

VILLAGE OF SOUTH VIENNA, OHIO
ZONING ORDINANCE
AND COMPREHENSIVE PLAN 2022

PREAMBLE

An Ordinance of the Village of South Vienna, Ohio ("Village") enacted in accordance with a Comprehensive Plan and the provisions of Ohio Revised Code Section §713 and the Village Charter, dividing the Village into zones and districts, encouraging, regulating and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air and convenience of access to property by regulating the use of land, roads, buildings, and the bulk of structures in relationship to surrounding properties; limiting congestion in public rights-of-way, providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this Ordinance, defining the powers and duties of the Zoning Inspector and Planning Commission and the administrative officers as provided hereafter, and prescribing penalties for the violation of provisions of this Ordinance or any Amendment thereto or to any previously enacted Village Zoning Ordinance, all for the purpose of protecting the public health, safety, comfort and general welfare.

WHEREAS the Council of the Village of South Vienna, Ohio enacted its original zoning ordinance, Ordinance 75-2 in 1975; and,

WHEREAS the Village has grown and changed since 1975, and it is experiencing development pressures that the original code does not give the Village the tools to control and direct, and due to the passage of forty-seven (47) years and changes in Ohio law, the need to update the zoning districts in the Village and the definition of uses has become pressing; and,

WHEREAS Ohio Revised Code Section §713 empowers the Village to enact a Zoning Ordinance and to provide for its administration, enforcement and Amendment; and,

WHEREAS the Village Council deems this necessary for the purposes of promoting the health, safety, morals, or general welfare of the Village to enact such an Ordinance; and,

WHEREAS the Council, pursuant to Ohio Revised Code §713.01 has appointed a Planning Commission consisting of five members,

including the Mayor, one member of the Council elected thereby for the remainder of the individual's term as such member of the Council, two citizens of the Village and one public member appointed by the Mayor for terms of six years each, except that the term of one of the members of the first Commission is four years and one two years, all serving without compensation, to recommend the boundaries of the various districts and appropriate regulations to be enforced therein; and,

WHEREAS the Planning Commission has divided the Village into districts and has prepared a Map and regulations pertaining to such districts in order to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of population; to facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public requirements; and,

WHEREAS the Planning Commission has given reasonable consideration to the character of the districts and their peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Village, especially with attention to the residential character of the Village and the need for small business in the center of the Village to encourage shopping in a walkable space; and,

WHEREAS the Planning Commission and the Village Council have given the public notice of all public meetings relating to zoning districts, regulations, and restrictions and have held such meetings publicly; and,

WHEREAS public notice was given pursuant to Village of South Vienna, Ohio Ordinance No. 7-01-17 more than thirty (30) days before the Zoning Commission held a Public Meeting on September 27, 2022, pursuant to R.C. 713.12, to discuss the Zoning Code with the public; and,

WHEREAS all requirements of Ohio Revised Code Section §713 have been met;

NOW THEREFORE BE IT ORDAINED by the Council of the Village of South Vienna, Ohio ("Council"), said members all thereto concurring that:

THERE ARE HEREBY established a Comprehensive Plan, a Map, and a Zoning Code for the Village of South Vienna, Ohio, and provisions for the enforcement and administration thereof.

ARTICLE ONE

Purpose: This Ordinance is enacted for the purpose set forth in the Preamble.

ARTICLE TWO

This Ordinance shall be known and may be cited and made reference to as the "Village of South Vienna, Ohio, Zoning Code" ("Zoning Code").

ARTICLE THREE

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements (unless they are stated as maximums), adopted for the promotion of the public health, safety, and the general welfare. Where this Ordinance imposes a greater restriction than is imposed by other provisions of law or by other rules or regulations or resolutions, the provisions of this Ordinance shall control. Where the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standard, shall govern to the extent permissible by law.

ARTICLE FOUR

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

ARTICLE FIVE

All ordinances or parts of ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance as of the date of the enactment of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its enactment by the Village Council of the Village of South Vienna, Ohio, as provided by law.

ARTICLE SIX

If manifest error is discovered consisting of the misspelling of any word, the omission of any word necessary to express the intention of the provisions affected, the use of a word to which no meaning can be attached, or the use of a word when other words were clearly intended to express such intent, such spelling shall be corrected and such words supplied, omitted or substituted as will conform with the manifest intention of the provision, and they shall have the same effect as though the correct word were contained in the text as originally published. No such alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

ARTICLE SEVEN

This Ordinance is enacted in whole and replaces South Vienna Zoning Ordinance No. 75-2, as amended, which is hereby repealed in its entirety.

ARTICLE EIGHT

It is the intention of the Village of South Vienna Council that this Ordinance shall implement the Comprehensive Planning adopted by the Village of South Vienna Planning Commission, as reflected in a Comprehensive Plan, land use plan, and all other planning documents formally adopted by the Council. The Council reaffirms its commitment that this Ordinance and any Amendment to it shall be in conformity with the planning process, and neither this Ordinance nor any Amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

ARTICLE NINE

The districts and zones established in this Ordinance are shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby enacted as part of this Ordinance. The district boundaries shown thereon are legally described as follows:

- (A) The Official Zoning Map shall be identified by the signature of the Mayor, attested to by the Village Clerk or Fiscal Officer, and bearing the seal of the Village of South Vienna, Ohio under the following words: "This is to certify that this is the Official Zoning Map of the Village of South Vienna, Ohio", together with the date of the enactment of this Ordinance. Copies of the Official Zoning

Map may be obtained from the Village, the cost of which shall be set by the Village Council.

- (B) If, in accordance with the provisions of this Ordinance and Ohio Revised Code Section §713, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within thirty (30) days after the Amendment has been approved by Council. No changes of any other nature shall be made to the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.
- (C) In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, a new Official Zoning Map, which shall supersede the prior Official Zoning Map, shall be prepared. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent Amendments thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the Village Clerk or Fiscal Officer, and bearing the seal of the Village of South Vienna, Ohio under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map enacted on March 8, 1972.
- (D) Where uncertainty exists with respect to the boundaries of any zoning districts as shown on the Official Zoning Map, the following rules shall apply:
 - 1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
 - 2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries;
 - 3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-

of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the Use of the scale shown on the Official Zoning Map;

- 4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of such railroad line; and,
- 5) Where the boundary of a district follows a stream, lake, or other body of water, such boundary line shall be deemed to be at the limit of the jurisdiction of the Village of South Vienna, Ohio unless otherwise indicated.

ARTICLE TEN

For the purpose of this Zoning Ordinance, certain terms and words shall be defined as found in Section II. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. Terms relating to any specific gender are intended to be gender neutral. The word "shall" is intended to be mandatory. Terms related to specific sections or subsections of this Zoning Code and Ordinance may be defined within the specific sections where those general definitions are found.

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Village of South Vienna, Ohio
Zoning Code

SECTION I. GENERAL PROVISIONS.

- (A) Purpose of the Zoning Code: This Ordinance is enacted for the purpose stated in the first paragraph of the Preamble.
- (B) Authority and Title. This Ordinance shall be known and may be cited and referenced as the "Village of South Vienna, Ohio, Zoning Code" ("Zoning Code").
- (C) Provisions Cumulative. The provisions hereof are cumulative and additional limitations on all other laws and ordinances heretofore passed or which may be hereafter passed governing any subject matter of this Zoning Code. Nothing herein shall be deemed or constructed to repeal, amend, modify, alter or change any other ordinance, or any part thereof, not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as the Zoning Code is more restrictive than such other ordinances or parts thereof and that in all particulars wherein the Zoning Code is not more restrictive, each such other ordinance shall continue and shall be in full force and effect.
- (D) Interpretation and Conflict. The provisions of this Zoning Code shall be held to be minimum requirements, enacted for the promotion of public health, safety and the general welfare. It is not intended that this Zoning Code shall interfere with, abrogate or annul any easements, covenants or other agreements between parties unless they violate this Zoning Code. When any provision of this Zoning Code conflicts with any other lawfully adopted rule, regulation, ordinance or resolution, the most restrictive, or that imposing the higher standard, shall apply.
- (E) Severability and Separability. The invalidation of any clause, sentence, Subsection or Section of this Zoning Code by a court of competent jurisdiction shall not affect the validity of the remainder of this Zoning Code either in whole or in part.

SECTION II. DEFINITIONS

(A) Rules of Interpretation: For the purposes of this Ordinance, certain terms and words are defined as set forth in this Section. Any words not defined in this Section shall be given their customary and ordinary meaning. Words used in the present tense include the future; terms relating to any specific gender are intended to be gender neutral; a singular number includes both the plural and the singular; the term "used for" includes the meaning "designed for"; and the word "structure" includes the word "building" to the extent that all definitions for building, including, for instance, setbacks and similar requirements apply to structures unless otherwise stated in the Zoning Code. The word "shall" is mandatory and not discretionary; the word "may" is a permissive requirement; word "should" is a preferred requirement; and the word "person" includes a firm, association, organization, trust, company or corporation as well as an individual.

(B) Definitions:

- 1) "Access Drive" or "Access Road" means a way or means of approach to provide physical entrance to a property, as in a private drive or road, a driveway, or curb cut.
- 2) "Accessory Structure or Use" means a structure or use that is subordinate, secondary, and incidental to a principal structure. Accessory Use or structure refers to structures or uses that are customary in connection with the principal use or structure in an area; they contribute to the comfort, convenience, or necessity of the principal use; and, are located on the same lot and in the same zoning district as the principal use.
- 3) "Advertising" means an announcement or public notice, paid for or otherwise, drawing attention to some product, good, service, company, organization, need, cause, event or item.
- 4) "Advertising, Long-Term" means advertising that is meant to remain in place for a permanent or near-permanent basis.
- 5) "Advertising, Short-Term" means advertising which is meant to be limited in duration. Common examples of short-term advertising include yard sale signs, signs for a particular event, or signs indicating that a house is for sale.

- 6) "Agriculture" means the use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and their Accessory Uses; provided, however, that the operation of any such accessory use shall be secondary to that of normal agricultural activities and provided further that the Accessory Uses shall not include the commercial feeding of garbage or offal to swine or other animals.
- 7) "Agriculture, Limited" means gardening, agriculture, horticulture, or floriculture that is located on a property which is less than two (2) acres and is primarily cultivated for personal, rather than commercial use. Limited agriculture does not include the keeping of farm animals.
- 8) "Alley" or "Lane" means a public or private way not more than sixteen (16) feet wide measuring both lanes together edge to edge, affording only secondary means of access to abutting property.
- 9) "Alteration" means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or a diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
- 10) "Animal Hospital" means a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
- 11) "Apartment" means a suite of rooms forming one residence, typically in a building containing a number of apartments; a multi-family building.
- 12) "Attic" means that part of a building that is immediately below or wholly or partly within the roof framing.
- 13) "Automobile" means a self-propelled free moving vehicle, with four or more wheels, primarily for conveyance on a street or roadway.
- 14) "Automobile Convenience Market" means a place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience food market or supermarket.

- 15) "Automobile Repair Services" and "Automobile Repair Garage" means establishments primarily engaged in furnishing automotive repair, rental, leasing, and parking services to the general public.
- 16) "Automobile Service Station" means an establishment where gasoline and other petroleum products are sold as the principal use of the property. Light maintenance activities such as engine tune-ups, lubrication and minor repairs may also be provided if incidental to such principal use. Service stations do not include premises where retail sales space exceeds twenty-five (25) percent of the total building area or five hundred (500) square feet of gross floor area, whichever is smaller. Automobile service stations do not include premises where heavy automobile maintenance activities, such as engine overhauls, automobile painting, and body work, are conducted.
- 17) "Automobile Wash" and "Automatic Car Wash" mean any building or premises or portions thereof where mechanical devices are used for washing automobiles.
- 18) "Basement" means a story all or partly underground having at least one-half (1/2) of its height below the average level of the adjoining ground.
- 19) "Bedroom" means a private room planned and intended for sleeping, separable from other rooms by walls and a door, and accessible to a bathroom without crossing another bedroom or living room.
- 20) "Best Efforts" means the best reasonable efforts under the circumstances, taking into consideration, among other appropriate matters, safety, expedition, available technology, human resources, and cost.
- 21) "Buffer" means a strip of land, fence, or border of trees or similar woody perennials that define different uses or owners, with trees and shrubs planted for screening purposes, designed to set apart one use or ownership from another.
- 22) "Buildable Area" means the area of a lot remaining after the minimum yard, bulk, and open space requirements of the Zoning Code have been met.
- 23) "Builder" means a person who builds or contracts to build a building or structure within the Village of South Vienna, Ohio.
- 24) "Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual,

- animal, process, equipment, goods or materials of any kind or nature.
- 25) "Building, Accessory" means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a Use incidental to the principal use,
 - 26) "Building Coverage" means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.
 - 27) "Building Envelope" or "Building Enclosure" means all of the elements of the outer shell that maintain a dry, heated, or cooled indoor environment.
 - 28) "Building Height" means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof to the ridge height or to the highest point of flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge of gable, hip and gambrel roofs.
 - 29) "Building Line" means a line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.
 - 30) "Building Permit" means an official certificate issued to ensure that a project will comply with the Village of South Vienna, Ohio standards for land use, zoning, and construction. These standards are intended to ensure the safety of current and future owners and occupants and to provide enforcement of zoning and land-use policies.
 - 31) "Carport" means a roofed structure providing space for parking of motor vehicles which are operable, and enclosed on not more than three sides.
 - 32) "Carry-Out Restaurant" means an establishment that by the design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat food intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not permitted nor encouraged.
 - 33) "Cemetery" means land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

- 34) "Census Tract" means areas into which communities are divided by the United States Department of Commerce, Bureau of the Census, for statistical purposes.
- 35) "Certificate of Zoning Compliance" means a statement issued by the Zoning Inspector, setting forth that a building, structure, or use complies with the zoning code and that the same may be used for the purposes stated on the Permit.
- 36) "Channel" means a natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
- 37) "Charitable Organization" means any tax-exempt religious, educational, fraternal, sporting, service, nonprofit medical, volunteer rescue service, volunteer firefighter, veterans, senior citizens, historic railroad educational, youth athletic, amateur athletic, or youth athletic park organization, or any other organization as defined by R.C. §2915.01, as amended.
- 38) "Child Care or Day Care Center" means a private establishment enrolling children where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed to operate as a day-care center.
- 39) "Chimney" means a structure lesser in function than a smoke stack and containing one or more flues for drawing off emissions from stationary sources of combustion.
- 40) "Church" or "House of Worship" means a building or structure or groups of buildings or structures that by design and construction are primarily intended for the conducting of organized religious services and Accessory Uses associated therewith.
- 41) "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with room or board or kept overnight on the premises.
- 42) "Club" means a building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.
- 43) "Commercial Nursery" or "Tree Farm" means a plant, tree nursery, or farm in which trees are planted and

- grown for sale to the general public in the ordinary course of business.
- 44) "Commercial Entertainment Facilities" means any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, bistros and cafes, and similar entertainment activities.
 - 45) "Commercial Use" means any activity carried out for pecuniary gain.
 - 46) "Community Association" or "Homeowners Association" means an association organized to own, maintain and operate common facilities and to enhance and protect their common interest.
 - 47) "Comprehensive Plan" means a plan, or any portion thereof, adopted by the Planning Commission showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives and policies of the community.
 - 48) "Conditional Use" means a use or occupancy of a structure, or a use of land, permitted only upon issuance of a Conditional Use Permit and subject to the limitations and conditions specified herein.
 - 49) "Conditional Use Permit" means a Permit issued by the Zoning Inspector to allow a use other than a principally Permitted Use to be established within the district.
 - 50) "Condominium" means a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
 - 51) "Condominium Association" means the community association that administers and maintains the common property and common elements of a condominium.
 - 52) "Construction" means the on-site erection, fabrication, installation, renovation, alteration, demolition, or removal of a structure, facility or addition thereto, including all related activities, together with clearing of land, earth moving, blasting and landscaping.
 - 53) "Convenience Food Market" means a retail establishment offering for limited sale food, beverages and related consumer products with or

- without on-premises preparation of food and beverages.
- 54) "Council" means the Council of the Village of South Vienna, Ohio.
- 55) "Crawl Space" means a space with more than one-half (1/2) of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of less than six and one-half (6½) feet.
- 56) "Deck" means an open and roofless platform that adjoins a principal building and is supported by a means other than the principal structure.
- 57) "Decorative Features" means any approved natural or constructed feature, including mulch, gravel, stone, brick, sculpture, hardscape, landscape, and lighting.
- 58) "Density" means the number of dwelling units per unit of land. To determine density, the total lot area is divided by the number of units.
- 59) "Detention Basin" or "Retention Basin" means a structure or facility, natural or artificial, that stores stormwater on a temporary basis and releases it at a controlled rate.
- 60) "Developer" means a person who installs or contracts for the installation of improvements such as sewers, streets, buildings and water mains in a residential, office, commercial or industrial development.
- 61) "Drive-In Restaurant" means a building or portion thereof where food and/or beverages are sold in a form ready for consumption, which takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.
- 62) "Drive-In Use" means an establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- 63) "Drive-up Window Service" means a building opening, including windows, doors or mechanical devices through which occupants of a motor vehicle receive or obtain a product or service.
- 64) "Driveway Envelope" means an area designated by the developer or builder not more than twenty (20') feet in width to provide vehicular access to the building or parking areas.
- 65) "Dwelling" means a structure or portion thereof in which a person or persons reside.

- 66) "Dwelling Attached" means a one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.
- 67) "Dwelling, Detached" means a dwelling that is not attached to any other dwelling by any means.
- 68) "Dwelling, Multi-Family" means a dwelling containing more than two (2) dwelling units.
- 69) "Dwelling, Semi-Detached" means a one-family dwelling attached to another one-family dwelling by a common vertical wall.
- 70) "Dwelling, Single Family" means a building consisting of a single dwelling unit only, separated from other dwelling units by open space, and occupied by a single family.
- 71) "Dwelling, Townhouse" means a one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common, fire-resistant walls.
- 72) "Dwelling, Two-Family" means a structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
- 73) "Dwelling Unit" means one (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.
- 74) "Dwelling Unit, Efficiency" means a dwelling unit consisting of not more than one habitable room together with a kitchen or kitchenette and sanitary facilities.
- 75) "Easement" means a grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.
- 76) "Essential Services" means the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement by public utilities or the Village or other governmental agencies of underground or overhead gas, electrical, steam, or water generation, transmission or distribution systems; including buildings,

structures, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment or accessories and the use of land in connection therewith, for the furnishing of adequate service by such public utilities or the Village or other governmental agencies or for the public health, safety, and morals.

77) "Excavation" means the removal or recovery by any means whatsoever of soil, rock, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

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

a) Manufactured Home - A non-self-propelled building unit or assembly of closed construction fabricated in an off-site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight (8') body feet or more in width or forty (40') body feet or more in length or, when erected on site, is three hundred twenty or more square feet, (320 sq. ft.) and which is built on a permanent chassis, designed to be used as a dwelling with or without a permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projection when erected on site. These dimensions include all

expandable rooms, cabinets, and other projections containing interior space. For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing torque installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

- b) Mobile Home means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C) (4) of section 3781.06 of the Ohio Revised Code or as an industrialized unit as defined in division (C) (3) of Section 3781.06 of the Ohio Revised Code.
- c) Industrialized Unit - A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group or units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein.
- d) Modular Home - Factory built housing certified as meeting the Clark County, Ohio, local, or state building codes as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes. Modular homes are

required to be placed upon a solid masonry foundation.

- 79) "Family" means one or more persons occupying a single dwelling unit, provided that unless members are related by blood, adoption, or marriage, no such family shall contain more than five persons.
- 80) "Family Home" means a residential facility that provides room and board, personal care, habilitation service, and supervision in a family setting for six (6) to eight (8) developmentally disabled persons. See "Group Home."
- 81) "Farm" means a parcel of land used for agricultural activities.
- 82) "Farm Animals" means those animals or livestock typically associated with a farm or agricultural operation, including but not limited to cattle, horses, pigs, chickens, roosters, goats and sheep.
- 83) "Farm Stand" means a booth or stall from which produce and farm products are sold to the general public and which were grown or produced on the property from which they are sold.
- 84) "Fast-Food Restaurant" means an establishment whose principal business is selling pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the Fast-Food Restaurant building or off premises.
- 85) "Floodway Fringe" means that portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.
- 86) "Flood Insurance Rate Map (FIRM)" means the official map(s) on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- 87) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- 88) "Flood Plain" means the land, including the floodway fringe and the floodway, subject to inundation by a regional flood.
- 89) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood

- without cumulatively increasing the water surface elevation more than one-half (1/2) foot.
- 90) "Floor Area, Finished" means the sum of the gross horizontal area of all interior floors of a residential building, excluding basements, breezeways, carports, garages, storage areas with only outside access, porches, decks and other unheated and/or unfinished areas attached to the dwelling.
- 91) "Floor Area, Gross" means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.
- 92) "Floor Area, Ground" means the sum of the gross horizontal area of the ground floor of a residential building, excluding basements, breezeways, carports, garages, storage areas with only outside access, porches, decks and other unheated and/or unfinished areas attached to the dwelling.
- 93) "Floor Area, Net" means the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.
- 94) "Floor Area, Non-Residential" (used in calculating parking requirements) means the floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms and similar areas.
- 95) "Franchise" means the nonexclusive right pursuant to the Constitution and laws of Ohio and the United States, granted by the Village pursuant to its current franchise agreement to operate or provide cable television or services to consumers within the Village.
- 96) "Garage" means an accessory structure or space for parking or storing not more than three automobiles, or not more than one automobile per family housed in the building to which such garage is an accessory, whichever is greater. "Garage" does not include rental space for vehicles of non-occupants.

- 97) "Garage Sale" means the sale or offering for sale to the general public of over five (5) items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building.
- 98) "Gas Station" - See Automobile Service Station.
- 99) "Grade" means the average level of the finished surface of the ground adjoining a building.
- 100) "Gross Developable Acres" means the land area within a subdivision including areas dedicated to the public, including parks, open space, public rights-of-way and utility easements.
- 101) "Group Home" means a residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for six (6) to eight (8) developmentally disabled persons. See "Family Home".
- 102) "Hardscape" means garden features of rock, stone, wood, concrete, or other organic materials meant to enhance the surrounding landscaping.
- 103) "Home Occupation" means any activity carried out for gain by a resident conducted as an Accessory Use in the resident's dwelling unit.
- 104) "Hot Tub" means an artificial container of water with a liquid capacity between one hundred 100 gallons and six hundred (600) gallons and designed with a mechanical air injection system and/or recirculating device. These devices may filter and/or disinfect the water for reuse and are not intended to be drained between uses. Hot tubs are for the use of the resident(s) of the property on which they are installed.
- 105) "Hotel" or "Motel" means a building or group of buildings in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a short-term rental, or a rooming or boarding house as herein defined.
- 106) "Industrial Park" means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
- 107) "Industrialized Unit" See "Factory Built Housing".
- 108) "Inoperable Vehicle" means a vehicle that is not mechanically operable and/or that lacks all four tires, the opposite of "operable vehicle" which is mechanically operable and has all four usable tires.

- 109) "Institutional Use" means a nonprofit or quasi-public use or institution such as a church or similar house of worship, a library, public or private school, hospital, or publicly-owned or operated building, structure or land used for public purpose.
- 110) "Junkyard" means any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other type of junk.
- 111) "Kennel, Commercial" means any building or buildings and/or land used, designed or arranged to facilitate the raising, breeding, boarding and grooming of domesticated animals such as dogs and cats for profit. Farm animals such as pigs and fowl or exotic animals, such as snakes, are expressly prohibited.
- 112) "Kennel, Private" means any building or buildings and/or land used, designed or arranged for the care of three (3) or more dogs and/or cats belonging to the owner of the principal Permitted Use, kept for purposes of show, hunting or as pets.
- 113) "Land Clearing" means operations which remove trees and vegetation in connection with the installation of a storm or sanitary sewers, public or private utilities, streets, and any other clearing or grading of the property at any time prior to construction of a building.
- 114) "Landscaping" means any portion of a parcel of land that includes intentionally planted or maintained trees, shrubs, bushes, hedges, and planting beds.
- 115) "Loading Space, Off-Street" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.
- 116) "Lot" (including the words "Plot", "Parcel" and "Premises") means a designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, and recognized by Clark County, Ohio to be used, developed or built upon as a unit.

- 117) "Lot, Corner" means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
- 118) "Lot Coverage" means the portion of a lot or parcel that is covered by buildings and structures.
- 119) "Lot, Double Frontage" means a lot which fronts upon two parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.
- 120) "Lot, Buildable" means a lot having the required street frontage as required by the zoning district on an improved public right-of-way and the required square footage for the appropriate district in which it is located.
- 121) "Maintenance and Storage Facilities" means land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.
- 122) "Major Thoroughfare Plan" means a Comprehensive Plan adopted by the Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the Village.
- 123) "Mandatory Land Dedication" means the mandatory dedication of private land to the Village of South Vienna, Ohio for the purpose of providing space for parks, recreation, open spaces and other public uses.
- 124) "Manufactured Home" See "Factory Built Housing".
- 125) "Manufacturing" means the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins or similar substances.
- 126) "Manufacturing, Heavy" means the manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character, require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation, and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution.

- 127) "Manufacturing, Light" means the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.
- 128) "Mayor" means the Mayor of the Village of South Vienna, Ohio.
- 129) "Mini-Warehouse" means a structure containing separate storage spaces of varying sizes leased or rented on an individual basis.
- 130) "Mobile Home" See "Factory Built Housing".
- 131) "Mobile Home (Trailer) Park" means any site or tract of land under single or multiple ownership, upon which three (3) or more mobile or manufactured homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park. Mobile Homes and Trailer Parks are specifically prohibited within the Village.
- 132) "Modular Home" - See "Factory Built Housing".
- 133) "Net Developable Acres" means the land area within a subdivision excluding minimum open space requirements, all areas designated for public and private streets and alleys, open bodies of water including streams, creeks and ditches, stormwater control, retention and detention areas and all other dedicated rights-of-way.
- 134) "No-Build Zone" means an area or portion of a lot that is designated by deed not to contain any buildings, structures or other built primary or accessory improvements, in perpetuity.
- 135) "Nonconformance" means a situation in which the lawful conditions existing prior to the enactment, revision or amendment of the Zoning Code fail by reason of such enactment, revision or amendment to conform to the present requirements of the zoning district.
- 136) "Nonconforming Lot" means a lot the area, dimensions or location of which was lawful prior to the enactment, revision or amendment of the Zoning Code, but which fails by reason of such enactment, revision or amendment to conform to the present requirements of the Zoning Code.

- 137) "Nonconforming Structure or Building" means a structure or building the size, dimensions or location of which was lawful prior to the enactment, revision or amendment to the Zoning Code, but which fails by reason of such enactment, revision or amendment to conform to the present requirements of the Zoning Code.
- 138) "Nonconforming Use" means a use or activity which was lawful prior to the enactment, revision or amendment of the Zoning Code, but which fails, by reason of such enactment, revision or amendment, to conform to the present requirements of the zoning district.
- 139) "Nursing Home" means an extended or intermediate care facility licensed and approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.
- 140) "Off-Street Parking Space" means a temporary storage area for a motor vehicle that is directly accessible to a paved and maintained driveway connected to a dedicated street right-of-way.
- 141) "On-Street Parking Space" means a temporary storage area for a motor vehicle which is located on a dedicated public street right-of-way.
- 142) "One-and-a-Half-Story" means a residential dwelling having a ground floor, and a second floor equal to less than one hundred (100) percent of the finished floor area of the first floor, under a gable, hip or gambrel roof, the wall plates of which are on at least two opposite exterior walls (also known as the "knee wall"), and are not more than five (5) feet above the floor of such story.
- 143) "Opacity" means a degree of obscuration of light or sight. The higher the degree of opacity, the higher the obscuration of light or sight.
- 144) "Open Space" means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or owned by and used for the enjoyment of owners and occupants of land surrounding and neighboring such open space.
- 145) "Open Space, Common" means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such

- complementary structures and improvements as are necessary and appropriate.
- 146) "Operations" means locating, moving, depositing or grading of any material or any construction, use or activity or combination of such activities, which modifies the conditions of property subject to this Zoning Code.
- 147) "O.U.P.S." means the Ohio Utilities Protection Service.
- 148) "Outdoor Display" means the temporary outdoor display of material and merchandise for the purposes of retail sales. Distinguished from "Garage Sale".
- 149) "Outdoor Storage" means the keeping, in an unroofed area, of any goods, material, merchandise or vehicles in the same place.
- 150) "Overlay District" means a type of zoning district that applies more restrictive standards to an underlying zoning district.
- 151) "Parish House" means a residential structure, such as a parsonage, that is related to a church or other place of worship.
- 152) "Park" means a tract of land designated and designed for the use by members of the public for active and passive recreation.
- 153) "Performance Bond" or "Surety Bond" means an agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.
- 154) "Permittee" means any person who is issued a Permit pursuant to this Zoning Code.
- 155) "Person" means any person, corporation, partnership, company, contracting firm or other legal entity, including those employed by the Village or under a contract with the Village.
- 156) "Personal Services" means establishments primarily engaging in providing services including spa services, hair salon services, barber services, and licensed massage therapy.
- 157) "Planning Commission" means the body of five (5) members created by the Village in compliance with the Ohio Revised Code to administer Comprehensive Planning and land use regulations and provide recommendations on a wide array of land use and land use policy issues.

- 158) "Plat" means a map representing a tract or tracts of land, showing the boundaries and location of individual properties and streets.
- 159) "Porch" means a one-story roofed structure attached to a house with no floor space above and no more than two (2) sides of which are enclosed by a vertical wall, window or screened surface.
- 160) "Porch, Raised" means a porch, designed with a minimum of twenty-five (25) inches above any approaching walkway, and that extends no more than seventy-five (75) percent of the maximum width of a house, where the floor surface of the Raised Porch extends at least seven feet from any adjacent wall surface behind or above.
- 161) "Principal Use" means the primary or predominant use of any lot.
- 162) "Public Use" means a land use that is owned and/or operated by the public and is accessible to the public.
- 163) "Public Way" means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity has a dedicated right, whether improved or unimproved.
- 164) "Reconstruction" means the rebuilding or substantial remodeling of an existing structure.
- 165) "Recreational and Camping Equipment" means boats, boat trailers, snowmobiles, snowmobile trailers, utility trailers, recreational and camping vehicles, horse trailers and other similar equipment.
- 166) "Recreational and Camping Vehicles" means vehicular-type structures primarily designed as temporary living quarters for recreation, camping or travel use, which either have their own motor power or are mounted on or drawn by another vehicle which is self-powered.
- 167) "Recreation, Camp" means an area of land on which two (2) or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

- 168) "Recreation Facilities" means public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (and are used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums and bowling alleys.
- 169) "Regulation" means any rule adopted by and pursuant to the authority of this Zoning Code.
- 170) "Residential District" means a zoning district in which residential uses are the only Permitted Uses, with certain listed Accessory Uses.
- 171) "Restrictive Covenant" means a restriction on the use of land usually set forth in the deed.
- 172) "Retail Services" means establishments providing services, entertainment, or products.
- 173) "Retention Basin" means a wet or dry stormwater holding area, either natural or manmade, which does not have an outlet to adjoining watercourses or wetlands other than an emergency spillway.
- 174) "Right-of-way" means the surface of and the space above and below any public street, public road, public highway, public freeway, public lane, public path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive or any public easement now or hereafter held by the Village.
- 175) "School" means any building or portion thereof which is designed, constructed or used for education or instruction in any branch of knowledge.
- 176) "Seat" means the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.
- 177) "Setback" means the minimum distance by which any building or structure must be separated from a street right-of-way or lot line.
- a) "Setback, Front" means the minimum allowable distance from the street right-of-way line to the closest point of the foundation of a building or projection thereof, parking lot or retention pond.

- b) "Setback, Rear" means the shortest distance between the building line and the rear lot line.
 - c) "Setback, Side" means the shortest distance between the building line and the side lot line.
- 178) "Setback Line" means the distance measured perpendicularly from either the front, side, or rear property line of the building.
- 179) "Shed" means a freestanding Accessory Use structure or building primarily used for storage purposes. The height and floor area of a shed may vary based on the principal Permitted structure.
- 180) "Short-Term Rental" means a V.R.B.O., Airbnb or other short-term rental of a residence, building or portion thereof, whether through an intermediary agency or directly between the renter and the property owner or agent, which is not intended as long-term or permanent use of the property. "Short-Term" implies one (1) month or less.
- 181) "Sidewalk" means that portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.
- 182) "Split Level" means a residential dwelling containing finished floor area on two (2) or more levels with vertical distance between the plane of one (1) floor level and the plane of the next higher level, divided vertically so that the floor level of rooms in one part is approximately midway between the levels of two successive stories in an adjoining part.
- 183) "Storage Building" means a structure used for storage of belongings, not accessory to a single-family or duplex residence located on the same building site, and not designed for human habitation. This term shall not include agricultural buildings.
- 184) "Story" means that portion of a building, including between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.
- 185) "Street" means any vehicular way which: (1) is an existing state, county, municipal or village roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly

filed and recorded in the office of the Clark County, Ohio Recorder prior to the appointment of the Planning Commission and the grant to such board of the power to review plats; and, (5) is thirty (30) to fifty (50) feet wide; and, (6) includes the land between the street lines, whether improved or unimproved.

- 186) "Street, Collector" means a street which collects traffic from local streets and connects with minor and major arterials.
- 187) "Street, Local" means a street designed to provide vehicular access to abutting property and to discourage through traffic.
- 188) "Street, Major Arterial" means a street with access controls, channelized intersections, and restricted parking, and which collects and distributes traffic to and from minor arterials.
- 189) "Street, Minor Arterial" means a street with access controls, signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets.
- 190) "Structure" means anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground.
- 191) "Supermarket" means food markets, or combination food markets and department stores, with more than five thousand (5,000) square feet of floor area.
- 192) "Surveyor" means a surveyor registered by the State of Ohio.
- 193) "Swimming Pool" means any portable pool or permanent structure containing a body of water 18 inches or more in depth at any point, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond, located and designed so as not to create a hazard.
 - a) "Portable Swimming pool" means a pool that does not require water filtration, circulation and purification; does not exceed eighteen (18) inches in depth; does not exceed a water surface of one hundred (100) square feet; and does not require braces or supports.
 - b) "Private Swimming Pool" means a swimming pool exclusively used without paying an additional charge for admission by the residents and

guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel.

- 194) "Tourist Home", "Bed and Breakfast", "Airbnb", and "V.R.B.O." or the like means a private house or property having furnished rooms, the entire house or the entire property, available for short-term rent to lodgers. This includes properties advertised to the public through a lodging reservation website. See "Short-Term Rental".
- 195) "Trailer" means a structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.
- 196) "Travel Trailer" means a recreation vehicle that is towed by a car or truck.
- 197) "Tree" means any self-supported, woody plant of a species which normally grows to an overall height of thirteen (13) feet or more, including coniferous and deciduous trees.
- 198) "Tree, Large" means any tree species which normally attains a full-grown height equal to or greater than forty-five (45) feet.
- 199) "Tree, Medium" means any tree species which normally attains a full-grown height of between twenty-five (25) and forty-five (45) feet.
- 200) "Tree, Small" means any tree species which normally attains a full-grown height of under twenty-five (25) feet.
- 201) "Tree Lawn" means that part of a street right-of-way not covered by sidewalk or other paving, lying between the property line and that portion of the street right-of-way that is paved and usually used for vehicular traffic.
- 202) "Two-Story" means a residential dwelling having a ground floor and a second floor having a finished square footage equal to or exceeding one hundred (100) percent of the required minimum ground floor finished square footage.
- 203) "Undeveloped" means a parcel of land which is substantially unimproved with buildings or structures on the effective date of this Zoning Code.
- 204) "Use" means the purpose or activity for which land or buildings are designed, arranged or intended, or

- for which land or buildings are occupied or maintained.
- 205) "Variance" means a departure from any provision of the zoning requirements for a specific parcel, without changing the Zoning Ordinance or the underlying zoning of the parcel.
- 206) "Vehicular Use Area" means any area commonly used by vehicles.
- 207) "Village Clerk" means the Village Clerk for the Village of South Vienna, Ohio.
- 208) "Village Fiscal Officer" means the Village Fiscal Officer for the Village of South Vienna, Ohio.
- 209) "Yard" means a required open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Code.
- 210) "Yard, Front" means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- 211) "Yard, Rear" means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building. For corner lots the rear yard shall constitute that area of the lot that is adjacent to the rear portion of the principal structure.
- 212) "Yard Sale" means the periodic sale of household items on private property.
- 213) "Yard, Side" means a yard extending from the principal building to the side lot line on both sides of the principal building, between the lines establishing the front and back.
- 214) "Yard Lot Line" means any line dividing one lot from another or from a street or other right-of-way.
- 215) "Yard Parking Space" means the area required for parking one (1) automobile, which in this Zoning Ordinance is held to be an area nine (9) feet wide and twenty (20) feet long, either within a structure or in the open, exclusive of driveways or access drives.
- 216) "Zoning Commission" means the commission authorized by R.C. §713.01 to create a Zoning Map and Zoning Code for the Village, as part of a Comprehensive Plan of zoning and planning for the Village, subject to approval by the Village Council.

- 217) "Zoning Inspector" means the Mayor of the Village of South Vienna, Ohio, or their designee.
- 218) "Zoning Map" means the Zoning Map of the Village of South Vienna, Ohio, dated as of the enactment of this Zoning Ordinance, together with all subsequently enacted amendments.
- 219) "Zoning Permit" means a document issued by the Zoning Inspector authorizing the construction, reconstruction, remodeling, or addition of or to an existing structure, for Uses consistent with this Zoning Code, and for the purpose of carrying out and enforcing its provisions.

SECTION III. GENERAL REGULATIONS, ADMINISTRATIVE AUTHORITIES AND DUTIES.

(A) Zoning Inspector.

1) Office of Zoning Inspector. The Mayor of the Village of South Vienna or their designee serves as the Zoning Inspector and shall enforce the Zoning Code. All officials and employees of the Village shall report any new construction, reconstruction, or apparent violations of the Zoning Code to the Zoning Inspector. The Zoning Inspector shall have the following duties:

- a) Issue Zoning Permits and Certificates of Zoning Compliance when the procedures and standards of the Zoning Code have been followed.
- b) Make and keep all records necessary and appropriate to the office.
- c) Inspect any buildings or lands to determine whether any violations of the Zoning Code have been committed or exist.
- d) Upon finding that any violations exist, notify the owner of record in writing, ordering such action(s) as are needed to correct the violation(s) and to be in compliance with the Zoning Code. Depending upon the nature of the violation(s), the Zoning Inspector shall include a deadline before which the corrections must be completed.
- e) Advise the Planning Commission and the Board of Zoning Appeals of matters pertaining to the enforcement of the Zoning Code, as well as Conditional Use Permits, Appeals or Variances, and all Applications and records pertaining thereto.
- f) Handle all questions of interpretation and enforcement of the Zoning Code.

(B) Powers of Zoning Inspector, Planning Commission and the Board of Zoning Appeals.

1) Zoning Inspector.

- a) It is the intent of this Zoning Code that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. The Zoning Inspector may consult with the Planning Commission regarding any issue before the Zoning Inspector. Recourse from the decisions of the Zoning Inspector shall be to the Village Council sitting as the Board of Zoning Appeals.
- b) In addition to Zoning Permits, Variances, Conditional Uses, Similar Uses, and Nonconforming Uses, the Zoning Inspector shall issue written Notifications to owners or occupants or both if a violation of the Zoning Code, a nuisance, or other condition or circumstance affecting the health and welfare of the occupants or the Village is found or reasonably believed to exist.
- c) The Notification shall inform the recipient(s) of the nature of the violation, condition or circumstance, the correction required, the time within the correction must be completed, and the consequence to the owner or occupant if it is not completed within the time allowed.
- d) If the owner or occupant does not comply fully with the Zoning Inspector's Notification, the Zoning Inspector shall use any lawful means necessary to correct the violation, including referring the violation to the Board of Zoning Appeals and the Village Council, and they shall use any lawful means to end the violation and recoup from the owner or occupant all fines and costs related to the violation and all fines assessed. If this involves enforcing the correction through the courts, the owner or occupant shall be responsible for reimbursing the Village for its costs and reasonable attorneys' fees.

- e) It is further the intent of this Zoning Code that the powers of the Board of Zoning Appeals in connection with this Zoning Code shall include hearing and deciding appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Zoning Code.
- f) If disagreement occurs as to the market value of a particular property, the market value shall be determined by an independent appraiser as selected and mutually agreed to by the owner or Applicant and the Zoning Inspector, and paid for by the owner or Applicant. If the owner or Applicant and the Zoning Inspector cannot agree on an appraiser, the Village Council will make the decision and the appraisal shall be paid for by the owner or Applicant. Such appraisals shall be performed according to a comparable value method of appraisal.

2) Planning Commission.

- a) The Village of South Vienna, Ohio established the Planning Commission by Ordinance No. 06-01-2022, and the authority of Ohio Revised Code Section §713.01 et seq. The Planning Commission established policies and procedures, rules for membership, and maintains minutes of its public meetings, showing the vote of each member on each question. Although the list is not exhaustive, the Planning Commission has the following powers and authority:
 - i. To create a Zoning Map and Zoning Code for the Village, as part of a Comprehensive Plan of zoning and planning for the Village, subject to approval by the Village Council, and thereafter to review proposed Amendments to the Zoning Code and Map, and other matters related to zoning and planning.
 - ii. To define compatible zones for housing, recreation, commerce, agriculture and

industry within the Village, and prepare a Zoning Code and Map for the Council to enact.

- iii. To consult with the Zoning Inspector when requested, regarding issues and questions within the Zoning Inspector's authority.
- iv. When requested by the Board of Zoning Appeals, to interpret or suggest changes to the boundaries of the Zoning Map or the content of the Zoning Code.
- v. Make recommendations for zoning of newly annexed areas.

3) The Village Council sitting as a Board of Zoning Appeals.

a) The Board of Zoning Appeals shall have the powers and duties and authority as granted in Ohio Revised Code Section §713.02 et seq., including the power to review proposed amendments to the Zoning Code and make recommendations to the Village Council.

b) The Board of Zoning Appeals shall hear and decide Appeals when there is alleged error in any order or determination by the Zoning Inspector, including deciding Appeals from denials of Variances, determining similarity of uses, interpreting boundaries of the Zoning Map, permitting Conditional Uses and the substitution or extension of Nonconforming Uses, declaring Zoning Permits void, and determine the zoning of newly-annexed areas to the Village.

C) Prohibited Uses.

1) In all zoning districts, the following are prohibited uses:

a) Development, building, and renovation of existing buildings or accessory uses on property which is not served by Village utilities, including water and sewer, unless the owner pays one hundred percent (100%) of

all direct and indirect costs of extending and connecting Village utilities to the property.

- b) Automotive, mobile home, trailer and farm equipment/implement sales.
- c) Automotive wrecking including motor vehicles, mobile homes, and trailers, and the sale, storage, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles for their parts.
- d) Any establishment which is involved in one or more of the following listed categories.
 - i. Adult Book Store.
 - ii. Adult Entertainment Business.
 - iii. Adult Motion Pictures.
 - iv. Sexually Explicit Business or Material.
- e) Mobile Home and/or trailer parks.
- f) Junk yards.
- g) Any use that is not explicitly allowed is prohibited.

SECTION IV. ENFORCEMENT AND PENALTY.

(A) Zoning Permit Required.

- 1) No building or other structure shall be erected, moved, added to, used, remodeled, or structurally altered, nor shall any building, structure or land be established or changed in use without a Zoning Permit therefor, issued by the Zoning Inspector.
- 2) Zoning Permits shall be issued only in conformity with the provisions of this Zoning Code unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding on appeal a Conditional Use or Variance, as provided in this Zoning Code.

(B) Conditions under which a Zoning Permit is required. A Zoning Permit is required for any of the following:

- 1) Constructing, building, establishing, moving, adding to, structurally altering, or remodeling of any building or use or land, including accessory buildings;
- 2) Occupancy and use of vacant land;
- 3) Change in use of an existing building or accessory building to a Use not listed as a Permitted Use in the zoning district where the building is located; and
- 4) Any change in the use of a Nonconforming Use.

(C) Application for Zoning Permit.

- 1) The Application for a Zoning Permit shall contain the following:
 - a) Name, address, email address and telephone number of the Applicant, together with proof that the Applicant has the legal authority over the land or use;
 - b) Legal description of property, as recorded in the Clark County, Ohio, Recorder's office, together with a list of all property owners

within 200 feet of, contiguous to, and across the street from the parcel which is the subject of the Application;

- c) Current and proposed uses, the Zoning district in which property is located, together with a statement as to how the proposed Permit will affect adjacent and proximate properties;
- d) Plans and/or drawings drawn to scale, showing the dimensions and shape of the lot to be built upon; and the dimensions and location of existing and/or proposed buildings or alterations, landscaping and buffers;
- e) Height and bulk of proposed buildings or alterations, together with proof of compliance with front, side and rear yard widths and depths as required by the Zoning Code;
- f) Number and dimensions of existing and proposed off-street parking or loading spaces, if applicable;

In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes (public sewers), and the Applicant has not obtained a Variance to use wells and septic systems, the Application shall be accompanied by approval of both the Clark County, Ohio Combined Health District and, if appropriate, the Ohio EPA, of the proposed method of water supply, water for fire suppression, and for disposal of sanitary wastes prior to approval by the Zoning Inspector;

- g) Development on lots not receiving Village water and sewer is prohibited unless the owner pays one hundred (100) percent of all direct and indirect costs of extending and connecting Village utilities, water and sewer to the property;
- h) The effect of the proposed Permit on motor vehicle access, traffic flow, access for

delivery trucks, access for equipment during construction and the effect on surrounding properties; access for fire department (typically WB-40, WB-60 or larger) emergency and public safety vehicles; storm drainage and public infrastructure in the area, and any other factors pertinent to the Application;

- i) Approved fire rescue and emergency access with roads paved sufficiently for emergency vehicles, maintained free of any impediments or obstructions;
- j) Before considering the proposed Permit, the Zoning Inspector shall require the Applicant to produce a traffic study, a water quality or quantity study, a stormwater drainage study, and any other studies or technical information that the Zoning Inspector deems helpful to the determination of the Application;
- k) The Zoning Inspector may require any such studies to be undertaken by experts with specific credentials or licensures required by the Zoning Inspector in his/her sole discretion, the cost of which shall be borne by the Applicant;
- l) All fees and costs related to the Application for a Zoning Permit shall be paid in full before the Application can be processed, and are nonrefundable;
- m) Such other material as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Zoning Code;
- n) Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the Applicant to furnish a survey of the lot by a registered surveyor and certified by a licensed engineer;

- o) In particular cases, the Zoning Inspector may reduce the submittal requirements for Applications, when the scope and scale of the proposed action warrants it; and
- p) A paid, nonrefundable Application fee shall be paid by the Applicant, as established by the Village Council.

(C) Application Process.

1) Process.

- a) Within thirty (30) days after the receipt of an Application for a Zoning Permit together with all required studies, reports and approvals, the Application shall either be approved, approved with modifications, or denied by the Zoning Inspector, in conformance with the provisions of this Zoning Code.
- b) One (1) copy of the Application shall be returned to the Applicant by the Zoning Inspector, after such copy is marked as either approved, approved with modifications, or denied, and attested to the same by the signature of the Zoning Inspector, or their designee on such copy
- c) In cases of approval, the Zoning Inspector shall issue a placard or notice, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Zoning Code.
- d) All Zoning Permits shall be conditional upon the commencement of work within one (1) year, and completion of the work within two (2) years, after the Zoning Permit is issued.
- e) Approval by Jurisdictions. If the property in question is not served by public water and sewer, or requires an extension or modification of public water and sewer, or otherwise falls within the jurisdiction of any

other official authority, a Zoning Permit shall not be issued by the Zoning Inspector until the Applicant obtains approval from those jurisdictions, including those with authority over water systems and sewage disposal systems, the Clark County, Ohio Combined Health District, the Ohio Environmental Protection Agency, or any other jurisdiction that has authority, including obtaining a Variance for the extension of utilities.

f) The Applicant is responsible for all costs related to compliance with the Zoning Permit, including but not limited to water and sewer requirements, and one hundred (100) percent of the costs to extend existing Village water, sewer and utilities to the Applicant's property.

2) In the case of denial, the Zoning Inspector shall state on the returned plans the specific reasons for denial.

(D) Submission to the Director of the Department of Transportation.

1) Before any Zoning Permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio or United States Department of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give written notice, to the Directors of the Ohio and/or the United States Department of Transportation.

2) The Zoning Inspector shall not issue a zoning Permit for one hundred twenty (120) days from the date the notice is mailed to the Director of the Ohio Department of Transportation. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that they shall proceed to

acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning Permit.

- 3) If the Director of the Ohio or the United States Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, the Zoning Inspector shall, if the Application is in conformance with all provision of this Zoning Code, issue the Zoning Permit in conformance with the provisions of this Subsection.

(E) Record of Zoning Permit. A record of all Zoning Permits and Applications shall be kept on file in the office of the Zoning Inspector.

(F) Expiration of Zoning Permit. If the work described in any Zoning Permit has not begun within one (1) year from the date of issuance thereof, or has not been completed within two (2) years from the date the Zoning Permit was issued, the Permit shall expire. It shall be revoked as expired by the Zoning Inspector, and written notice thereof shall be given to the Applicant, together with notice that further work as described in the expired Permit shall not proceed unless and until a new Zoning Permit has been obtained or an extension is granted by the Zoning Inspector.

(G) Certificate of Zoning Compliance.

- 1) Certificate of Zoning Compliance Required. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure pursuant to a Zoning Permit until a Certificate of Zoning Compliance is issued by the Zoning Inspector stating that the development activity, as completed, conforms to the requirements of this Zoning Code.

- 2) Compliance with Building Regulations. In those cases where the development activity requires compliance with the Clark County, Ohio, Building Code, the Certificate of Zoning Compliance shall not be issued until a Certificate of Occupancy has been issued.

- 3) Record of Certificate of Zoning Compliance. The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance, and a copy of any individual Certificate shall be furnished by the Zoning Inspector to the Applicant.

(H) Fees and Penalties.

- 1) Schedule of fees, charges and expenses. The Village Council shall establish, by separate Ordinance, a schedule of fees, charges and expenses, and a collection procedure, for Zoning Certificates or Certificates of Zoning Compliance, Appeals, Variances, Conditional Uses, Nonconforming Uses, and other matters pertaining to this Zoning Code. The schedule of fees shall be posted in the office of the Clerk or Fiscal Officer of the Village, and may be altered or amended only by the Village Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any Application.

(I) Violation.

- 1) Failure to obtain a Zoning Permit, Certificate of Zoning Compliance, or other Permit. Failure to obtain a Zoning Permit, Certificate of Zoning Compliance or other Permit as required by specific sections of this Zoning Code shall be deemed a violation and punishable under subsection (L) of this Section, together with such fines as enacted by the Village Council.
- 2) Construction and Use as Provided in Applications, Plans, Permits and Certificates. Zoning Permits or Certificates of Zoning Compliance issued on the basis of plans and Applications approved by the Zoning Inspector authorize only the Use and arrangement set forth in such approved plans and Applications or approved Amendments thereto. Any Use, arrangement or construction not in conformance with what has been authorized shall be deemed a violation of this Zoning Code, and punishable as provided in Subsection (L) of this Section, together with such fines as enacted by the Village Council.

- 3) Complaints Regarding Violations. Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record such complaint, and investigate and take such appropriate action thereon as may be necessary and provided for by this Zoning Code.

(K) Void Zoning Permit.

- 1) A Zoning Permit shall be void if any of the following conditions exist:
 - a) The Zoning Permit was issued contrary to the provisions of this Zoning Code by the Zoning Inspector; or
 - b) The Zoning Permit was issued based upon a false statement by the Applicant.
- 2) When a Zoning Permit has been declared void for any of the above reasons by the Zoning Inspector, written Notice of its revocation shall be given by certified mail to the Applicant, sent to the address as it appears on the Application. Such Notice shall also include a statement that all work upon or use of the building, structure or land shall cease unless, and until, a new Zoning Permit has been issued. If a new Zoning Permit is denied or not issued, all work on the property must be removed, and the property must be returned to its original condition.

(L) Violations of Zoning Permit.

- 1) Violation of the provisions of this Section or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Section), or other requirements of the Zoning Code, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any requirements thereof, shall receive notice thereof with a deadline for compliance, then, upon

conviction, shall be fined in a manner consistent with the fee and fine schedule approved by the Village Council, and in addition shall pay all costs and expenses involved in the case including reasonable attorneys' fees.

- 2) Each day such violation continues shall be considered a separate offense. The owner of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation, shall each be found guilty of a separate offense and bear the penalties herein provided. Nothing herein contained shall prevent the Village from such other lawful action as is necessary to prevent or remedy any violations.

(M) Penalties as above shall apply unless penalties are defined for specific sections of this chapter, in which case the higher penalties so defined in those sections shall apply.

SECTION V. AMENDMENTS.

- (A) Authority of Village Council. Whenever the public necessity, general welfare or good zoning practice requires, the Village Council may, by Ordinance, after receipt of a recommendation thereon from the Zoning Inspector or the Board of Zoning Appeals, and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Zoning Code, Map, or Amendments thereof.

- (B) Initiation of Zoning Amendments. Amendments to this Zoning Code may be initiated in one of the following ways:
 - 1) By referral of a proposed Amendment by the Zoning Inspector to the Village Council; or
 - 2) By referral of a proposed Amendment by the Board of Zoning Appeals to the Village Council.

- (C) Recommendation by Planning Commission.
 - 1) A proposed Amendment may be transmitted to the Planning Commission for its recommendation.
 - 2) Within thirty (30) calendar days, the Planning Commission shall recommend to Village Council that the Amendment be approved as requested, approved with modifications, or denied.

- (E) Action by Village Council, Public hearing.
 - 1) Before a proposed Amendment may be enacted, the Village Council shall hold a public hearing, and shall give at least thirty (30) calendar days' notice of the time and place thereof, through posting of Notices in the Village. Ordinance No. 7-01-17.
 - 2) If the proposed Amendment intends to remove or redistrict ten or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made by the Clerk of the Village, by first-class mail, at least twenty (20) days before the date of the public hearing, to the owners of property within two hundred (200) feet, contiguous

to, and directly across the street from such parcel or parcels to be rezoned, to the address of such owners appearing on the Clark County Auditor's current tax list.

- 3) The failure of delivery of such notice shall not invalidate such proposed ordinance. If the request for rezoning was initiated by an owner, or a purchaser with an interest in the property, that person or entity shall pay the Clerk of the Village one hundred (100) percent of the cost of such mailing.
- 4) Display of relevant materials. During such thirty (30) days, the text of the proposed Ordinance, together with any relevant maps, plans and reports, shall be on file, for public examination, in the office of the Clerk of the Village.
- 5) Criteria. In reviewing the proposed Amendment and arriving at its decision, the Village Council shall consider the following factors:
 - a) Compatibility of the proposed Amendment with the zoning and use of adjacent land, and with land use/Comprehensive Plans adopted by the Planning Commission
 - b) The effect of the enactment of the proposed Amendment on motor vehicle access, traffic flow, access for fire department (typically WB-40 or larger) emergency and public safety vehicles, storm drainage and public infrastructure in the area; and
 - c) The effect of the enactment of the proposed Amendment upon the public health, safety and general welfare of the adjacent properties and other residents of the Village.
- 6) Action by Village Council. No such Amendment which is in accordance with the recommendation submitted by the Zoning Inspector or the Board of Zoning Appeals shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of the Village Council.

- 7) No such Ordinance which violates, differs from or departs from the recommendation submitted by the Zoning Inspector or the Board of Zoning Appeals shall be enacted unless passed or approved by at least a unanimous vote of the membership of the Village Council.
- 8) Effective date and referendum. Such Amendment enacted by the Village Council shall become effective twenty (20) days after the date of its final enactment, subject to referendum procedures as specified in the Ohio Revised Code.
- 9) Incorporation into Zoning Map. If an Amendment enacted by Village Council or approved by referendum pertains to a change on the official Zoning Map, such change shall be incorporated into the Zoning Map by reference to the Ordinance number and the date of enactment.

SECTION VI. APPEALS AND VARIANCES.

(A) Appeals.

- 1) Appeals concerning interpretation or administration of this Zoning Code, Appeals from denial of a Zoning Permit or conditions placed on approval, Appeals from a decision by the Zoning Inspector, or Appeals concerning a Variance, Conditional Use or Nonconforming Use, may be taken by any owner of property who is adversely affected, or by a governmental officer with authority to do so.
- 2) Such appeal shall be taken within thirty (30) calendar days after the date of the decision appealed from, by filing with the Zoning Inspector a Notice of Appeal specifying the decision of the Zoning Inspector from which the Appeal is being taken. The Zoning Inspector may request consultation with the Planning Commission before transmitting the Notice of Appeal, together with the Planning Commission's recommendation, to the Village Council sitting as the Board of Zoning Appeals, within thirty (30) calendar days after the Notice of Appeal is delivered to the Zoning Inspector.

(B) Powers of the Planning Commission.

- 1) Upon request by the Zoning Inspector, the Planning Commission shall meet to review any Zoning Permit Application, Appeal, question regarding a Nonconforming Use or Conditional/Similar Use, or Request for a Variance and to provide recommendations before the Zoning Inspector takes action on the Application.

(C) Powers of the Board of Zoning Appeals.

- 1) Powers of the Board of Zoning Appeals. After a decision is made by the Zoning Inspector, the Board of Zoning Appeals shall decide all Appeals including those regarding denials of Permit Applications, Nonconforming Uses or Conditional/Similar Uses or Requests for a Variance.

- 2) Under no circumstances shall the Board of Zoning Appeals grant an Appeal or Variance that would allow a use which is not permissible under this Zoning Code in the district involved, or any Use expressly or by implication prohibited by the terms of this Zoning Code. An Appeal or Variance may allow the continuance of a Nonconforming Use, but shall not declare that Use to be Conforming.

(D) Application for Variance.

- 1) Variances shall be granted only in cases of exceptional conditions, including exceptional physical conditions of the land, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved.
- 2) No Variance that differs from strict application of any provision of this Zoning Code shall be granted by the Board of Zoning Appeals unless the Board finds that all the following facts and conditions exist:
 - a) There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions specific to the land or building for which the Variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located;
 - b) Because of such physical circumstances or conditions, the authorization of a Variance is necessary to enable the reasonable use of the property;
 - c) Such unreasonable and unnecessary hardship has not been created by the Applicant;
 - d) The Variance, if allowed, will not alter the essential character of the neighborhood or

district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;

- e) The Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible of the regulation in issue; and
- f) In the case of a Nonconforming Use, the Variance is necessary to keep a house safe for human habitation, with heat during winter and served with Village water and sewer if it was so served before the enactment of this Zoning Code.

(E) Appeals.

- 1) Any owner or Applicant, after being denied a Zoning Permit, Conditional Use Permit, Variance, or other zoning decision, may file an Appeal from the decision of the Zoning Inspector as set forth in subsection (A), above. An Application for an Appeal shall be filed with the Zoning Inspector on a form supplied for that purpose. The Zoning Inspector may, in their sole discretion, forward a copy of the Appeal for comments from the Planning Commission.
- 2) The Application for an Appeal shall contain the following information:
 - a) Name, address, email address and phone number of the Applicant;
 - b) Legal description of property as recorded in the Clark County, Ohio Recorder's office;
 - c) A map or drawing to scale, showing the dimensions of the lot and any existing and proposed building or Accessory Use or construction;
 - d) The names and addresses of all property owners within two hundred (200) feet, contiguous to

and directly across the street from the property, as appearing on the Clark County, Ohio Auditor's current tax list;

- e) Each Application for an Appeal shall refer to the specific provisions of this Zoning Code which apply; and
- f) A narrative statement explaining the following:
 - i. The use for which Appeal is sought;
 - ii. Details of the Appeal that is applied for and the grounds on which it is claimed that the Appeal should be granted, as the case may be; and
 - iii. The specific reasons why the Appeal is justified.

(F) Public Hearing by the Board of Zoning Appeals.

- 1) Prior to making a decision on the proposed Appeal, the Board of Zoning Appeals may decide to hold a public hearing for consideration of the Appeal. The Board of Zoning Appeals at its regular public meeting may entertain a motion to decide the Appeal without a public hearing, as long as the motion is passed by a majority vote, declaring that a hearing is not needed in the specific case being considered.
- 2) If a hearing is held, Notice of the hearing shall be given by posting a Notice of the hearing in the Village pursuant to Village of South Vienna, Ohio Ordinance No. 7-01-17, at least thirty (30) days before the date of the hearing. The Notice shall set forth the date, time and place of the public hearing, and the nature of the proposed Appeal.
- 3) Before holding a public hearing, written Notice of such hearing shall also be mailed by the Clerk of the Village, by first-class mail, to all parties of interest, at least twenty (20) days before the day of the hearing. Parties of interest shall include owners of property within two hundred (200) feet from, contiguous to, and directly across the street from the property or Use being considered.

- 4) The Notice that is mailed shall set forth the date, time and place of the public hearing, and the nature of the proposed Appeal. Failure of delivery of such Notice shall not invalidate the decision of the Board of Zoning Appeals. The cost of mailing shall be paid by the Applicant in full before the Notices are mailed. Any delay in the payment may result in a corresponding delay in the hearing.
- 5) Supplementary Conditions and Safeguards. In granting any Appeal, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the Appeal is granted, shall be deemed a violation of this Zoning Code and punishable under Section IV, Enforcement and Penalty.

(G) Action by Board of Zoning Appeals. Within thirty (30) days after receipt of the Appeal, or within fourteen (14) days after a public hearing is held by the Board of Zoning Appeals, whichever is longer, the Board of Zoning Appeals shall approve, approve with supplementary conditions, or deny the request for Appeal or Variance. If the Application is approved, or approved with supplementary conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the Application make possible a reasonable use of the land, building or structure and justify the granting of the Appeal or Variance. If the request for Appeal or Variance is denied, the reasons for such denial shall be noted in writing. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the Applicant by first class mail, or deliver it in person.

(H) Appeals. After action is taken by the Board of Zoning Appeals, the Applicant may seek relief from the Village Council. Such appeal must be filed within thirty (30) days from the date of the decision by the Board of Zoning Appeals. A copy of the Notice of Appeal shall be served on the Clerk of the Village by the aggrieved party concurrent with the Appeal. The Village Council shall act on the Appeal within thirty (30) days or at its next regularly-scheduled meeting, whichever is longer. The Applicant

thereafter may seek relief through the Clark County, Ohio, Court of Common Pleas, as set forth in the Ohio Revised Code. A copy of the Notice of Appeal shall be served on the Clerk of the Village by the aggrieved party concurrent with that Appeal.

SECTION VII. CONDITIONAL USES.

(A) Purpose. Under some circumstances, a use which more intensely affects an area than those uses Permitted in the zoning district in which it is located may nonetheless be desirable and compatible with Permitted Uses, if that use is properly controlled and regulated. Such uses shall be listed as Conditional Uses within the respective zoning districts. The Zoning Inspector may allow such a Conditional Use to be established where such circumstances exist and where the Conditional Use will be consistent with the general purpose and intent of this Zoning Code.

(B) Application for Conditional Use.

- 1) Any owner may file an Application to use their property for one of the Conditional Uses provided for by this Zoning Code in the zoning district in which the property is situated. An Application for a Conditional Use shall be filed with the Zoning Inspector.
- 2) The Application shall contain the following information:
 - a) Name, address, email address and phone number of Applicant;
 - b) Legal description of the property as recorded in the County Recorder's office;
 - c) Present zoning district;
 - d) Description of the proposed Use;
 - e) A plan of the site for the proposed Conditional Use showing the location of buildings, accessory buildings, utilities, parking and loading areas and such other information as the Zoning Inspector may require to determine if the proposed Conditional Use meets the intent and requirements of this Zoning Code;
 - f) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes,

traffic, stormwater of other drainage, and vibration on such property; and a discussion of the general compatibility of the proposed Use with adjacent and other properties in the area; and

- g) Such other information regarding the property as may be pertinent to the deliberations of the Zoning Inspector.

(C) General Criteria for Conditional Use. The Zoning Inspector shall not approve a Conditional Use unless they find that such Use at the proposed location meets all of the following requirements:

- 1) The use will be consistent and in accordance with the specific conditions in the district regulations where the Conditional Use is listed, as well as the general objectives of this Zoning Code;
- 2) The use will not change the essential character of the same area;
- 3) The use will not be a threat to the health and/or safety to existing or future neighboring uses;
- 4) The use can be served adequately and efficiently by essential public utilities and facilities;
- 5) Vehicular access to the property will be provided in such a manner so as to not create adverse impacts on traffic on surrounding public streets or roads;
- 6) The use will not impose objectionable levels of noise, smoke, dust, odor, fumes, vibration or glare upon nearby uses; and
- 7) Supplementary Conditions. In granting any Conditional Use, the Zoning Inspector may prescribe reasonable conditions and safeguards in conformance with the purposes and intent of this Zoning Code, including studies, surveys, provisions for stormwater drainage, traffic, and any other study the Zoning Inspector deems helpful.

(D) Powers of the Board of Zoning Appeals.

- 1) The Board of Zoning Appeals shall decide all Appeals from a denial of a Conditional Use by the Zoning Inspector; and
- 2) No Conditional Use that differs from the application of any provision of this Zoning Code shall be granted by the Board of Zoning Appeals.

(E) Appeals from Denial of a Conditional Use.

- 1) Appeals from the Zoning Inspector's denial of a Conditional Use shall be taken within thirty (30) calendar days after the date of the decision, by filing with the Zoning Inspector a Notice of Appeal specifying the decision of the Zoning Inspector from which the appeal is being taken.
- 2) The Zoning Inspector may consult with the Planning Commission before transmitting the Notice of Appeal with the Zoning Inspector's recommendation to the Village Council sitting as the Board of Zoning Appeals.
- 3) The Zoning Inspector shall deliver the Notice of Appeal with their recommendation to the Board of Zoning Appeals within thirty (30) calendar days after the Notice of Appeal is delivered to the Zoning Inspector.
- 4) If the Board of Zoning Appeals denies the Appeal, the Applicant may seek relief from the Village Council. Appeal to the Village Council must be filed within thirty (30) days from the date of the decision by the Board of Zoning Appeals. A copy of the Notice of Appeal shall be served on the Clerk of the Village by the Applicant concurrent with the Appeal.
- 5) The Village Council shall act on the Appeal within thirty (30) calendar days or at its next regularly scheduled meeting, whichever is longer. The Applicant thereafter may seek relief through the

Clark County, Ohio, Court of Common Pleas, as set forth in the Ohio Revised Code. A copy of the Notice of Appeal shall be served on the Clerk of the Village by the aggrieved party concurrent with that Appeal.

(G) Expiration and Revocation of Zoning Permit Issued Under Conditional Use Provisions.

- 1) The approval of the Zoning Permit issued in accordance with Subsections (C) and (D) above shall become null and void if such use is not carried out within one (1) year after date of approval and completed within two (2) years after the date of approval; provided however, the Zoning Inspector may grant a single extension of a Conditional Zoning Permit for a period of six (6) months, upon review of a request by the Applicant for such extension.
- 2) The Board of Zoning Appeals may revoke the Conditional Zoning Permit upon written evidence by the Zoning Inspector of violation of the Zoning Code and/or written terms and conditions upon which approval was based.

SECTION VIII. NONCONFORMING USES.

(A) Intent. Within the districts established by this Zoning Code, or Amendments hereinafter enacted, there may exist lots, structures and/or uses of land which were lawful before this Zoning Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Zoning Code or future Amendments. It is the intent of this Section to permit such nonconformities to continue until they are removed or abandoned, but not necessarily to encourage their survival.

(B) When Permitted.

1) Existing land or buildings. Any use of land or buildings existing on the effective date of this Zoning Code may be continued, even though such use does not conform to the provisions herein, so long as such use was in conformity with the zoning ordinance which was in effect at the time that the Use or structure was established. No nonconforming building, structure or Use shall be moved, extended, enlarged, reconstructed or structurally altered, except as specifically provided in this Zoning Code.

2) Construction commenced. Any property purchased or acquired in good faith for any Nonconforming Use prior to the enactment of this Zoning Code, upon which property the work of changing, remodeling or construction of such Nonconforming Use has been legally commenced at the time of enactment of this Zoning Code, may be used for the Nonconforming Use for which such purchase, changing, remodeling or construction was undertaken, provided that such work is completed within two years from the date of enactment of this Zoning Code or Amendment thereto making said Use Nonconforming.

(C) Substitution.

1) The Zoning Inspector shall allow the Nonconforming Use of a Use, building or structure to be changed to another Nonconforming Use of the same or of a more restricted classification, provided no structural alterations except those required by law or ordinance are made, on Application by the owner of the property.

(D) Extension. No Nonconforming Use shall be enlarged, extended, reconstructed or structurally altered, except as follows.

- 1) The Zoning Inspector may Permit, on a once only basis, a Nonconforming building or Use to be enlarged to an extent not exceeding fifty (50) percent of the ground floor area of the Nonconforming building or Use existing at the time of enactment of this Zoning Code, provided the enlargement is consistent with the yard depth and width, and the bulk requirements for the district it is in.
- 2) The Zoning Inspector shall not authorize an enlargement which would result in a violation of the provisions of this Zoning Code with respect to any adjoining premises, or which would occupy ground space required for meeting the yard, bulk, or other requirements of this Zoning Code.
- 3) No Nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and bulk designs are made to conform to this Zoning Code and all of the regulations of the district in which such building, structure, or use is to be located.
- 4) Any residential structure which is Nonconforming due to the fact of its being in a nonresidential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate district where residences are a principal Permitted Use.

(E) Discontinuance/Abandonment.

- 1) A Nonconforming Use which has been discontinued or abandoned shall not thereafter be returned to a Nonconforming Use.
- 2) A Nonconforming Use shall be considered discontinued or abandoned whenever any one of the following conditions exist:

- a) When the Use has been voluntarily abandoned or discontinued for a period of one year; or
- b) When the Nonconforming Use has been replaced by a Conforming Use.

(F) Damage and/or Destruction of a Nonconforming Building or Use.

- 1) When a Nonconforming building or Use is damaged by fire, explosion, or act of God, it may be restored or rebuilt and continued in such Nonconforming status, provided that the following conditions are met:
 - a) The restoration or rebuilding is commenced within six months of the time of damage, and construction is completed within one (1) year; and,
 - b) The damaged or destroyed building was not located in such a manner so as to encroach or intrude on adjacent property or violate setback and bulk requirements under this Zoning Code.
- 2) If any part of the damaged or destroyed building encroaches or intrudes on adjacent property, the location of the restored or rebuilt structure is subject to approval by the Zoning Inspector. If the restoration or rebuilding of the structure involves extension or expansion of the use, then the provisions of Subsection (D) above shall apply.

(G) Maintenance and Repair.

- 1) Nothing in this Zoning Code shall be deemed to prevent normal maintenance and repair of a building or structure containing a Nonconforming Use.
- 2) Structural alterations may be made to a building or structure containing a Nonconforming Use as follows:

- a) When required by law;
- b) To convert to a Conforming Use, thereby abandoning and discontinuing the Nonconforming Use; and,
- c) A building or structure containing residential Nonconforming Uses may be so altered as to improve interior livability. However, no structural alterations shall be made which would violate this Zoning Code, exceed its area or height requirements, or which would extend into any yard allowance required in the district in which such building is located.

(H) Nonconforming Lots of Record. In any district where residences are permitted, a one-family detached dwelling may be erected on any lot of official record on the effective date of this Zoning Code, even though such lot or dwelling does not comply with this Zoning Code, so long as the construction begins no later than the date this Zoning Code is enacted and is completed within one (1) year; the lot has a minimum of forty (40) feet frontage on a public street; and provided the following conditions are complied with:

- 1) In any district where dwellings are Permitted, two (2) inches may be deducted from the required minimum width of each side yard and four (4) inches from the required sum of minimum widths of both side yards for each foot that the lot is narrower than the required width for the district. In no case, however, shall any side yard be narrower than three feet; and,
- 2) For lots having a depth of less than one hundred (100) feet, the depth of the rear yard shall not be less than twenty (20) feet.

(I) Nonconforming Mobile Homes.

- 1) A nonconforming mobile home, once removed, shall not be relocated on another lot in the Village. A nonconforming mobile home cannot be replaced with another mobile home.

SECTION IX. STANDARD ZONING DISTRICT REGULATIONS.

- (A) 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 established in this Zoning Code and Map, are hereby established and enacted.
- (B) Rules of Application.
- 1) Identification of Uses. Listed Uses are to be defined by their customary name or identification, except as specifically defined or limited in this Zoning Code.
 - 2) 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:
 - i. A Permitted Use may be added to a zoning district by formal Amendment; and
 - ii. An unlisted Use may be determined by the Zoning Inspector to be a Similar Use, pursuant to Subsection (B) (5) below.
 - b) No more than one Permitted Use shall exist on any one zoning lot.
 - 3) 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.
 - 4) 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 affect the use of adjacent lots. The Zoning Inspector shall

consider those criteria when reviewing an Application for a Zoning Permit for a Conditional Use

5) Similar Uses.

- a) 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 to be Similar shall thereafter be considered as a Permitted Use in that district.
- b) 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 Zoning Inspector.
- c) Within thirty (30) days after such submittal, the Zoning Inspector 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 Zoning Inspector shall find that all of the following conditions exist:
 - i. Such Use is not listed as a Permitted or Conditional Use in another zoning district;
 - ii. 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; and,
 - iii. Such Use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare storm drainage 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.

6) Development Standards. Development standards set forth shall be the minimum allowed for Uses Permitted in a district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation or law, the most restrictive standard shall govern.

7) Development, Building Plan, or Subdivision.

a) The Zoning Inspector, in addition to responsibilities under Section X, Zoning Districts, Subsection (B)(7), may require a development plan which shall be prepared with a survey prepared by a registered Surveyor and approved by a licensed Engineer. In such cases, the Applicant shall consult with the Zoning Inspector as to whether a development plan must be submitted with the Application for a Zoning Permit. If the development plan is required, 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, drainage, buffers 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 affect adjacent residential property.

b) The development plan shall be reviewed by the Zoning Inspector and must be approved as a condition for the issuance of a Zoning Permit. In approving a development plan, the Zoning Inspector shall find that the following criteria have been met:

i. The proposed building or use shall have sufficient yard space to provide for adequate parking, landscaping and screening of adjacent residential areas in accordance with this section;

- ii. 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; and,
 - iii. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods.
- 8) Essential Services. Essential services, as defined and specified in Section II, Definitions, shall be Permitted in any and all zoning districts within the Village.

SECTION X. ZONING DISTRICTS. Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the zoning districts as established in this Zoning Code and Map are hereby established and enacted.

(A) Rules of Application.

- 1) Identification of Uses. Uses are to be defined by their customary name or identification, except as specifically defined or limited in the Zoning Code.
- 2) Permitted Uses: Only a Use designated as the Permitted Use in each district shall be allowed as a matter of right in the zoning district, and any Use not so designated shall be prohibited unless:
 - a) A Permitted Use may be added to a zoning district by formal Amendment, in conformance with this Zoning Code and the procedures of the Council of the Village of South Vienna, Ohio.
 - b) An unlisted Use may be determined by the Zoning Inspector to be a Similar Use, pursuant to Subsection (A)(5), below.
 - c) No more than one (1) Permitted Use shall exist on any one zoning lot.
- 3) 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.
- 4) 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 affect the use of adjacent lots. To this end, when the required Zoning Permit is applied for, the Zoning Inspector 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, as set forth in this Zoning Code.

5) Similar Uses.

- a) 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 to be Similar shall thereafter be considered as a Permitted Use in that district.
- b) 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 Zoning Inspector.
- c) Within thirty (30) days after such submittal, the Zoning Inspector 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 Zoning Inspector shall find that all of the following conditions exist:
 - i. Such Use is not listed as a Permitted or Conditional Use in another zoning district;
 - ii. 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; and,
 - iii. Such Use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare storm drainage 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.

(B) Districts Allowed:

1) Low Residential Density.

a) Purpose. The Low Residential Density District is established to Permit low density residential development in the Village.

b) Permitted Uses

i. Single family detached dwellings.

c) Accessory Uses.

i. Private detached garages or carports.

ii. Tool/garden sheds or similar accessory structures.

iii. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

iv. Private swimming pools and similar facilities, for the primary use by occupants of the principal Permitted Use of the property on which the facility is located, subject to the requirements of Subsection XII(B), Additional Standards for Residential Districts.

v. Dishes or other devices for the reception of television signals, provided such device is for the sole use of the occupants of the principal Permitted Use of the property on which the device is located, and such device is not located in any front yard and complies with Section XII(C), Additional Standards for Residential Districts.

d) Minimum Development standards.

i. Lot Area. For each principal Permitted Use, the lot area shall be not less than seventy-five hundredths (0.75) of an acre (approximately 32,670 square feet).

- ii. Minimum Lot Frontage. For each principal Permitted Use, there shall be ninety (90) feet frontage on a dedicated, improved street or highway.
- iii. For each principal Permitted Use, the minimum front yard depth from the right-of-way line shall be eighty (80) feet.
- iv. For each principal Permitted Use, the minimum lot width shall be ninety (90) feet. The minimum lot width on curved street shall be sixty (60) feet.
- v. Minimum side yard width. For each principal Use, there shall be a minimum side width of twelve (12) feet measured from each side of the principal Use to the nearest adjoining lot line.
- vi. Minimum sum of side yard widths. For each principal Permitted Use, there shall be a combined minimum side yard width of twenty-four (24) feet.
- vii. For each principal Permitted Use, along each rear lot line for each parcel there shall be a minimum of ninety (90) feet between the principal Permitted Use and the rear lot line.
- viii. Maximum building height. For each principal Permitted Use, there shall be a thirty-five (35) feet maximum ridge height, with a maximum eave height of twenty-four (24) feet. The height distance shall be the distance measured from grade level vertically to the highest point of the ridge or eave.
- ix. Maximum Bulk. Each principal Permitted Use together with all Accessory Uses shall not cover more than thirty percent (30) of the net area of the lot or parcel, not including a swimming pool.

3) Medium Residential Density:

- a) Purpose. The Medium Residential Density District is established to permit medium density residential development in the Village.
- b) Permitted Uses.

- i. Single family detached dwellings.
- c) Accessory Uses.
- i. Private detached garages or carports.
 - ii. Tool/garden sheds or similar accessory structures.
 - iii. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.
 - iv. Private swimming pools and similar facilities, for the primary use by occupants of the principal Use of the property on which the facility is located, subject to the requirements of Section XII(B), Additional Standards for Residential Districts.
 - v. Dishes or other devices for the reception of television signals, provided such device is for the sole use of the occupants of the principal Use of the property on which the device is located, and such device is not located in any front yard and complies with Section XII(C), Additional Standards for Residential Districts.
 - vi. Home occupations, subject to the requirements of Section III, General Development Requirements; and,
 - vii. Temporary roadside stands offering for sale agricultural products grown only on the premises.
- d) Minimum Development standards.
- i. Lot Area. For each principal Permitted Use, the lot area shall be not less than 0.52 acre (approximately 22,651 square feet).
 - ii. Minimum Lot Frontage. For each principal Permitted Use, there shall be ninety (90) feet frontage on a dedicated, improved street or highway.
 - iii. Minimum Front Yard Depth. For each principal Permitted Use, the minimum front

yard depth from the right-of-way line shall be eighty (80) feet from the street right of way.

- iv. Minimum Side Yard Width. For each principal Permitted Use, the minimum side yard, measured from the side of the Permitted Use closest to the nearest lot line, shall be twelve (12) feet.
- v. Minimum Sum of Side Yard Widths. For each principal Permitted Use, the sum of the side yard widths shall be no less than twenty-four (24) feet.
- vi. Minimum Rear Yard Depth. For each principal Permitted Use, along each rear lot line for each parcel there shall be a minimum of ninety (90) feet between the principal Permitted Use and the rear lot line.
- vii. Maximum Building Height. For each principal Permitted Use, there shall be a thirty-five (35) feet maximum ridge height, with a maximum eave height of twenty-four (24) feet. The height distance shall be the distance measured from grade level vertically to the highest point of the ridge or eave.
- viii. Maximum Bulk. Each principal Permitted Use together with all Accessory Uses shall not cover more than thirty (30) percent of the net area of the lot or parcel, not including a swimming pool.

4) Village Center Residential Density

- a) Purpose. The Village Center Residential Density District is established to provide for single-family residential development in the Village which reflects the neighborhood character of the areas closer to the center of the Village.
- b) Permitted Uses.
 - i. One/Single family private detached dwellings.

c) Accessory Uses.

- i. Private detached garages or carports;
- ii. Tool/garden sheds or similar accessory structures;
- iii. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work;
- iv. Private swimming pools and similar facilities for the primary Use by occupants of the principal Use of the property on which the facility is located, subject to the requirements of Section XII(B), Additional Standards for Residential Districts;
- v. Dishes or other devices for the reception of television signals, provided such device is for the sole use of the occupants of the principal Use of the property on which the device is located, and such device is not located in any front yard, and complies with Section XII(C), Additional Standards for Residential Districts;
- vi. Home occupations, subject to the requirements of Section III, General Development Requirements; and
- vii. Temporary roadside stands offering for sale agricultural products grown only on the premises.

d) Minimum Development standards.

- i. Lot Area. For each principal Permitted Use, the lot area shall be not less than .28 acre (approximately 12,197 square feet).
- ii. Minimum Lot Frontage. Each principal Permitted Use shall have minimum of thirty-six (36) feet frontage on a dedicated, improved street or highway.
- iii. Minimum Front Yard Depth. For each principal Permitted Use, the minimum front yard depth shall be twenty-five (25) feet from right-of-way line.

- iv. Minimum Side Yard Width. For each principal Permitted Use, the minimum side yard, measured from the side of the Permitted Use closest to the nearest lot line, shall be five (5) feet.
- v. Minimum Sum of Side Yard Widths. For each principal Permitted Use, the sum of the side yards shall not be less than ten (10) feet.
- vi. Minimum Rear Yard Depth. For each principal Permitted Use, the rear yard along each rear lot line shall not be less than thirty (30) feet deep.
- vii. Maximum Building Height. For each principal Permitted Use, there shall be a thirty-five (35) feet maximum ridge height, with a maximum eave height of twenty-four (24) feet. The height distance shall be the distance measured from grade level vertically to the highest point of the ridge or eave.
- viii. Maximum Bulk. Each principal Permitted Use together with all Accessory Uses shall not cover more than twenty percent (20%) of the net area of the lot or parcel, not including a swimming pool.

5) Agricultural District

- a) Purpose: This district is established to provide for agricultural activity on large tracts and areas of open land. Agricultural Use means the use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and any necessary Accessory Uses, including structures typically associated with the implementation of farming operations.
- b) Permitted Uses.
 - i. Single family dwelling.
- c) Accessory Uses.
 - i. A private garage or parking space.

- ii. Roadside stands, offering for sale agricultural products grown only on the premises.
 - iii. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
 - iv. Agricultural and the usual associated agricultural buildings and structures, provided that any building in which animals are housed shall be a distance of at least one hundred (100) feet from any dwelling or any lot in any other district.
- d) Conditional Uses.
- i. Stable, kennel, or animal boarding facility.
- c) Prohibited Uses.
- i. Displaying billboards or signs, except signs identifying the property which are a maximum of forty-eight (48) square inches in size.
- d) Minimum Development Standards.
- i. Lot Area: For each principal Permitted Use, the lot area shall not be less than one (1) acre. The yard and frontage depths notwithstanding, the areas used by animals shall be a minimum of one hundred (100) feet from any dwelling or lot line.
 - ii. Minimum Lot Frontage: For each principal Permitted Use, there shall be hundred fifty (150) feet frontage on a dedicated, improved street or highway.
 - iii. Minimum Front Yard Depth (from right-of-way line): For each principal Permitted Use, the minimum front yard depth shall be fifty (50) feet.
 - iv. Minimum Side Yard Width: For each principal Permitted Use there shall be a minimum of twenty (20) feet measured from

- the side of the principal Permitted Use to the nearest lot line.
- v. Minimum Sum of Side Yard Widths: For each principal Permitted Use the side yards together shall measure a minimum of forty (40) feet.
 - vi. Minimum Rear Yard Depth: For each principal Permitted Use, the rear yard along each rear lot line shall not be less than twenty (20) feet.
 - vii. Maximum Building Height: For each principal Permitted Use, there shall be a thirty-five (35) feet maximum ridge height, with a maximum eave height of twenty-four (24) feet. The height distance shall be the distance measured from grade level vertically to the highest point of the ridge or eave. Silos or any other structures 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.
 - viii. Maximum Bulk. Each principal Permitted single family dwelling shall not cover more than twenty (20) percent of the net area of the first acre of the lot or parcel.

6) Industrial District.

- a) 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.
- b) Permitted Uses within the Industrial District shall comply with the following minimum standards:
 - i. Fire and Explosion Standards. All activities, including storage, involving flammable or explosive material shall comply with regulations as enforced by the Ohio State Fire Marshal. All

- standards enforced by the Occupational Safety and Health Administration and the Clark County, Ohio Combined Health District shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency (OEPA).
- ii. Air pollution. No emission of air pollutants shall be Permitted which violates the Clean Air Act, 33 U.S.C. §§ 1251 et seq., as enforced by the Ohio EPA.
 - iii. Welding is a Permitted Use but it shall be performed within an enclosed building and not be visible beyond the lot line bounding the property whereon the Use is conducted.
 - iv. Liquid or solid wastes. Discharge at any point into any public sewer, private sewage disposal system, stream, drainage or waterway, or onto the ground, of any materials of such nature or temperature as may contaminate any water supply, land quality, or interfere with bacterial processes in sewage treatment is absolutely prohibited. The standards of the Ohio EPA shall apply.
 - v. Vibration and Noise. No Uses shall be located and no equipment shall be installed which produce vibration which is discernable without instruments at or beyond the property line of the subject premises. Noise standards of the Ohio EPA shall be adhered to.
 - vi. Odors. The applicable standards of the Ohio EPA shall be adhered to. Odors shall not be discernible at the property line of the subject property.
 - vii. 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 screened from all adjoining properties by means of walls, fences or plantings. Walls or fences shall be a minimum of six (6) feet in height, or

higher depending on the height of the material being screened, without advertising or printing 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 six (6) feet in height at the time of planting, or higher, may be substituted depending on the height of the material being screened.

c) Permitted Uses.

- i. The following Uses shall be considered "Light" as opposed to "Heavy" Industrial Uses: manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products; warehousing, wholesale establishments, manufacturing retail outlets, distribution and related Uses;
- ii. Administrative, professional and business offices associated with and incidental to another Permitted Use; and
- iii. Similar Uses, as determined by the Zoning Inspector, in accordance with the purpose of the Industrial District.

d) Minimum development standards.

- i. Lot Area: For each principal Permitted Use, the lot area shall not be less than one (1) acre. All principal and subordinate Uses and structures, including parking and paved areas, shall be located not less than one hundred (100) feet from any adjoining parcel or district
- ii. Minimum Lot Frontage: For each principal Permitted Use, there shall be a minimum of one hundred fifty (150) feet frontage on a dedicated, improved street or highway. Every Use in the Industrial District, and every Industrial Use in any other District, shall have adequate

frontage designed to be sufficient to allow vehicles and trucks of any size to enter, use, and exit the property without any interference with traffic on the street or highway.

- iii. Minimum Front Yard Depth (from right-of-way line): For each principal Permitted Use, the minimum front yard depth shall be one hundred (100) feet.
- iv. Minimum Side Yard Width: For each principal Permitted Use there shall be a minimum of fifty (50) feet measured from the side of the principal Permitted Use to the nearest lot line. Any structure or parking area must be located not less than one hundred (100) feet from the right-of-way of the street or highway on which the Use has frontage.
- v. Minimum Sum of Side Yard Widths: For each principal Permitted Use the side yards together shall measure a minimum of one hundred (100) feet.
- vi. Minimum Rear Yard Depth: For each principal Permitted Use, the rear yard along each rear lot line shall not be less than fifty (50) feet.
- vii. Maximum Building Height: For each principal Permitted Use, there shall be a thirty-five (35) feet maximum ridge height, with a maximum eave height of twenty-four (24) feet. The height distance shall be the distance measured from grade level vertically to the highest point of the ridge or eave.
- viii. Maximum Bulk. Each principal Permitted Use shall not cover more than forty (40) percent of the net area of the first acre of the lot or parcel.
- ix. 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.

6) Small Business District.

- a) Purpose. The Small Business District is established to provide an area for small

commercial establishments to be grouped together to create a walkable downtown Village Center small business shopping and office area.

b) Permitted Uses.

- i. Small business or commercial establishments such as small groceries for food and food products, bakeries, shops that serve breakfast and lunch, restaurants, business services, other small shops and offices, drug stores, personal services such as salons, retail shops selling merchandise for personal or household consumption including florists, gifts, magazines and books, optical goods, jewelry, antiques, clothing or accessories, administrative and business offices not carrying on retail trade with the public and having no goods maintained for sale, such as insurance and real estate agents and brokers, professional medical, dental, legal, accounting, auditing and bookkeeping, engineering and architectural services, and financial advisors, none of which involve drive-through services.
- ii. Community facilities such as governmental offices, post offices, libraries, museums, and public parking.
- iii. Similar Uses which conform to the purpose of the Small Business District.

c) Accessory Uses.

- i. Private detached garages or carports.

d) Development standards.

- i. Lot Area. For each principal Permitted Use, the lot area shall be not less than .28 acre (approximately 12,197 square feet).
- ii. Minimum Lot Frontage. Each principal Permitted Use shall have thirty-six (36)

- feet of frontage on a dedicated, improved street or highway.
- iii. Minimum Front Yard Depth (from right-of-way line). For each principal Permitted Use, the minimum front yard depth shall be twenty-five (25) feet.
 - iv. Minimum Side Yard Width. For each principal Permitted Use, the minimum side yard, measured from the side of the Permitted Use closest to the nearest lot line, shall be five (5) feet.
 - v. Minimum Sum of Side Yard Widths. For each principal Permitted Use, the sum of the side yards shall not be less than ten (10) feet.
 - vi. Minimum Rear Yard Depth. For each principal Permitted Use, the rear yard along each rear lot line shall not be less than thirty (30) feet deep measured from the principal Permitted Use to the rear lot line.
 - vii. Maximum Building Height. For each principal Permitted Use, there shall be a thirty-five (35) feet maximum ridge height, with a maximum eave height of twenty-four (24) feet. The height distance shall be the distance measured from grade level vertically to the highest point of the ridge or eave.
 - viii. Maximum Bulk. Each principal Permitted Use together with all Accessory Uses shall not cover more than twenty (20) percent of the net area of the lot or parcel.
- e) All parking in the Small Business District shall be located in side yards, rear yards, or on the street, as determined by the Zoning Inspector based on the property.
- f) Existing residences within the Small Business District may be converted to a Use permitted within the District provided the structures maintain the appearance of a single-family residence and are compatible with the surrounding buildings in size and scale, have

lighting that is limited to those types customarily found in residential neighborhoods that does not shine on adjacent properties, have signage limited to a single nameplate not more than two (2) square feet in size with no internal illumination, have no material or equipment stored outside an enclosed building, and have all parking located in the rear yard.

7) Subdivisions.

- a) All subdivisions proposed to be developed in the village shall comply with the planned development and subdivision zoning, ordinances and requirements of Clark County, Ohio, incorporated by this reference as if set forth fully into the Zoning Code of the Village of South Vienna, Ohio.
- b) If the Village of South Vienna, Ohio Zoning Code and the planned development and subdivision zoning requirements of Clark County, Ohio are in conflict, the more restrictive of the two shall be followed.

SECTION XI. GENERAL DEVELOPMENT REQUIREMENTS.

(A) Lot Frontage and Width.

- 1) Frontage required. No building, structure or improvement shall be constructed, occupied or altered unless its lot fronts on a publicly dedicated and improved street or thoroughfare within the village. No building, structure or improvement may be landlocked without such access to a publicly dedicated and improved street or thoroughfare.
- 2) Lot width. Lot width shall be measured along the minimum building setback (front yard depth measured from the right-of-way) line for the district within which such lot is located.

(B) Front Yards.

- 1) Front Yard Requirements. All front yard space shall be maintained in accordance with the following provisions.
 - a) Front yards may be landscaped with lawns, shrubbery, trees or other plantings. Such planting(s) and lawns shall be mowed and maintained in a neat and orderly manner, with no areas of overgrown plant material or trash.
 - b) In all districts, driveways may be located in front yards.
- 2) Front Yard Measurements. Front yard depth shall be measured from the right-of-way line of the street or highway to the front line of the principal Permitted Use.
- 3) 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.
- 4) Architectural Features. Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front yard no more than three (3) feet. Lots fronting on more than one street shall provide the required front yard on both

streets. Setbacks for one of the other two sides of the corner lot shall be as required for the rear yard in the district where the lot is located.

(C) Side Yards.

- 1) Measurement. Side yard width shall be measured from the side lot line to the nearest principal Permitted Use.
- 2) Open Porches. In a residential district, an open, uncovered porch or paved terrace may project into a required side yard, if the minimum side yard measurement for the district is maintained to any adjoining lot line.
- 3) Architectural Features. Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a side yard no more than three (3) feet, if the minimum side yard measurement for the district is maintained to any adjoining lot line.

(D) Rear Yards.

- 1) 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.
- 2) Accessory Uses or Structures. Unless otherwise provided, Accessory Uses or structures shall be in a rear yard.
- 3) Open Porches. In a residential district, an open, uncovered porch or paved terrace may project into a required rear yard, if the minimum rear yard measurement for the district is maintained to any adjoining lot line.
- 4) Architectural Features. Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a rear yard no more than three (3) feet, if the minimum rear yard measurement for the district is maintained to any adjoining lot line.

- (E) Height. Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, silos, domes, spires or similar structures, so long as such structures are a minimum distance from any adjoining parcel equal to their height, and 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.
- (F) Cellular Phone Towers. Cellular phone towers and similar structures and antennas for the wireless transmission or amplification of cellular or other wireless communication technology are prohibited in all districts of the Village. Any such towers existing at the time this Zoning Code is enacted shall be considered Nonconforming Uses.
- (G) In all districts, all trash and garbage shall be stored in container systems which are located and enclosed so as to screen them from view. The use of landscaping is allowed to screen containers of trash and garbage from view, so long as it is effective regardless of the season.

SECTION XII. ADDITIONAL STANDARDS FOR RESIDENTIAL DISTRICTS.

(A) Residential Accessory Buildings and/or Structures.

- 1) Accessory Structure or Use means a structure or Use that is subordinate, secondary, incidental to and customary in connection with the principal Permitted building or Use; contributes to the comfort, convenience, or necessity of the principal Use; and is located on the same lot and in the same zoning district as the principal Use.

- 2) Residential accessory structures include detached garages or carports which shall be used solely for storage of vehicles which are licensed, with current plates, and are able to be driven without alterations; tool and garden sheds; swimming pools; and similar facilities. Residential accessory structures are subject to the following additional requirements.
 - a) Not more than two 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 specific approval for a higher accessory building is granted by the Zoning Inspector in order to promote consistency with the architectural character of the other structures on the site and in the zoning district.

 - c) An unattached accessory structure shall be located to the side or rear of the principal structure. Such accessory structure shall be constructed no closer to the side lot line than the side yard requirement of the district in which it is located, and no closer to the rear lot line than the rear yard requirement of the district in which it is located.

 - d) The total area of all Accessory Uses or structures shall not exceed seven hundred and twenty (720) square feet, except for swimming pools, which shall be exempted from these area requirements and regulated in Subsection (B), below.

- e) A porch, a raised porch, or a deck requires a Zoning Permit. Porches, raised porches, and decks are permitted as Accessory Uses to a principal Permitted Use in residential districts only. Porches, raised porches, and decks shall be permitted Accessory Uses if no larger than three hundred (300) square feet in size. Based on the size of the principal Permitted Use and the parcel, a larger porch, raised porch, or deck may be applied for through a Variance.

(B) Private Swimming Pools.

- 1) A Private Swimming Pool as regulated herein, means any pool or open tank, including above-ground and in-ground pools, not located within a completely enclosed building, and containing water deeper than eighteen (18) inches at any point. A private spa or hot tub with a lockable cover shall not be considered a swimming pool subject to the provisions of this section, but shall be subject to any requirements of the Clark County, Ohio Combined Health District, the Clark County, Ohio Building Code, or any other authority.
- 2) No swimming pool, exclusive of portable swimming pools with an area of less than one hundred (100) square feet, shall be allowed in any district unless the following conditions and requirements are complied with. Ordinance No. 10-01-12. If the Clark County, Ohio, Building Code for swimming pools is in any way more restrictive than this Zoning Code, the more restrictive requirement shall be followed.
 - a) The pool is intended to be used solely for the occupants of the principal Permitted 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 or side 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 10% of the area of the lot or parcel, up to a maximum of one thousand (1,000) square feet.
 - d) Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or solid fence constructed out of impenetrable materials such as wood, stone, metal or brick, so as to prevent uncontrolled access. Such wall or fence shall not be less than six (6) feet in height, measured from the highest point of entry to the pool, not including steps into the pool, in compliance with the Clark County, Ohio Building Code and all applicable legal standards, be maintained in good condition, and be affixed with an operable gate and lock which are regularly secured.
 - e) No swimming pool shall be located in any position on a parcel that creates a hazard from overhead cables and wires.
 - f) 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, and shall be directed away from adjacent parcels.
- 3) A zoning Permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his or her agent, shall certify that the pool will be constructed, installed and maintained in full conformance with this Zoning Code, the Clark County, Ohio Building Code, and Ohio and Federal law. The swimming pool shall be completed before the Zoning Permit expires three hundred and sixty-five (365) calendar days after it is issued.

(C) Dish-type Satellite Signal Receiving Antennas.

- 1) The owner or occupant of any lot, premises or parcel of land, who desires to erect a satellite dish in

excess of thirty-nine (39) inches in diameter shall apply to the Zoning Inspector for a Zoning Permit. Satellite dish antennas thirty-nine (39) inches in diameter and smaller shall not require a Zoning Permit for installation but shall adhere to these regulations in so far as they dictate what is permitted or prohibited.

2) On such Application for a Permit, the owner or occupant shall certify that the following requirements are met.

a) Location of Satellite Dish.

- i. Satellite dishes shall be Permitted as an Accessory Use in those zoning districts where they are so specified.
- ii. All satellite dishes shall be constructed or erected to the side or the rear of the premises.
- iii. No satellite dish shall be erected within ten feet of any lot line.
- iv. No satellite dish shall be erected on the roof of any residential building, accessory structure or other structure.
- v. No satellite dish shall be linked to receivers that are not located on the same lot or premises.
- vi. Landscaping should be provided, or the dish shall be located, so as to effectively screen the dish from view of adjacent parcels.

b) Satellite Dish Support Structures.

- i. Galvanized metal supports, or equal thereto, shall be required.
- ii. A concrete base or caissons, depending on soil conditions, shall be required.
- iii. The installed satellite dish structure shall be capable of withstanding a wind speed of up to 85 mph.
- iv. All satellite dishes must be grounded to an eight-foot grounding rod.

(D) Residential Fences and/or Hedges.

- 1) Fence or Wall means any structure composed of wood, metal, stone, brick or other solid material, including hedges and plants (with the exception of swimming pools, which require fences of impenetrable materials such as wood, stone, metal or brick), 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.
- 2) 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, so long as the requirement of enclosure and division is in effect all year around and not only during one season.
- 3) 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 (25) percent.
- 4) No fence or wall, as defined above, may be erected within the village unless the property owner or his or her agent files an Application for a Zoning Permit with the Zoning Inspector. Such Application shall include a drawing of the lot made to scale, 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 or wall 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:
 - i. A decorative fence or wall not enclosing a swimming pool and not exceeding forty-

eight (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 Subsection (D) (5) (a) iii below are met.

- ii. A fence or wall not enclosing a swimming pool and not exceeding sixty (60) inches in height may be erected in any area of the lot behind the building setback line.
- iii. No fence, hedge, landscaping or wall shall be erected on any lot in such a manner so as to obscure the vision of motorists approaching within twenty-five (25) feet of an 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.

(E) Home Occupations.

- 1) Home occupations shall be considered as Permitted or Conditional Uses in specified residential districts.
- 2) 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 no more than fifteen (15) percent of the dwelling unit's main level floor area may be 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 square foot, attached flat against the principal structure.

- e) No physical good or commodity, other than those incidental to the home occupation, 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 parcel.
- g) No home occupation shall be conducted from any accessory building on the lot.

3) Home occupations shall be categorized by the following:

- a) 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.
- b) 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.

(F) Group Residential Facilities.

1) A group residential facility is a community facility, licensed and/or authorized by the State of Ohio and the United States, which provides rehabilitative or habilitative services in a residential setting. A Class I Type B group residential facility is Permitted as a Conditional Use in any zoning district that Permits them as a Conditional Use, subject to the standards below:

- a) The facility shall obtain all approvals and/or licenses as required by federal, state and local laws.

- b) The facility shall provide twenty-four (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 rooms 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 individual responsible or the company responsible, 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.

SECTION XIII. SIGNS.

- (A) 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, and 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.
- (B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- 1) "Banner" means a non-rigid cloth, plastic or canvas sign typically related to a special event or promotion. For the purposes of this definition, "Banner" shall not include official flags of public entities, or civic, philanthropic, educational or religious organizations. A Zoning Permit for a Banner shall be issued by the Zoning Inspector and shall indicate the temporary allowed display of the Banner.
 - 2) "Billboard" means an off-premise sign. Billboards are prohibited in the Village of South Vienna, Ohio. A Billboard in existence at the time this Zoning Code is enacted shall be considered a Nonconforming Use and shall be removed if the business to which it is connected ceases operation for ninety calendar (90) days, or if the Billboard violates any provision in this Zoning Code regarding maintenance and deteriorated condition.
 - 3) "Canopy" means a structure separate from, but associated by use with, the principal Permitted 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 specific location of an institution, organization, or business, which does not include advertising or any information regarding products or services.
- 6) "Flashing Sign" means a sign or graphic which in any manner, in whole or in part, physically changes in light intensity or gives the appearance of such a change.
- 7) "Folding Sign" means a portable, movable sign that is not attached to a structure or the ground. Portable signs include A-frame signs, T-frame signs, and similar signs.
- 8) "Freestanding Sign" means a sign which is wholly independent of any structure for support.
- 9) "Joint Identification Sign" means a sign intended to provide the identity, identities, name or names of 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.
- 10) "Moving Sign" means any sign, all or part of which physically moves or is animated so as to give the appearance of movement.
- 11) "Off-Premises Sign" means any sign that is not located on the property where a good, service, or event it identifies or provides information for is located.
- 12) "Permanent Sign" means a sign intended to be erected or used, or in fact which is used, for a time period in excess of ninety (90) days.
- 13) "Portable Sign" means a sign designed or constructed in such a manner that it can be moved or relocated without any structural or support changes and shall include the following:

- a) "Folding Portable Sign" means a sign constructed of wood or other durable material which can be folded or collapsed for ease of transport.
- b) "Mobile Sign" means a sign used for advertising that is either constructed on a chassis with wheels, or is mounted on a vehicle licensed as a trailer or commonly considered as a trailer.
- 14) "Projecting Sign" means a sign that extends outward perpendicular to the structure to which it is attached.
- 15) "Roof Sign" means any sign erected upon or over the roof of any building in such a manner that any position of the sign extends over the highest point of the roof.
- 16) "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.
- 17) "Temporary Sign" means a sign intended to be used, or in fact used, for a time period of ninety (90) days or less.
- 18) "Vending Machine Sign" means a permanent sign installed by the manufacturer on a fuel pump, vending machine, or similar object, whether indoor or outdoor.
- 19) "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 a structure or building.
- 20) "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.

(C) Zoning Sign Permits.

1) Zoning Permit required. No permanent or temporary sign, except as exempted in Subsection D, below, shall hereafter be erected, constructed or maintained within the Village unless a Permit for the same has been issued by the Zoning Inspector, based upon an Applicant's Sign Permit Application.

2) Contents of Application.

a) Application for a Permit to construct, erect or display a sign shall be made by the owner of the property upon which the sign is proposed to be constructed, erected or displayed, or by his, her, or their agent. The fee for the Application is established by separate Ordinance and is non-refundable.

b) Each Application for a sign Permit shall be made on a form provided by the Zoning Inspector, and shall include the following information:

i. Name, address, email address and telephone number of the Applicant, and the name, address, email address and telephone number for the property owner, if different from the Applicant;

ii. Drawings to 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 for each face shall be provided;

b) The exact location of the sign in relation to the building and property; and

c) The method of illumination, if any.

- iii. Details and specifications for the construction, erection and attachment of the sign;
 - iv. Name, address and telephone number of the sign contractor or company;
 - v. The time period for which the sign is to be displayed, if a temporary sign; and
 - vi. Other information as may be required by the Zoning Inspector to ensure compliance with the provisions of this chapter.
- 3) Action on Sign Permit. If the Zoning Inspector determines that the provisions of this Zoning Code have been met, the Zoning Inspector shall issue a Sign Permit upon submittal of a completed Application and payment of applicable fees.
- 4) The fee to process a Sign Permit Application shall be tripled and nonrefundable if the construction or physical alteration for which the Permit is sought was commenced prior to approval of the Application for a Permit. If the Application for a Sign Permit is denied for that reason, the applicant shall be given written Notice of such denial, along with the reasons therefor, and shall be required to pay the tripled fee, and deconstruct and remove the sign no later than a deadline determined by the Zoning Inspector.
- 5) If the Application for a Sign Permit is denied for any reason, the applicant shall be given written Notice of such denial, along with the reasons therefor.
- 6) Appeals. Any decision made by the Zoning Inspector under the terms of this Section may be appealed to the Village Council sitting as the Board of Zoning Appeals, and to the Village Council.
- (D) Signs Excluded from Requirement of a Zoning Permit. The following signs are excluded from requirements of this Section, provided they comply with and are subject to all other provisions of this section:
- 1) Signs not exceeding one square foot in area and bearing only the property numbers, name of the

occupants of the premises or other identification of the premises not having commercial purposes;

- 2) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- 3) Seasonal decorations, except when displayed in connection with commercial promotion;
- 4) Legal notices, identification, informational, or directional signs erected or required by governmental bodies;
- 5) Integral decorative or architectural features of buildings;
- 6) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
- 7) 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 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 tree within the public right-of-way. The use of expletives or curse words is strictly prohibited, and language used on such signs shall not include curse words or be obscene.
- 8) Any 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 Subsection shall require a sign Permit;
- 9) Signs that indicate the sale, development, rental or lease of a particular structure or land area, provided such sign does not exceed 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, and shall be removed no less than one calendar week after the sale, development rental or lease execution is completed;

- 10) Credit card decals, store hour specifications, "open" or "closed" signs or similar signs that do not exceed an aggregate area of two square feet;
- 11) 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 indicated on the sign;
- 12) Signs, which are less than two 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 of a building where more than one tenant is located and which has individual and separate entries;
- 13) 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 or 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;
- 14) 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 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 nor affixed to any public utility pole or street tree;
- 15) Signs promoting community events and programs which last for a time period of 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;

- 16) Signs determined by the Zoning Inspector to be similar to those specified in Subsection (D);
- 17) Signs not exceeding one square foot in area that are customarily associated with residential use and are not of a commercial or political 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; provided, however, signs associated with home occupations shall not be excluded from these regulations;
- 18) 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;
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- 19) 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;
- 20) Signs which are in the nature of cornerstones, commemorative tables and historic designations, provided such signs are less than nine square feet in size and not illuminated;
- 21) Signs clearly in the nature of decorations customarily associated with a national, state, local or religious holiday. Such signs shall not have any illumination or animation, and shall not create a safety and/or visibility hazard; and
- 22) Flags or insignias of any governmental entity when not displayed as an advertising device, or in connection with any commercial, political or other promotion, and provided that not more than two such flags or banners are displayed at any one time.

(E) Prohibited Signs. Signs that are not specifically Permitted in this section shall be prohibited. Without restricting or limiting the generality of the foregoing provision, the following signs are specifically prohibited:

- 1) Billboards;
- 2) Signs mounted on motor vehicles that are parked in a location for the primary purpose of displaying the sign;
- 3) Banners, streamers, pennants and similar air-activated moving signs intended for permanent display;
- 4) Moving signs, as defined in division (B) above;
- 5) Flashing or high intensity lights mounted on a sign;
- 6) Roof signs, as defined in division (B) above;
- 7) Any sign that obstructs any part of a doorway, exit or fire escape;
- 8) Any sign attached or affixed to Village electric poles or other landscape or structures;
- 9) Any sign that contains expletives and/or curse words is strictly prohibited, and language used on all signs shall not be obscene; and
- 10) 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 have any impact on the effectiveness of any traffic control device or signal.

(F) Temporary Signs. Temporary signs shall be subject to the following general requirements.

- 1) Not more than one temporary sign shall be Permitted on any property at one time.
- 2) The date which a temporary sign is first displayed shall be legibly indicated on the sign.

- 3) 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.
- 4) Trailer signs as defined in division (B) above shall be Permitted as temporary signs, provided such signs shall not be displayed for a time period exceeding two weeks during any calendar year.
- 5) Folding Portable Signs, as defined in division (B) above, shall be Permitted as temporary signs in the Small Business District, provided such signs are secured and/or anchored so as to prevent collapse.
- 6) A Folding Portable sign must be in a location that allows safe and accessible pedestrian and vehicular use of the right-of-way. Therefore, a Folding Portable Sign shall be located in front of the building's storefront that provides a public entrance, shall be spaced a minimum of six (6) feet apart from any other portable sign, shall be placed to avoid conflict with parked vehicles and exits from buildings or fire escapes, and shall be placed in a location that provides an accessible, clear path of travel at all times that is not less than six (6) feet wide as measured from the outside edges of the sign to the nearest obstruction (such as a tree, grate, post, bike rack, bench, outdoor café, outdoor merchandise display, sign, etc.).
- 7) A Folding Portable Sign, or any obstruction to pedestrians, shall be easily detectable by cane to warn visually-impaired persons of potential hazards in the path of travel. Sign locations are required to comply with all relevant standards of the Americans with Disabilities Act.

(G) General Sign Requirements - Permanent Signs. Permanent signs shall be subject to the following requirements:

- 1) 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 12 inches.

- 2) Canopy and/or Awning Signs. Signs may be painted on an awning area or attached to a canopy 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 feet above ground level and shall extend outward perpendicular from the building face a maximum of 12 inches.
- 3) Projecting Signs. Projecting signs shall be Permitted in the Small Business District, 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 three (3) feet outward from the building face.
- 4) Freestanding Signs. The location, height and other characteristics of freestanding signs must meet the regulations of this section. No portion of any freestanding sign shall be erected over the street right-of-way.
- 5) Window Signs. Permanent window signs shall be limited to signs denoting the identification of the occupant, and not more than one (1) logo sign may be displayed for the product or service offered. The total of all window signs shall not exceed thirty-three (33) percent of the total area of the window.
- 6) General Requirements.
 - a) Illumination. Illuminated signs shall be Permitted only in the Industrial 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 on any street. 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. In issuing a Sign Permit, the Zoning Inspector has authority to limit the time period(s) that a sign may be illuminated.

- b) Pennants and/or Streamers. No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar items.
- c) 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 Zoning Inspector, Clark County, Ohio, and/or the state.
- d) Location. No part of any sign shall be placed in, over or extend onto any public right-of-way.
- e) 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 be set back at least twenty-five (25) feet from the adjacent street right-of-way.
- f) All signs in the Village shall be kept in a manner consistent with their original appearance, free of dirt, tears or damage, weeds, trash, or overgrown plant material.

(H) Nonconforming Signs.

1) Abandonment.

- a) The continuance of a sign in existence as of the date of the enactment of this Zoning Code

which does not meet the requirements of this Zoning Code shall be deemed a nonconforming sign that shall terminate by abandonment or conversion to a Conforming Use. The following shall be considered by the Zoning Inspector:

- i. When the sign is associated with an Abandoned Use;
 - ii. 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) calendar days. Seasonal businesses are exempt from this requirement;
 - iii. 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; and
 - b) Every sign and the immediately surrounding premises shall be maintained by the owner, or his or her agent, in a clean, sanitary and inoffensive condition, and be free from deterioration and all obnoxious substances, rubbish and weeds.
- b) Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.
- 2) Relocation or Replacement. A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Zoning Code. Should any replacement or relocation occur without being brought into compliance, the sign shall be subject to removal.
 - 3) Maintenance. A nonconforming sign shall be maintained or repaired in accordance with the following provisions.

- a) The size and structural shape of the sign shall not be changed or altered. The words, numbers and designs on the sign 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 Zoning Permit is obtained for the change, provided that the Zoning Permit shall not change the status of the sign to conforming. The words, numbers and designs on the sign shall not be enlarged.
 - b) In case damage occurs to the sign to the extent that more than fifty (50) percent of the replacement value is lost, the sign shall be removed within sixty (60) days. If it is not removed within that time, it shall be subject to removal by the Zoning Inspector and charged back to the owner.
- 4) Inspection and Removal. Upon inspection by the Zoning Inspector, if any existing sign is found to constitute a hazard to public safety, the Zoning Inspector shall order it removed. If the sign is not removed by the owner upon the order of the Zoning Inspector, such sign shall be subject to removal by the Zoning Inspector and charged back to the owner.
- (I) Measurement of Signs. For the purposes of this chapter, the measurement of sign area shall comply with the following standards.
- 1) 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.
 - 2) 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 display faces are joined back-to-back and parallel to each other and not more than twelve (12) inches 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.

- 3) 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.
- 4) 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.
- 5) For structures and Uses having no direct frontage on public roads, as with shopping centers, frontage shall be counted as the measurement of the building line along adjacent drives or parking areas.

(J) Variances. Variances to this section may be granted pursuant to the procedures and policies set forth in Section VI.

(K) Penalties. Any person, firm, corporation, partnership or association violating any provision of this section or failing to obey any lawful order issued pursuant to its terms shall be subject to fines and penalties as specified in a separate Ordinance of the Village Council.

SECTION XIV. OFF-STREET PARKING AND LOADING REQUIREMENTS.

- (A) 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. Reference Ordinances No. 5-2001-3 and No. 04-02-2013.
- (B) 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 or decreased in capacity, there shall be provided off-street parking and loading spaces in accordance with the provisions of this Section, after obtaining a Zoning Permit.
- (C) Parking areas attached to a Nonconforming Use which are themselves Nonconforming shall require a Zoning Permit prior to any change, construction, enlargement, increase or decrease in capacity.
- (D) All parking areas require a Zoning Permit.
- (E) General Specifications and Requirements.
 - 1) Minimum Area and Dimensions - Parking Spaces.
 - a) Parallel parking: Nine (9) feet wide by twenty (20) feet long;
 - b) An angle of thirty (30) to fifty-three (53) degree parking: thirteen (13) feet wide by twenty (20) feet long; and
 - c) An angle of fifty-four (54) to ninety (90) degree parking, ten (10) feet wide by twenty (20) feet long.
 - 2) Minimum Area and Dimensions, loading spaces. Loading spaces shall conform to the following minimum requirements: Length, thirty (30) feet; Width, twelve (12) feet; Height, fifteen (15) feet. There shall be sufficient loading spaces to accommodate all trucks loading or unloading at the same time, and at least one for every twenty thousand (20,000) square feet or fraction thereof

in excess of three thousand (3,000) square feet of building floor area. The delivery, loading and unloading shall be provided and maintained on the same lot with such building or structure sufficient to conduct all truck, semi-tractor, trailer, and all delivery, loading and unloading entirely off of the public street and in such a way as to prevent interference with vehicles traveling on the public streets.

- 3) Minimum 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.
- 4) Surfacing. All off-street parking and loading areas, except for parking areas serving single-family residential Uses, shall be properly graded, drained, and marked and surfaced so as to provide a hard, durable and dustless surface.
- 5) 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 principal Permitted Use. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining street or to cause confusion with any traffic control or lighting.
- 6) Location of parking and loading spaces.
 - a) Proximity to Street Right-of-way.
 - i. In the Small Business District and the Industrial District, no off-street parking space, or portion thereof, shall be located closer than twenty (20) feet from any established street right-of-way line.
 - ii. 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.

- b) Proximity to Use. In all districts except the Small Business District, required parking spaces shall be provided on the same lot as the Use they serve and off of the street.
- c) Joint Provision of Parking Facilities. Two (2) or more buildings or Uses located next to each other on adjoining parcels 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 Subdivision (F) below. 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.

(F) Parking Limitations in Residential Districts.

- 1) Recreational and camping equipment defined as boats, boat trailers, snowmobiles, snowmobile trailers, utility trailers, horse trailers, and other similar equipment, recreational and camping vehicles, recreational and camping vehicles defined as vehicular-type structures primarily designed as temporary living quarters for recreation, camping or travel use which either have their own motor power or are mounted on or drawn by another vehicle which is self-powered, and travel Trailers, motor homes, pick-up campers, folding tent trailers, and similar recreational equipment shall not be parked on streets or alleys in any district where residences are a principal Permitted Use, for a period of time exceeding twelve (12) hours. The Zoning Inspector shall remove equipment found to have been left on streets or alleys beyond the twelve (12) hour limit by engaging a towing company, which shall charge reasonable and standard fees to release and return the equipment to its owner. During the permitted twelve (12) hours, the trailers, motor homes, campers, boats and other recreational equipment shall not interfere with or inconvenience traffic on the street or alley where the recreational equipment is parked.

2) The storage of equipment listed in Subsection (F)(1) 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 zoned for single-family dwellings, with single-family dwellings as the principal permitted use, and shall be located on the property in the back yard, obscured from the front and street. For the purpose of this section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.

c) Recreational equipment shall not be occupied or used for living, sleeping, housekeeping, storage or business purposes.

(G) 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.

1) Schedule of Required Off-Street Use; Number of Required Spaces:

a) Residential: Single family residences, two (2) per dwelling unit. Group Housing, One (1) per three (3) occupants plus Two (2) for each main work shift.

b) Commercial: Professional, administrative and business, One (1) for each four hundred (400) square feet of gross floor area. Food, department, general merchandise, hardware, drugs or other retail sales, one (1) for each two hundred (200) square feet of gross floor area.

- c) Eating or Drinking Establishments Without Drive-Through Facilities: One (1) for each one hundred (100) square feet of gross floor area.
- d) Eating or Drinking Establishments with Drive-Through Facilities: One (1) for each seventy-five (75) square feet of gross floor area plus additional space in the drive-through lanes equal to twenty-five (25) per cent of the required number of parking spaces.
- e) Personal Services, including Banks, Savings, and Loans, and Repair Services without Drive-Through Facilities: One (1) for each two hundred (200) square feet of gross floor area.
- f) Personal Services, Including Banks, Savings, Loans And Similar Services with Drive-Through Facilities: One (1) for each two hundred (200) square feet of gross floor area, plus additional space in drive-through lanes twenty-five (25) per cent of the required number of parking spaces.
- g) Barber and Beauty Shops: Two (2) for each work station.
- h) 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.
- i) Veterinary Clinics, Animal Hospitals: Three (3) for each doctor of veterinary science.
- j) Hotels, Bed and Breakfast Establishments: One (1) for each sleeping room plus One (1) for each employee during the main shift. Funeral homes: One (1) for each four hundred square feet (400) sq. ft. of gross floor area.
- k) Industrial: 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.

- l) Institutional: Churches and places of public worship, one (1) for every four seats in main sanctuary.
- m) Public or Private Elementary or Secondary School: Four (4) for each classroom, or one (1) for each seat in the main auditorium, whichever is greater.
- n) Business, Trade Or Technical School, College or University: One (1) for each two (2) students and one (1) for each faculty member.
- o) Nursery School/Day Care: One (1) for each fifteen (15) students.
- p) Libraries, Museums, Community Centers and Similar Facilities: One (1) for each four hundred (400) square feet of gross floor area.
- q) Civic, Social and Fraternal Organizations: One (1) for each three (3) persons allowed in main meeting room at full capacity.
- r) Hospitals, Nursing Facilities: One (1) for each four (4) beds plus one (1) per employee on main shift.
- s) Recreational: Baseball, softball, football, soccer or similar, twenty (20) for each playfield, plus one (1) for every six (6) seats in stands of an organized sport playfield. Tennis, handball or racquetball courts three (3) for each court. Theaters, stadiums, sports arenas, auditoriums: one (1) for each four (4) seats or other assembly halls other than schools.

(H) Landscaped Parking Areas.

- 1) The provisions of this section shall apply to new development in all zoning districts.

- 2) If the calculation in division (G) above shows that more than thirty (30) parking spaces are required, the Applicant may provide eighty (80) percent of the required spaces, and provide landscaping of the parking area for the remaining twenty (20) percent.
 - a) A perimeter landscape screen shall be provided along the boundary of the parking area. Such landscape screen shall be a minimum of twenty (20) feet in width, and consist of live trees, shrubs and other vegetation not less than three feet in height at full growth. This landscape screen may be located within the parking area setback.
 - b) Landscaping used in meeting these standards shall meet the requirements of Section XV.

SECTION XV. Landscape Screens and Buffers.

(A) Purpose. Pursuant to Ordinance No. 10-02-2012, the purpose of these landscaping requirements is to promote and protect the public health, safety and welfare through the preservation of the environment and 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 of major trees (and replacement of 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.

(B) Tree Preservation.

- 1) Existing Tree Ordinance. Existing and proposed building and development in all zoning districts within the Village is subject to Ordinance 10-02-03 and Ordinance 10-02-12.
- 2) Preservation of Wooded Areas. When preparing and reviewing building and development 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 wooded areas or tree specimens.

(C) Landscape Screening.

- 1) Screening of Uses in Particular Districts. The installation of screening or buffering areas in yards adjacent to districts where single-family residences are principal Permitted Uses is required. 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 feet wide and contain screening at least seven feet in height. The use of year-round vegetation, such as pines or evergreens, is encouraged. Landscaped screening shall have at least seventy-five (75) percent opacity.
- 2) Screening of Trash Receptacles. Trash receptacles are required to be screened to effectively conceal them from view. Ordinance No. 10-02-12.

- 3) 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 owners of property on which shrubbery, hedges or trees are located, shall ensure that it will not impair the vision of drivers on adjacent streets and shall keep the shrubbery and hedges trimmed to a maximum of thirty (30) inches in height, and keep trees trimmed so as to avoid covering or obscuring drivers' or traffic control signals' visibility. Ordinances No. 01-02-04, 10-02-03, 4-2001-3, and 10-02-12.

(D) Landscape Materials Used as Buffers.

- 1) 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. Artificial plants are prohibited.
- 2) 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 intersections where the clear wood requirement shall be a minimum of eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six (6) inches above the ground) of at least two (2) inches immediately after planting shall be required. The use of deciduous trees shall not violate the provision of Subsection (C)(1) above regarding a minimum of seventy-five (75) percent opacity.
 - b) Evergreen trees. Evergreen trees shall be a minimum of three feet high with a minimum caliper of one (1) inch immediately after planting.

- c) Shrubs and Hedges. Shrubs shall be at least two feet in average height when planted.
- d) Grass or Ground Cover. Grass of the Poaceae family shall be planted and grown as permanent lawns, and may be sodded or seeded. Grass shall be maintained and regularly mowed. In swales or similar areas subject to erosion, nets or suitable mulch shall be used; nurse grass shall be sown for immediate protection from erosion until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials described in the Application for a Zoning Permit may be approved.

THIS ZONING ORDINANCE is hereby duly adopted by the Council of the Village of South Vienna, State of Ohio, on October 11, 2022, and shall go into full force and effect at the earliest moment permitted by law.

Passed October 11, 2022

Mayor

President of Council

ATTEST:

Clerk of Council