratio of width to depth shall not exceed one to five (1:5)
- B. The minimum lot width for any individual lot within such a community shall be not less than thirty (30) feet.
- C. For any other permitted use, the minimum lot width shall be sixty (60) feet.

16.06.03 Minimum Front Yard

- A. The minimum front yard depth for any manufactured home community shall be not less than thirty-five (35) feet.
- B. For any other permitted use, the minimum front yard depth shall be thirty (30) feet.

16.06.04 Minimum Side Yard Width

- A. The minimum side yard width for any manufactured home community shall be not less than fifty (50) feet.
- B. The minimum side yard width for any individual lot within a manufactured home community shall be not less than eight (8) feet.
- C. For any other permitted use, the minimum side yard width shall be not less than eight (8) feet, with at least twenty (20) feet for the sum of side yards.

#### 16.06.05 Minimum Rear Yard Depth

- A. The minimum rear yard depth for any manufactured home community shall be not less than fifty (50) feet.
- B. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet.
- C. For any other permitted use, the minimum rear yard depth shall be not less than thirty (30) feet.

#### 16.06.06 Minimum Lot Coverage

Detached dwelling units and their accessory buildings shall not occupy more than forty percent (40%) of the lot area of any individual lot within a manufactured home subdivision.

#### 16.06.07 Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any manufactured home community shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and maintenance vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.

#### 16.06.08 Off-Street Parking

In manufactured home communities and conditional uses, parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces shall be located either on the same lot as the dwelling which they serve, or in specially provided common areas located not more than 600 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community. Parking shall be so arranged that there is no maneuvering incidental to parking in the travel lane of streets.

#### 16.06.09 Access

All manufactured home communities shall have direct access to collector streets with a right-of-way of not less than sixty (60) feet in width. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.

#### 16.06.10 Streets and Street Layout

All streets providing access to the individual lots in a manufactured home community, shall be dimensioned and improved in accordance with the standards and requirements of the Subdivision Regulations of the Village of South Charleston.

The proposed layout of streets within a manufactured home community shall be approved by the Planning and Zoning Board. In making such determinations, the Board may procure the assistance of an engineer or other professional. All costs associated with such approval shall be paid by the applicant prior to issuance of Certificates of Zoning Compliance.

#### 16.06.11 Water and Sewer

Any manufactured home community shall be provided with a water and sanitary sewer distribution system, serving each individual home lot, which is connected to the municipal water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency and the Village Engineer.

#### 16.06.12 Storm Drainage

All areas within a manufactured home community shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods for alleviation of standing water and excessive surface runoff shall be submitted by the applicant, and approved by the Village. All costs associated with such approvals shall be paid by the applicant prior to the issuance of Certificates of Zoning Compliance.

#### 16.06.14 Underground Utilities

Within any manufactured home community, all utility lines, including electricity, telephone, and cable television shall be located underground.

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**ARTICLE XVII  
(AR) APARTMENT RESIDENTIAL DISTRICT**

**Section 17.01 Purpose**

It is recognized that housing at higher densities creates particular opportunities and problems separate and distinct from lower density development. This district is established to provide for the continuance, redevelopment and/or limited expansion of multiple-family developments in areas best equipped to accommodate such higher density development. This district can also be used to provide for other similar forms of development, such as condominiums.

**Section 17.02 Permitted Uses**

- A. Multiple family structures having two or more dwellings per structure, including senior housing.
- B. Public or private parks

**Section 17.03 Accessory Uses**

- A. Home occupations, subject to the requirements of Section 26.05 of this Ordinance.
- B. Uses incidental and accessory to multiple-family dwellings and for exclusive use of their residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
- C. Temporary buildings for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work.

**Section 17.04 Conditional Uses**

- A. Nursery schools and day care centers.
- B. Class I Type A group residential facilities, subject to the requirements of section 26.06 of this Ordinance.

**Section 17.05 Development Standards**

17.05.02 Minimum Lot Area

4,000 square feet per dwelling unit for two-family dwellings. 4,000 square feet per dwelling unit for all other multiple-family dwellings. This requirement may be reduced to 3,000 square feet

per dwelling unit if approved by the Planning and Zoning Board, pursuant to Section 17.06 below.

17.05.02 Minimum Lot Width

Eighty (80) feet of frontage on a publicly dedicated and improved street or highway.

17.05.03 Minimum Front Yard Depth

Thirty (30) feet.

17.05.04 Minimum Side Yard Width

Twenty (20) feet.

17.05.05 Minimum Rear Yard Depth

Forty (40) feet.

17.05.06 Maximum Building Height

Thirty-five (35) feet.

17.05.07 Minimum Distance between Buildings

If there are two or more buildings on a single lot, the minimum distance between buildings shall be fifteen (15) feet.

17.05.08 Storm Drainage

The application for rezoning into the AR District must include a plan showing storm drainage runoff collection points. The plan for accommodating storm drainage must be approved by the Planning and Zoning Board.

17.05.09 Landscaping

If side or rear yards are located adjacent to any district where single-family residences are a permitted use, landscaping and screening of those yards shall be required. Such landscaping and/or screening shall consist of walls, fencing, mounding, natural vegetation or a combination of these elements, provided that such screening shall be at least seven (7) feet high or, if natural vegetation is used, capable of reaching seven (7) feet high within three (3) years of planting. The application for a rezoning into the AR District shall include a site plan for the proposed screening.

17.05.10 Development Plan

In those cases where land is proposed to be rezoned from another zoning district into the AR District, a Development Plan, as described in Section 11.02.07 of this Ordinance shall be prepared and submitted to the Planning and Zoning Board, in addition to that material specified in Article V. The Development Plan shall be reviewed by the Planning and Zoning Board during the zoning amendment process. In approving a Development Plan, the Planning and Zoning Board shall find that the criteria specified in Section 11.02.07 have been met.

### **Section 17.06 Density Bonus**

The Planning and Zoning Board may approve a *density bonus*, on a case-by-case basis, which would allow an overall density not to exceed 3,000 square feet of lot area per dwelling unit, if it finds that the following conditions exist:

- A. The subject site is twenty (20) acres or more and a minimum of forty (40) dwelling units is proposed.
- B. The development is located directly adjacent to major thoroughfares, as delineated on the Thoroughfare Plan.
- C. Building design and site design is of high quality and buildings are integrated with the natural features and architectural context of the surrounding area
- D. A minimum of twenty percent (20%) of the site is designated as permanent open space. The open space system shall provide or pedestrian and bicycle linkages to neighborhood facilities, parks, play areas. Assurances shall be provided that such open space shall be maintained by the owner of the development.

## **ARTICLE XIX (OVB) OLD VILLAGE BUSINESS DISTRICT**

### **Section 19.01 Purpose**

The historic commercial area of South Charleston, centered along Main Street, possesses an environmental character that is different from commercial development that is found elsewhere in the Village. The purpose of the Old Village Business District is to preserve this character and encourage the reuse of existing older structures, while providing for a wide variety of small-scale "home-owned" commercial and business uses.

### **Section 19.02 Permitted Uses**

- A. One-family detached dwellings.



B. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers including:

1. Insurance agents and brokers and associated services.
2. Professional, legal, engineering and architectural services, not including the outside storage or equipment.
3. Accounting, auditing and other bookkeeping services.

B. Professional offices engaged in providing services to the general public consisting of:

1. Medical and medical-related activities
2. Other health or allied medical facilities.
3. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
4. Accounting, auditing and other bookkeeping services.

C. Retail Stores primarily engaged in selling merchandise for personal or household consumption including:

1. Food and food products, consisting of grocery, meat, fish, fruit or vegetable markets or combinations thereof;
2. General merchandise, including limited price variety stores and other similar stores selling a variety of general merchandise.
3. Specialty retail stores, including drug stores, florists, gift and novelty stores, magazines and newspapers, optical goods, jewelry, antique stores, and similar specialty stores,
4. Other retail stores which conform to the purpose of the Old Village Business District.

D. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:

1. Restaurants and taverns, but not including restaurants with drive-through facilities.
2. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
3. Barber and beauty shops and similar personal care establishments, but not including tattoo and/or body piercing establishments.
4. Self-service laundries and/or dry-cleaning establishments.
5. On-premises duplication facilities.

E. Business Services engaged in the providing of services to business establishments on a free or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.

F. Community facilities such as governmental offices, post office, libraries, museums, private schools, public parks and similar uses.

G. Bed-and-Breakfast Inns

H. Similar Uses, which conform to the purpose of the Old Village Business District, as determined by the Planning and Zoning Board in accordance with the provisions of Section 11.02.05 of this Ordinance.

### **Section 19.03 Conditional Uses**

A. Two or more family residences, provided such residences are developed as an accessory to a principal permitted use, is not located on the ground floor, a Development Plan is submitted and approved by the Planning and Zoning Board, and that the housing density standards of the AR District are met.

B. Public parking areas, provided a fifteen (15) feet front setback from all property lines is maintained.

### **Section 19.04 Development Standards**

19.04.01 Lot Area

No minimum lot area is required.

19.04.02 Lot Width

No minimum lot width is required.

19.04.03 Front Yard Setback

The minimum front yard setback shall be the average of existing structures on the same side of the street and facing thereon within 100 feet from the subject property. Where there are no such structures, the front yard setback shall be not less than fifteen (15) feet measured from the street right-of-way.

19.04.04 Side and Rear Yards

No minimum side or rear yard shall be required, provided that the parking requirements of this Ordinance are met.

19.04.05 Additional Yard and Pedestrian Areas

Where new development in the OVB District is located adjacent to a district where residences are a permitted use, the Planning and Zoning Board may require that those yards adjacent to such residential district be landscaped and screened so as to effectively obstruct the view of parking, loading and service areas from adjacent property

19.04.05 Drive-Through Facilities Prohibited

No use within the OVB District shall be developed with drive-through facilities.

19.04.06 Parking and Loading

All parking and loading areas in the OVB District shall be located in the side or rear yards.

19.04.07 Maximum Building Size

Individual uses within the OVB District shall have a usable floor area of not more than 3,500 square feet, unless the use is located in an existing building, in which case such restriction shall not apply.

19.04.08 Residential Building Conversion

Existing single-family residences within the OVB District may be converted to another permitted use, provided the following requirements are followed:

- A. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale.
- B. Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as not to shine on adjacent properties.
- C. Exterior signage shall be limited to a single nameplate not more than two (2) square feet in size. No signs shall be internally illuminated
- D. Storage of materials and equipment shall be within an enclosed building.
- E. All parking shall be located in the rear yard.

**ARTICLE XX**  
**(SB) SUBURBAN BUSINESS DISTRICT**

**Section 20.01 Purpose**

The Suburban Business District is established to provide areas for commercial and business uses that generate a high degree of activity dependent on high traffic volumes. These uses, by their nature, increase traffic congestion on abutting public roadways and cause specific impacts on adjacent uses. The intent of the SB District is to encourage the most compatible relationship between permitted uses and overall traffic movement within the Village, while minimizing adverse impacts on adjacent land uses.

**Section 20.02 Permitted Uses**

- A. Use or structures specified as permitted uses in the OVB District, in Sections 19.02 B, C, D, E,
- B. Conditional Uses as specified in Section 19.03 A and B.
- C. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
- D. Lumber and home improvement sales.
- E. Motor vehicle sales and service establishments.
- F. Hotels and motels.
- G. Garden centers.
- H. Carry out food and beverage establishments with drive-through facilities.
- I. Self-service storage facilities
- J. Similar uses, as determined by the Planning and Zoning Board in accordance with the provisions by Section 11.02.05 of this Ordinance.

**Section 20.03 Conditional Uses**

- A. Self-service car washes, provided a Development Plan is approved, pursuant to Section 11.02.07 of this Ordinance.
- B. Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided a Development Plan, including a plan for all signage, is approved pursuant to Section 11.02.07 of this Ordinance and all other permits are obtained.
- C. Class I Type A group residential facilities, subject to the requirements of Section 26.06 of this Ordinance
- D. Class II Type A or B group residential facilities, subject to the requirements of Section 26.06 of this Ordinance
- E. Tattoo and body piercing establishments, provided a plan for the management and operation of the facility, including staffing and hours, is submitted and approved by the Planning and Zoning Board.

**Section 20.04 Development Standards**

20.04.01 Minimum Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.

20.04.02 Minimum Lot Width

150 feet of frontage on a publicly dedicated and improved street or highway.

20.04.03 Minimum Front Yard Depth

Forty (40) feet.

20.04.04 Minimum Side Yard

- A. When abutting a non-residential zoning district:  
Twenty (20) feet for structures, ten (10) feet for paved areas.
- B. When abutting a residential zoning district:  
Fifty (50) feet for structures, thirty-five (35) feet for paved areas.

20.04.05 Minimum Rear Yard

- A. When abutting a non-residential zoning district:  
Thirty (30) feet for structures, ten (10) feet for paved areas.
- B. When abutting a residential zoning district:  
Fifty (50) feet for structures, thirty-five (35) feet for paved areas.

20.04.06 Building Height

Thirty-five (35) feet.

20.04.07 Parking and Loading

Parking and loading requirements shall be as specified in Article XXVIII. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.

20.04.08 Screening

If side or rear yards are adjacent to property in the ER, SR or OVR Districts, the screening of such yards shall be required, pursuant to the provisions of Article XXIX of this Ordinance.

20.04.09 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

## **ARTICLE XXI**

### **(OVI) OLD VILLAGE INDUSTRIAL DISTRICT**

#### **Section 21.01 Purpose**

The OVI District is established to provide for the continuance of existing industrial uses within the older portions of the Village of South Charleston, thereby encouraging private reinvestment and revitalization in such areas, while maintaining adequate development standards.

It is recognized that property within the OVI District is likely to be located in older areas of the Village, and that such areas are likely to be characterized by mixed land use. It is the intent of this Ordinance, and this District in particular, to protect and preserve the basic property rights of such existing industrial uses, while promoting the compatibility of such uses with adjacent neighborhoods. Specific provisions are made for the continuance, substitution and extension of such uses, pursuant to Article IX of this Ordinance and Section 713.15 of the Ohio Revised Code.

Permitted uses within the OVI District shall comply with the following standards:

#### **A. Fire and Explosion Standards**

All activities, including storage, involving flammable or explosive material shall comply with regulations as enforced by the Ohio State Fire Marshall. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency (OEPA)

#### **B. Air Pollution**

No emission of air pollutants shall be permitted which violates the Clean Air Act as enforced by the OEPA.

#### **C. Glare, Heat and Exterior Light**

Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within and enclosed building and not be visible beyond the lot line bounding the property whereon the use is conducted.

#### **D. Liquid or Solid Wastes**

No discharge at any point into any public sewer, private sewage disposal system, or stream, or onto the ground, of any materials of such nature or temperature as may contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the OEPA shall apply.

E. Vibration and Noise

No uses shall be located and no equipment shall be installed in such a manner as to produce intense, earth shaking vibration which is discernable without instruments at or beyond the property line of the subject premises. Noise standards of the OEPA shall be adhered to.

F. Odors

The applicable standards of the OEPA shall be adhered to.

G. Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted uses shall be permitted, provided the area used for open storage shall be effectively screened from all adjoining properties in any residential district by means of walls, fences or plantings. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

**Section 21.02 Permitted Uses**

- A. Manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purpose of the OVI District.
- B. Warehousing, wholesale establishments, manufacturing retail outlets, distribution and related uses, including truck and transfer terminals.
- C. Administrative, professional and business offices associated with and incidental to another permitted use.
- D. Similar uses, as determined by the Planning and Zoning Board, in accordance with the provisions of Section 11.02.05 of this Ordinance, and the purpose of the Old Village Industrial District.

**Section 21.03 Minimum Development Standards**

21.03.01 Minimum Lot Area

No minimum lot size is required; however sufficient area shall be provided to meet the requirements of 21.03 - 21.05 below.

21.03.02 Minimum Lot Width



No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.

#### 21.03.03 Side Yards

When the lot abuts a residential zoning district, the required side yard shall be not less than twenty-five (25) feet. When the lot abuts a non-residential zoning district, the required side yard shall be not less than ten (10) feet for structures and paved areas.

#### 21.03.04 Front Yard Depth

Front yard depth shall be equal to or more than the average of the five (5) nearest structures on the same side of the street. In those cases where there are no structures on those properties adjacent to the subject property, the front yard depth shall be not less than twenty-five (25) feet from the right-of-way of the street on which the property has frontage. i

#### 21.03.05 Minimum Rear Yard Depth

Minimum rear yard depth shall be at least twenty-five (25) feet.

#### 21.03.06 Height

No structure shall exceed a height of forty (40) feet.

#### 21.04.07 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

## **ARTICLE XXII**

### **(I) INDUSTRIAL DISTRICT**

#### **Section 22.01 Purpose**

The purpose of the Industrial District is to provide suitable areas for a range of industrial activities, while protecting the character of nearby residential and commercial areas. Permitted uses within the Industrial District shall comply with the following minimum standards:

##### **A. Fire and Explosion Standards**

All activities, including storage, involving flammable or explosive material shall comply with regulations as enforced by the Ohio State Fire Marshall. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency (OEPA)

##### **B. Air Pollution**

No emission of air pollutants shall be permitted which violates the Clean Air Act as enforced by the OEPA.

##### **C. Glare, Heat and Exterior Light**

Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within and enclosed building and not be visible beyond the lot line bounding the property whereon the use is conducted.

##### **D. Liquid or Solid Wastes**

No discharge at any point into any public sewer, private sewage disposal system, or stream, or onto the ground, of any materials of such nature or temperature as may contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the OEPA shall apply.

##### **E. Vibration and Noise**

No uses shall be located and no equipment shall be installed in such a manner as to produce intense, earth shaking vibration which is discernable without instruments at or beyond the property line of the subject premises. Noise standards of the OEPA shall be adhered to.

##### **F. Odors**

The applicable standards of the OEPA shall be adhered to.

## G. Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted uses shall be permitted, provided the area used for open storage shall be effectively screened from all adjoining properties in any residential district by means of walls, fences or plantings. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

### Section 22.02 Permitted Uses

- A. Manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purpose of the I District.
- B. Warehousing, wholesale establishments, manufacturing retail outlets, distribution and related uses, including truck and transfer terminals.
- C. Administrative, professional and business offices associated with and incidental to another permitted use.
- D. Similar uses, as determined by the Planning and Zoning Board, in accordance with the provisions of Section 11.02.05 of this Ordinance, and the purpose of the Industrial District.

### Section 22.03 Conditional Uses

- A. Motor vehicle storage and salvage yards, provided those uses meet applicable state requirements related to fencing and other standards, and a Development Plan is approved pursuant to Section 11.02.07 of this Ordinance.
- B. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- C. Quarrying or mining operations, provided that all County, State and federal regulations are met and licenses are obtained and a Development Plan is approved pursuant to Section 11.02.07 of this Ordinance.. The Planning and Zoning Board may impose additional requirements as may be reasonable and appropriate.
- D. Structures and sites associated with drilling for oil and/or natural gas.
- E. Sanitary landfills and similar facilities for the processing and/or disposal of waste materials, provided that all required licenses and permits are obtained and a Development

Plan is approved pursuant to Section 11.02.07 of this Ordinance.. The Planning and Zoning Board may impose additional requirements as may be reasonable and appropriate.

### **Section 22.03 Minimum Development Standards**

#### 22.03.01 Minimum Lot Area

No minimum lot size is required; however all principal and subordinate uses and structures, including parking and paved areas, shall be located not less than 100 feet from any district where residences are a permitted use, and not less than fifty (50) feet from any other zoning district.

#### 22.03.02 Minimum Lot Width

No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.

#### 22.03.03 Side Yards

When the lot abuts a residential zoning district, the required side yard shall be not less than 100 feet for structures and fifty (50) feet for paved areas. When the lot abuts a non-residential zoning district, the required side yard shall be not less than fifty (50) feet for structures and paved areas.

#### 22.03.04 Front Yard Depth

Any structure or parking area must be located not less than fifty (50) feet from the right-of-way of the street or highway on which the use has frontage.

#### 22.03.05 Minimum Rear Yard Depth

Minimum rear yard depth shall be at least fifty (50) feet.

#### 22.03.06 Height

No structure shall exceed a height of fifty (50) feet.

#### 22.04.07 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

## ARTICLE XXIII

### (SU) SPECIAL USE DISTRICT

#### Section 23.01 Purpose

“Special use”, as used throughout this Ordinance, means facilities classified as main and accessory uses listed in Section 23.02. The SU District and regulations are established in order to achieve the following purposes:

- A. To regulate the location and standards for development of such uses and structures so as to ensure their proper functioning in consideration of traffic, access, and general compatibility
- B. To protect listed uses from the encroachment of particular incompatible uses and to promote their compatibility with adjoining residential uses

#### Section 23.02 Permitted Uses

Buildings and land within the SU District shall be utilized only for the uses set forth in the following schedule:

##### MAIN BUILDINGS / USES

Civic: Art galleries, libraries, museums, and similar places for public assembly; memorials, monuments, fraternal organizations and private clubs.

Educational: Primary and secondary public, private or parochial schools, nursery schools.

Health Care: General and special hospital and clinics, convalescent centers, institutions for care of children or senior citizens.

Senior Citizen Housing: including senior apartment and condominium projects; assisted and/or extended care facilities; retirement centers.

Religious: Churches and places of worship.

Mixed Use Developments: Single parcels of land on which a variety of housing types

##### ACCESSORY BUILDINGS / USES

Maintenance facilities. Bulletin boards and signs as hereinafter regulated.

Parking areas, playgrounds, signs.

Parking areas, signs.

Parking areas, signs.

Maintenance facilities and parking areas, signs.

Parking areas, signs

and densities - perhaps with subordinate  
commercial public, institutional or other  
nonresidential uses - are accommodated  
in a planned environment

**MAIN BUILDINGS / USES**

**ACCESSORY BUILDINGS / USES**

Infrastructure:: Buildings housing equipment and offices related to the provision of essential services, but not including actual lines and smaller structures such as pump stations.

Parking areas, signs.

Communication: Cellular telephone towers; radio and television antennas and towers.

Commercial Recreational Facilities: Private parks, golf courses, swim clubs, recreation fields and playgrounds, and similar facilities, not including such facilities developed for private use by occupants or residents of the premises.

Parking areas, clubhouses, administrative and maintenance structures, signs.

Cemeteries:

Signs, maintenance facilities, mausoleums

Signage: Billboards

**Section 23.03 Development Standards**

A. The area or parcel of land for a special use shall not be less than that required to adequately provide for the main building, accessory buildings and uses, off-street parking, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The suitability of the area or parcel of land for a permitted special use shall be approved by the Planning and Zoning Board through review of the Development Plan, pursuant to Section 23.05.

B. In mixed use developments, the overall residential density of the development shall not exceed four (4) dwelling units per acre. The calculation of such density shall be based on the total number of dwelling units divided by the area proposed for residential use.

C. Commercial development permitted in the SU District as part of a mixed-use development shall comply with the development standards of the SB District. Industrial development permitted in the SU District as part of a mixed-use development shall comply with the development standards of the I District.

**Section 23.04 Yard Regulations**

A. Front Yards

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

## B. Side and Rear Yards

The yards for each building or structure in the SU District shall be not less than the criteria set forth in the following schedule when adjacent to any district where residences are a permitted use.

MAIN BUILDING / USES	MINIMUM SIDE/REAR YARDS (FT)
<u>Civic:</u> Non assembly buildings assembly buildings	50 75
<u>Educational:</u> Public, private and parochial schools	75
<u>Health Care:</u> Buildings	50
<u>Senior Citizen Housing:</u>	50
<u>Religious:</u> Churches and planned public worship	75
<u>Mixed Use Developments:</u>	(to be determined by Planning and Zoning Board during review)
<u>Infrastructure:</u> Buildings	50
<u>Communication:</u> Antennas or antenna towers	100% of the height
<u>Commercial Recreation:Facilities</u> Buildings	75
<u>Signs:</u> Billboards	75

If the proposed special use is located adjacent to a non-residential zoning district, then the side and rear yards shall be not less than the largest yard required in that district. If side or rear yards are adjacent to a district where single-family residential uses are a permitted use, the screening or buffering of such yards shall be required, pursuant to Section Article XXIX of this Ordinance.

### Section 23.05 Approval By Planning and Zoning Board

In addition to the material required for the application for a zoning amendment, as specified in Section 4.03 of this Ordinance, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include all the information and material required pursuant to Section 11.02.07 of this Ordinance. In making its recommendation to the Village Commission on the proposed placement of land into the SU



District, the Planning and Zoning Board may propose modification to the Development Plan as submitted. The construction of all buildings and development of the site within the SU District shall be in conformity and compliance with the Development Plan as approved by the Planning and Zoning Board.

**Section 23.06 Action by Village Commission**

In approving the redistricting of land into the SU District, Village Commission may specify appropriate conditions and safeguards applying to the specific proposed facility.

**ARTICLE XXIV**

***RESERVED FOR FUTURE USE***

**ARTICLE XVIII**

***RESERVED FOR FUTURE USE***

**PART FOUR**  
**ADDITIONAL ZONING REQUIREMENTS**

## **ARTICLE XXV**

### **GENERAL DEVELOPMENT STANDARDS**

#### **Section 25.01 Lot Width**

##### **A. Frontage Required**

No building, structure, or improvement shall be constructed or altered unless its lot fronts on a publicly dedicated and improved street or thoroughfare within the Village.

##### **B. Lot Width**

Lot width shall be measured along the minimum building setback line for the district within which such lot is located.

#### **Section 25.02 Front Yards**

##### **A. Front Yard Requirements**

All front yard space shall be maintained in accordance with the following provisions:

1. Front yards may be landscaped by lawns, shrubbery, trees or other plantings. Such planting(s) shall be maintained in a neat and orderly state.
2. In all districts, driveways may be located in front yards. In districts where single-family residences are not a permitted use, front yard setbacks may also be used for parking areas, consistent with the regulations of Article XXVIII.

##### **B. Front Yard Measurements**

Front yard depth shall be measured from the right-of-way line of the street or highway to the building line.

##### **C. Open Porches**

An open, uncovered porch or paved terrace may not project into the required front yard for distance of greater than fourteen (14) feet.

##### **D. Architectural Features**

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front yard no more than three (3) feet.

##### **E. Corner Lots**

Lots fronting on more than one street shall provide the required front yard on both streets. Setbacks for one (1) of the other two (2) sides of the corner lot shall be as required for the rear yard in the district where the lot is located.

### **Section 25.03 Side Yards**

#### **A. Measurement**

Side yard width shall be measured from the nearest side lot line to the building line.

#### **B. Open Porches**

In a residential district, an open, uncovered porch or paved terrace may project into a required side yard, if a minimum of five (5) feet is maintained to any adjoining lot line.

#### **C. Architectural Features**

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a side yard no more than three (3) feet with minimum of two (2) feet maintained to any adjoining lot line.

### **Section 25.04 Rear Yards**

#### **A. Measurement**

Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

#### **B. Accessory Uses or Structures**

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Section 26.01.

#### **C. Open Porches**

In a residential district, an open, uncovered porch or paved terrace may project into a required rear yard, if a minimum distance of twenty (20) feet is maintained to any rear lot line.

#### **D. Architectural Features**

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a rear yard no more than three (3) feet with a minimum of two (2) feet maintained to any adjoining lot line.

**Section 25.05 Height**

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, silos, domes, spires, or similar structures, provided that the height of any structure or building, including those mentioned above, shall not constitute a hazard to the safe landing or take-off of aircraft from an established airport.

## **ARTICLE XXVI**

### **ADDITIONAL RESIDENTIAL DISTRICT STANDARDS**

#### **Section 26.01 Residential Accessory Buildings and/or Structures**

"Accessory building or structure" shall mean a structure occupied by a use which is subordinate, secondary, incidental to and customary in connection with the principal building or use and located on the same lot as the principal building or use. Residential accessory structures include detached garages, tool and garden sheds, tennis courts, swimming pools and similar facilities. Residential accessory structures are subject to the following additional requirements:

- A. Not more than two (2) accessory buildings or structures shall be permitted on a single residential lot, not more than one of which may be a storage building.
- B. An accessory use or structure shall not exceed eighteen (18) feet in height, unless the subject property is located within the OVR District, and specific approval for a higher accessory building is granted by the Planning and Zoning Board, in order to promote consistency with the architectural character of the other structures on the site.
- C. An unattached accessory structure shall be located to the side or rear of the principal structure, within any side or rear yard. Such accessory structure shall be constructed not closer to the side lot line than the side yard requirement of the district where it is located, and not less than ten (10) feet from the rear lot line.
- D. The total area of all accessory uses or structures shall not exceed 720 square feet, except for swimming pools and tennis courts which shall be exempted from these area requirements.

#### **Section 26.02 Private Swimming Pools**

A "private swimming pool" as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to depth, at any point greater than twenty-four (24) inches. A private spa or hot tub with a lockable cover shall not be considered as a "swimming pool" subject to the provisions of this Section. No swimming pool, exclusive of portable swimming pools with an area of less than 100 square feet, shall be allowed in any residential district unless the following conditions and requirements are complied with:

- A. The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.



B. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than ten (10) feet to any property line or structure.

C. The surface area of the swimming pool, exclusive of decks, walks and other appurtenances shall not exceed ten percent (10%) of the area of the lot or parcel.

D. Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall not be less than six (6) feet in height, maintained in good condition, and affixed with an operable gate and lock.

E. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.

A zoning permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.

### **Section 26.03 Dish-Type Satellite Signal Receiving Antennas**

The owner or occupant of any lot, premises, or parcel of land, who desires to erect a satellite dish in excess of 39 inches in diameter shall apply to the Zoning Inspector for a permit. Satellite dish antennas 39 inches in diameter and smaller shall not require a permit for installation, and are exempt from these regulations. On such application for a permit, the owner or occupant shall certify that the following requirements are met:

- A
- Location of Satellite Dish
1. Satellite dishes shall be permitted as an accessory use in those zoning districts where they are so specified.
  2. All satellite dishes shall be constructed or erected to the rear of the premises.
  3. No satellite dish shall be erected within ten (10) feet from any lot line.
  4. No satellite dish shall be erected on the roof of and residential building or structure.
  5. No satellite dish shall be linked to receivers that are not located on the same lot or premises.

6. Landscaping should be provided, or the dish shall be located so as to effectively screen the dish from view of adjacent parcels.

B. Size and Height

The maximum diameter of any satellite dish shall not exceed twelve (12) feet. The maximum installed height of any satellite dish shall not exceed fifteen (15) feet above natural grade level.

C. Satellite Dish Support Structures

1. Only metal supports of galvanized construction, or equal thereto, shall be permitted.
2. Only a concrete base or caissons, depending on soil conditions, shall be permitted.
3. The installed satellite dish structure shall be capable of withstanding a wind force of up to eighty-five (85) miles per hour.
4. Any satellite dish must be grounded to an eight (8) foot grounding rod.

**Section 26.04 Residential Fences and/or Hedges**

"Fence" or "wall" means any structure composed of wood, metal, stone, brick or other material, including hedges or other plants, erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence. A "decorative fence" means a fence that is not suited for the containment of animals or property, in which the opacity of the fence is less than twenty-five percent (25%).

No fence or wall, as defined above, may be erected within the Village of South Charleston unless the property owner or his agent files application with the Zoning Inspector. Such application shall include a drawing of the lot, showing the actual location of the proposed fence or wall. The property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land. The granting of a permit to construct a fence in no way shall be considered as the Village's authorization that the property lines as shown on the application are correct.

A. Height and Location

The permitted height of a fence or wall shall be determined by its location on the property as follows:

1. A decorative fence or wall not exceeding 48 inches in height may be erected within the front yard provided that the fence or hedge is located not less than three (3) feet from the street right-of-way line, and further provided that the provisions of 26.04.A.3. below are met.
2. A fence or wall not exceeding seventy-two inches (72 ") in height may be erected in any area of the lot behind the building setback line.
3. No fence, hedge, or wall shall be erected on any lot in such a manner so as to obscure the vision of motorists approaching a street intersection, within a twenty-five (25) feet clear sight distance along either street approaching said intersection.

**B. Prohibited Fences**

No person shall erect or maintain any fence or wall charged with electrical current, nor shall any person erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges.

**Section 26.05 Home Occupations**

Home occupations shall be considered as permitted or conditional uses in the various residential districts. A home occupation shall comply with the following standards:

- A. The use shall be clearly incidental and secondary to residential use of the dwelling and not more than fifteen percent (15%) of dwelling unit floor area is devoted to the home occupation.
- B. The home occupation shall not generate greater vehicular traffic volume than is normal for a residential neighborhood.
- C. No person, other than immediate family residing at the premises, shall be employed in such occupation.
- D. External indication of such home occupation shall be limited to one non-illuminated sign, not more than one (1) square foot, attached flat against the principal structure.
- E. No physical good or commodity, other than those incidental to the performance of a service, shall be sold from the premises.
- F. No equipment or process shall be used in the home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.

G. No home occupation shall be conducted from any accessory building on the lot.

Generally, home occupations shall be regulated not by the specific activity performed, but rather by the presence of external impacts that may affect the residential character of the surrounding area. In particular, a home occupation shall consist primarily of rendering specific personal services. Examples would include a seamstress, member of the clergy, lawyer, engineer, architect, real estate consultant, accountant, artist, or private teacher. The occupant of the premises shall be the individual performing the home occupation.

## **26.06 Group Residential Facilities**

"Group residential facilities" shall be defined and classified in Article II of this Ordinance. A Class I Type B group residential facility, as defined in Article II, is permitted by right in any zoning district that permits single-family dwellings. A Class I Type A group residential facility shall be considered as a conditional use in the AR and SB Districts, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a conditional use in the SB District subject to the standards below:

- A. The facility shall obtain all approvals and/or licenses as required by state and local laws.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- C. No exterior alterations of the structure shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.
- F. Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.
- G. Such facilities shall be reasonably accessible, by virtue of location or transportation provided by the applicant, to medical, recreational and retail services, and employment opportunities.
- H. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including

a structured procedure whereby their grievances may be filed and resolved.

## ARTICLE XXVII

### SIGNS

#### 27.01 Purpose

The purpose of these regulations is to prevent signs from becoming a distraction or obstruction to the safe and efficient flow of pedestrian and vehicular traffic, to prevent signs from having an adverse impact on adjacent properties or uses, to encourage the development of signage systems that promote an active economic and business environment, and thereby protect the general health, safety, and welfare of the citizens of the Village of South Charleston.

#### 27.02 Definitions

As used in this Article, the following words or phrases shall have the meanings herein:

A. "Sign" means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product.

##### B. Other Definitions

1. "Banner" means a non-rigid cloth, plastic or canvas sign typically related to a special event or promotion. For the purposes of this article, the term "banner" shall not include official flags of public entities, or civic, philanthropic, educational or religious organizations

2. "Billboard" means an off-premises sign that is more than two hundred (200) square feet in area.

3. "Canopy" means a structure separate from, but associated by use with the principal building, which is supported independently by posts or columns, is open on all sides, and is intended only for shelter or ornamentation. A "canopy sign" is a sign that is attached to or a part of the roof of such a structure.

4. "Changeable copy sign" means a sign which, in whole or in part, provides for periodic changes in the material or message composing the sign. This definition includes both electronically and manually changeable signs.

5. "Directional sign" means any sign which indicates the direction or which product specific location of an institution, organization or business, does not include advertising or any information regarding lines or services offered

- a
6. "Flashing sign" means a sign or graphic which in any manner, as whole or in part, physically changes in light intensity or gives the appearance of such change
7. "Freestanding sign" means a sign which is wholly independent of any building for support.
8. "Joint Identification sign" means a sign intended to provide the identity or name, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses
- physically
9. "Moving sign" means any sign, all or any part of which moves or is animated so as to give the appearance of movement
10. "Off-premises sign" means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.
11. "Permanent sign" means a sign intended to be erected or used, or in fact which is used for time period in excess of ninety (90) days.
12. "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include
- a. "Trailer sign" meaning a sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved.
- b. "Folding portable sign" meaning a sign constructed of wood or other durable material which can be folded or collapsed for ease of transport.
13. "Projecting sign" means a sign that extends outward perpendicular to the building face.
14. "Roof sign" means any sign erected upon or completely over the roof of any building in such manner that any portion of the sign extends over the highest point of the roof.
15. "Temporary sign" means a sign intended to be used, or in fact used, for a time period of ninety (90) days or less.
16. "Vending machine sign" means a permanent sign installed by the manufacturer on a fuel pump, vending machine, or similar outdoor object.

17. “Wall sign” means a sign attached to a building face, with the exposed face in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings.

19. “Window sign” means a sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

### **27.03 Signs Excluded from Regulations**

The following signs are excluded from the regulations and requirements of this Article:

A. Signs not exceeding one (1) square foot in area that are customarily associated with residential use and are not of a commercial nature, including address and/or name of occupants of the structure, signs on mailboxes or newspaper tubes, signs posted on property related to private parking, and signs warning against trespassing or danger from animals. Signs associated with home occupations shall not be excluded from these regulations.

B. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal notices and traffic control or safety devices, provided such signs carry no supplementary advertising.

C. Signs located on the inside of a structure or building, that are not designed or located so as to be typically visible from outside the building.

D. Signs which are in the nature of cornerstones, commemorative tables and historic designations, provided such signs are less than nine (9) square feet in size and not illuminated.

E. Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.

F. Flags or insignias of any governmental entity when not displayed as an advertising device, or in connection with any commercial promotion, and provided that not more than four (4) such flags or banners are displayed at any one time.

### **27.04 Prohibited Signs**

Signs that are not specifically permitted in this Article shall be considered as prohibited. Without restricting or limiting the generality of the foregoing provisions, the following signs are specifically prohibited:



- A. Signs mounted on motor vehicles that are parked in a prominent location for the primary purpose of displaying the sign
- B. Banners, streamers, pennants and similar air-activated moving signs intended for permanent display
- C. Moving Signs, as defined in Section 27.02 (B)9
- D. Flashing or high intensity lights mounted on a sign
- E. Roof signs, as defined in Section 27.02 (B) 14
- F. Any sign that obstructs any part of a doorway, exit or fire escape.
- G. Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.

**27.05 Sign Permits and Administration**

- A. Permit Required

No permanent or temporary sign, except as exempted in Sections 27.03 or 27.06 of this Ordinance shall hereafter be erected, constructed or maintained within the Village of South Charleston unless a permit for the same has been issued by the Zoning Inspector.

- B. Contents of Application

Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his agent. The fee shall be established by separate Ordinance.

Each application for a sign permit shall be made on forms provided by the Zoning Inspector, and shall include the following information:

1. Name, address, and telephone number of the applicant.
2. Drawings to an appropriate scale, showing at a minimum:
  - a. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines, and symbols. If more than one sign face is proposed, separate information on each face shall be provided.

- b. The exact location of the sign in relation to the building and property.
    - c. The method of illumination, if any.
  3. Details and specifications for the construction, erection and attachment of the sign.
  4. Name, address and telephone number of the sign contractor or company.
  5. The time period for which the sign is to be displayed, if a temporary sign.
  6. Other information as may be required by the Zoning Inspector to ensure compliance with the provisions of this Ordinance.

C. Action on Sign Permit

The Zoning Inspector shall issue a sign permit upon submittal of a completed application and payment of applicable fees if he/she determines that the provisions of this Ordinance have been met. The fee for a sign permit shall be doubled if the construction or physical alteration for which the permit is sought was commenced prior to the application for the permit. If the application for a sign permit is denied, the applicant shall be given written notice of such denial, along with the reasons therefore.

D. Appeals

Any decision made by the Zoning Inspector under the terms of this Article may be appealed to the Planning and Zoning Board in the manner set forth in Article VI of this Ordinance.

**27.06 Signs That Do Not Require a Permit**

The following signs may be erected without a permit; such signs, however, shall be subject to all other provisions of this Article:

- A. Signs concerning candidates for elective office, public issues and similar matters to be decided by public election provided such signs are removed no later than one (1) week after such election. Such signs shall not exceed sixteen (16) square feet in area, shall not be illuminated, and shall not be located within a public right-of-way nor be affixed to any public utility pole or street tree. In addition such sign shall not be located in any manner so as to create a safety or visibility hazard. Signs that exceed the standards of this Section shall require a sign permit.

- B. Signs that indicate the sale, development, rental or lease of a particular structure or land area, provided such sign does not exceed sixteen (16) square feet in area. One such sign will be allowed per street front. Such signs shall not be located in a public right-of-way.
- C. Credit card decals, store hour specifications, "open" or "closed" signs, or similar signs that do not exceed an aggregate area of two (2) square feet.
- D. Temporary window signs that promote special business sales, promotions or occasions. No business shall display such signs for more than thirty (30) days per calendar year. The date when each sign is first displayed and the time period for which the sign will be displayed shall be legibly marked on the sign.
- E. Signs, which are less than two (2) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.
- F. A sign which advertises the sale of personal property, such as a garage, yard, porch or moving sale sign provided such sign, is located on the sale premises for a time period not greater than three (3) consecutive days, and is not to be located in a public right-of-way nor affixed to any public utility pole or street tree. Such signs shall not be located in such a manner so as to create a safety or visibility hazard.
- G. Temporary construction signs that display the identification of the construction project, including identification of the contractors, architects and other construction principals. Such construction sign shall be limited to one (1) per construction site, shall not exceed sixteen (16) square feet in area and shall be removed upon the completion of construction or the commencement of occupancy, whichever event occurs first. Such signs shall not be located within the public right-of-way.
- H. Signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable entities. Such signs shall be removed not later than three (3) days after the scheduled activity
- I. Signs determined by the Planning and Zoning Board to be similar to those specified in A-H above

## 27.07

### Temporary Signs

Temporary signs shall be subject to the following general requirements:

- A. Not more than one (1) temporary sign shall be permitted on any property at one time.
- B. The date upon which a temporary sign is first displayed shall be legibly marked on the sign.
- C. Banners less than twenty (20) square feet in area are permitted as temporary signs provided they are secured at each corner, point and/or end so as to prevent movement.
- D. Trailer signs as defined in Section 27.02 (B) 12a shall be permitted as temporary signs, provided such signs shall not be displayed for a time period exceeding two (2) weeks during any calendar year.
- E. Folding portable signs, as defined in Section 27.02 (B)12b., shall be permitted as temporary signs in the OVB District, provided such signs are secured and/or anchored so as to prevent accidental collapse.

## **27.08 General Requirements - Permanent Signs**

Permanent signs shall be subject to the following requirements, as well as the requirements of the Schedule of Sign Regulations in Section 27.13.

### **A. Wall Signs**

Wall signs may be erected on any building wall or extension of a building wall that faces a street, parking lot or service drive, and such sign may not extend beyond any building setback line. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of twelve (12) inches

### **B. Canopy and/or Awning Signs**

Signs may be painted on an awning area or attached to a canopy or roof that projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee. Canopy or marquee signs shall be a minimum of nine (9) feet above ground level.

### **C. Projecting Signs**

Projecting signs shall be permitted in the OVB and SB Districts pursuant to the requirements of Section 27.13, provided such signs do not exceed twelve (12) square feet in size, are placed not less than nine (9) feet above the sidewalk or ground level, and project not more than six (6) feet outward from the building face

#### D. Freestanding Signs

The location, height and other characteristics of freestanding signs must meet the regulations of this Article. No portion of any freestanding sign shall be erected over the street right-of-way.

#### E. Window Signs

Permanent window signs shall be limited to signs denoting the identification of the occupant, and not more than one (1) logo sign for the product or service offered. The total of all window signs shall not exceed thirty-three percent (33%) of the total area of the window.

#### F. Off-Premises Signs

Off-premises signs as defined in Section 27.02 (B) 10 shall be considered as an accessory use in the SB and I Districts. Not more than one (1) off-premises sign with a sign face area not exceeding twenty (20) square feet is permitted on a single lot. Off-premises signs shall conform to all applicable yard, setback and height restrictions for structures in the zoning district where they are located.

Billboards, as defined in Section 27.02 (B)1, shall be considered as a special use, subject to the requirements of the Special Use District in Article XXIII of this Ordinance.

#### G. General Requirements

##### 1. Illumination

Illuminated signs shall be permitted only in the OVB, SB, I and SU Districts, and for conditional uses in the OVR District. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a demonstrable safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

##### 2. Pennants and/or Streamers

No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.

##### 3. Construction

All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard. The construction and installation of all signs shall be subject to inspection by the Village and/or the State of Ohio.

4. Location

No part of any sign shall be placed in, over, or extend onto any public right-of-way.

5. Permanent Subdivision Identification Signs

Such signs shall be limited to wall mounted or freestanding signs only, with placement on walls, columns or similar architectural or landscaped entrance features used to denote the entrance to the subdivision. Such sign shall be not more than five (5) feet in height and shall set back at least twenty-five (25) feet from the right-of-way of both streets.

6. Signs in SU District

Signs in the SU District shall reflect the standards for similar uses in other districts. The applicant shall submit a total signage plan for the proposed development as part of the Development Plan.

**27.09 Nonconforming Signs**

A Abandonment

The continuance of an existing sign that does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign that shall terminate by abandonment when any of the following conditions exist:

1. When the sign is associated with an abandoned use.
2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
3. When the sign is not maintained or does not conform to the following:
  - a) All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
  - b) Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean, sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

B. Relocation or Replacement

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section. Should any replacement or relocation occur without being brought into compliance, the sign shall be subject to removal.

C. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming, and a permit is obtained. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than fifty percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

D. Inspection and Removal

Upon inspection by the Zoning Inspector, if any existing sign is found to constitute a hazard to public safety, such sign shall be subject to removal.

**27.10 Measurement of Signs**

For the purposes of this Ordinance, the measurement of sign area shall comply with the following standards:

A. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design.

B. Where a sign has two or more display faces, the area of all faces of the signs shall be included in determining the area of the sign, unless two (2) display faces join back to back and parallel to each other and not more than twelve inches (12") apart, in which case both of the back-to-back sign faces shall count as a single sign face. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.

C. The area of the letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter consisting of rectangles, or series of rectangles, around the letters, number or emblems, and determining the area.

D. The height of the sign shall be measured from the elevation of the ground at the point which the base of the sign meets the ground, to the highest point on the sign.

E. For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the measurement of the building line along adjacent drives or parking areas.

#### **27.11 Variances**

Variations to this Article may be granted pursuant to the procedures and policies set forth in Article VI of this Ordinance.

#### **27.12 Penalties**

Any person, firm, corporation, partnership or association violating any provision of this Article or failing to obey any lawful order issued pursuant to its terms shall be subject to fines and penalties as specified in Section 8.02.04.

#### **27.13 Schedule of Sign Regulations**

Requirements for the number, area and height of permanent on-premises signs are found on the Table, which is hereby made a part of this Ordinance.



# ARTICLE XXVIII

## OFF-STREET PARKING AND LOADING REQUIREMENTS

### Section 28.01 Purpose

The purpose of these requirements is to encourage the orderly development of parking areas within the Village and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

### Section 28.02 Provision for Parking and Loading Required

In all zoning districts, at the time any building, structure or use is changed, established, erected, developed, or is enlarged or increased in capacity, there shall be provided off-street parking and loading spaces in accordance with the provisions of this Article.

### Section 28.03 General Specifications and Requirements

#### 28.03.01 Area and Dimensions - Parking Spaces

	<u>Minimum Width</u> <u>(Measured in Feet</u> <u>Parallel to Aisle)</u>	<u>Minimum</u> <u>Length</u> <u>(Feet)</u>	<u>Maneuvering Lane</u> <u>Width</u> <u>(Feet)</u>
Parallel Parking	9	23	12
30-53 Degree Angle Parking	13	20	15
54-74 Degree Angle Parking	10	20	20
75-90 Degree Angle Parking	10	20	20

#### 28.03.02 Area and Dimensions - Loading Spaces

Loading spaces shall conform to the following minimum requirements:

<u>Length</u>	<u>Width</u>	<u>Height Clearance</u>
30 Feet	12 Feet	15 Feet

#### 28.03.03 Access

All off-street parking and loading areas provided in accordance with this Section shall have direct access to a publicly dedicated and improved street or alley.

#### 28.03.04 Surfacing

All off-street parking and loading areas, except for parking areas serving single-family residential uses, shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface.

28.03.05 Lighting

Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

28.03.06 Location of Parking and Loading Spaces

28.03.06.01 Proximity to Street Right-of-Way

- A. In the AR, SB, I and SU Districts, no off-street parking space, or portion thereof, shall be located closer than twenty (20) feet from any established street right-of-way line.
- B. In all other districts, a five (5) foot clear zone shall be maintained between the street right-of-way line, and any vehicle. Parking areas shall be so designed and arranged as to not allow the protruding of any vehicle (or portion thereof) over the clear zone.

28.03.06.02 Proximity to Use

In the OVB District, required parking spaces may be located within 300 feet of the use they serve. In all other districts, required parking spaces shall be provided on the same lot as the use they serve.

28.03.06.03 Joint Provision of Parking Facilities

Two or more buildings or uses located in the same area may meet parking and loading requirements by the joint provision of parking and loading facilities, provided the number of spaces so provided shall not be less than the sum of required spaces as per Section 28.05 of this Ordinance. A written agreement between the parties, stating the terms under which the proposed parking shall be developed and maintained, shall be filed with the application for a zoning permit.

**Section 28.04 Parking Limitations in Residential Districts**

Travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment shall not be parked on streets or alleys in any district where residences are a permitted use, for a period of time exceeding twelve (12) hours. The storage of such equipment shall be subject to the following requirements:

- A. Such recreational equipment shall not be parked or stored within the street right-of-way.
- B. Not more than two (2) pieces of recreational equipment shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment. For multi-family uses, an area shall be designated for outdoor storage of recreational equipment and shall be limited in area to accommodate no more than one (1) piece of recreational equipment for each fifteen (15) dwelling units.
- C. Recreational equipment shall not be occupied or used for living, sleeping, housekeeping, storage or business purposes.

#### **Section 28.05 Required Number of Off-Street Parking Spaces**

Parking spaces shall be provided according to the following schedule of uses. If a use consists of more than one component use (e.g., a school with a stadium) the required number of parking spaces shall be the sum of the required spaces for those component uses.

## SECTION 28.05 SCHEDULE OF REQUIRED OFF-STREET

<i>USE</i>	<i>NUMBER OF REQUIRED SPACES</i>
<b>A. Residential</b>	
1. Single or multiple- family residences	Two (2) per dwelling unit
2. Institutional housing, other residential uses	One (1) per three (3) occupants plus two (2) for each main work shift
<b>B. Commercial</b>	
1. Professional, administrative and business	One (1) for each 400 S.F. of gross floor area.
2. Food, department, general merchandise, hardware, drugs, or other retail sales	One (1) for each 200 S.F. of gross floor area
3. Eating or drinking establishments <i>without</i> drive-through facilities	One(1) for each 100 S.F. of gross floor area
4. Eating or drinking establishments <i>with</i> drive-through facilities.	One (1) for each 75 S.F. of gross floor area plus additional space in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces.
5. Personal services, including banks, savings and loans, and repair services <i>without</i> drive-through facilities.	One (1) for each 200 S.F. of gross floor area.
6. Personal services, including banks, savings and loans, and similar services <i>with</i> drive-through facilities	One (1) for each 200 S.F. of gross floor area. plus additional space in drive-through lanes equal to eighty percent (80%) of the required number of parking spaces.
7. Barber and beauty shops	Two (2) for each work station
8. Gasoline and service stations, automobile service	Two (2) for each service bay plus one (1) for each pump, plus one (1) for each employee during the main shift
9. Self-serve laundries	One(1) for each three(3) washers.
10. Medical and dental offices, human clinics	Four (4) for each doctor or dentist
11. Veterinary clinics, animal hospitals	Three (3) for each doctor.
12. Hotels, bed-and-breakfast establishments	One (1) for each sleeping room plus one (1) for each employee during the main shift

13. Funeral homes

One (1) for each 400 S.F. of gross floor area.

# **PARKING SPACES**

## ***USE***

## ***NUMBER OF REQUIRED SPACES***

### **C. Industrial**

- |  |   |
|--|---|
| 1. Any manufacturing, processing, packaging, warehousing, distribution or service industry | Two (2) for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises. |
|--|---|

### **D. Institutional**

- |   |  |
|---|--|
| 1. Churches and places of public worship                        | One (1) for each four (4) seats in main sanctuary  |
| 2. Public or private elementary or secondary school             | Four (4) for each classroom, or one (1) for each in main auditorium, whichever is greater. |
| 3. Business, trade, or technical school, college or university  | One (1) for each two (2) students and one (1) for each faculty member.                     |
| 4. Nursery School/Day Care                                      | One (1) for each fifteen (15) students   |
| 4. Libraries, museums, community centers and similar facilities | One for each 400 S.F. of gross floor area  |
| 5. Civic, social and fraternal organizations                    | One (1) for each three (3) persons allowed in main meeting room at full capacity.          |
| 6. Hospitals, nursing facilities                                | One (1) for each four (4) beds plus one (1) per employee on main shift.                    |

### **E. Recreational**

- |  |  |
|--|--|
| 1. Baseball, softball, football, soccer or similar organized sport playfield                 | Twenty (20) for each playfield, plus one for each six (6) seats in stands.                   |
| 2. Tennis, handball or racquetball courts  | Three (3) for each court   |
| 3. Bowling alleys  | Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants. |
| 4. Theatres, stadiums, sports arenas, auditoriums or other assembly halls other than schools | One (1) for each four (4) seats  |

## **ARTICLE XXIX**

### **LANDSCAPE SCREENS AND BUFFERS**

#### **Section 29.01 Purpose**

The purpose of these landscaping requirements is to promote and protect the public health, safety and welfare through the preservation of the environment by recognizing the vital importance of tree growth in the ecological system. It is further the purpose of this Section to specifically encourage the preservation and replacement of major trees removed in the course of land development, to promote the proper utilization of landscaping as a buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare.

#### **Section 29.02 Tree Preservation**

##### **A. Existing Tree Ordinance**

Existing and proposed development in all zoning districts within the Village of South Charleston be subject to the requirements of Village Ordinances 94-17 and 95-14, passed December 5, 1994 and September 11, 1995 respectively.

##### **B. Preservation of Wooded Areas**

When preparing and reviewing subdivision plans and preliminary and final development plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas should be laid out to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens.

#### **Section 29.03 Landscape Screening**

##### **A. Screening of Uses in Particular Districts**

The development standards for particular districts require the installation of screen or buffer areas of side or rear yards that are adjacent to districts where single family residences are permitted uses. When required by the specific district development standards, such screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements. Such areas shall be a minimum of ten (10) feet wide and contain screening at least seven (7) feet in height. The use of year-round vegetation, such as pines or evergreens, is encouraged. Landscaped screening shall have at least seventy-five percent (75%) opacity during full foliage.

##### **B. Screening of Trash Receptacles**

The development standards for particular zoning districts require the screening of trash receptacles to effectively screen them from view. .

C. Maintenance of Shrubbery and Hedges

In any district, no shrubbery or hedge shall be planted, in such a manner that any portion of growth extends beyond the property line. The owner or occupant of property on which there is shrubbery, hedges, or trees located so as to affect the vision of drivers on adjacent streets shall keep shrubbery and hedges trimmed to a maximum of thirty (30) inches in height, and keep trees trimmed so as to avoid covering or obscuring of traffic visibility or traffic control signals.

**Section 29.04 Landscape Materials Used as Buffers**

Landscape materials utilized in meeting requirements of this Section should complement the form of existing trees and plantings, as well as the general design and architecture of the developed area. The type of sun or shade should be considered in selecting plant materials. Artificial plants are prohibited. All landscape materials shall be living plants and shall meet the following requirements.

A. Deciduous Trees - Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above the ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, as cited in 29.04.C below, are prohibited.

B. In meeting the planting and maintenance requirements of this Ordinance, the following species of trees shall be considered undesirable species, and shall not be utilized.

1. Box-Elder (*Acer negundo*)
2. Silver Maple (*Acer saccharinum*)
3. Catalpa (*Catalpa speciosa*)
4. Tulip Tree (*Liriodendrum tulipifera*)
5. Mulberry (*Morus alba*)
6. Poplars and Cottonwoods(all kinds) (*Populus*)
7. Willows (all kinds) (*Salix*)
8. Siberian Elm (*Ulmas pumila*)

C. Evergreen trees - Evergreen trees shall be a minimum of three (3) feet high with a minimum caliper of one (1) inch immediately after planting.

D. Shrubs and Hedges - Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to specified requirements within four (4) years after planting.



E. Grass or Ground Cover - Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or similar areas subject to erosion, nets or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.

## **ARTICLE XXX**

### **ADULT ENTERTAINMENT FACILITIES**

#### **Section 30.01 Purpose**

The purpose of this Article is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this Article to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks and playgrounds within the Village.

#### **Section 30.02 Definitions**

A. “Adult Entertainment Facility” means any establishment which is involved in one or more of the following listed categories.

1. “Adult Book Store” means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on “specified sexual activities” or “specified anatomical areas” as defined below.

2. “Adult Motion Picture” means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to “specified sexual activities” or “specified anatomical areas,” for observation by patrons therein.

3. “Adult Entertainment Business” means any establishment involved in the sale or services of products characterized by the exposure or presentation of “specified anatomical areas” or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

B. “Specified Sexual Activities” means any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.

3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

C. “Specified Anatomical Areas” mean any of the following:

1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.

2. Human male genitals in a discernible turgid state.

D. “Fine Art Gallery” means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.

E. “Sexually explicit nudity” means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.

F. “Sadomasochistic sexual abuse” means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.

G. “Visibly displayed” means the material is visible on a billboard viewing screen marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

### **Section 30.03 Exceptions**

Nothing in this Article shall be construed to pertain to:

A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.

B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.



## **Section 30.04 Location**

Adult Entertainment Facilities are to be considered a conditional use in the SB District, and are additionally subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,000 feet of any residence or district where residences are a permitted use.
- B. No adult entertainment facility shall be established within a radius of 1,000 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,000 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,000 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- E. No adult entertainment facility shall be established within a radius of 1,000 feet of any other adult entertainment facility.
- F. 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.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

**ARTICLE XXXI**

***RESERVED FOR FUTURE USE***