

830 RESIDENCE "B" DISTRICT

The permitted uses in Residence "B" District are as follows:

- A) Multi-family dwellings
- B) Single-family dwellings
- C) Churches, schools, colleges, administrative buildings owned by the village, township, county, State or Federal Government; public buildings for recreational, cultural or service use
- D) Non-commercial recreation areas, including country clubs, community or private swimming pools
- E) Hospitals and sanitariums, religious and charitable institutions, not including penal or correctional institutions, provided buildings or structures are not located closer than two hundred (200) feet from Residence "A" District dwellings
- F) Off-street parking shall be provided for any use within this District, according to the provisions of this Section and Article 11 of this ordinance
- G) Home Occupations

830.1 ACCESSORY STRUCTURES

Customary accessory buildings shall be permitted. All accessory structures on any lot, with the exception of fences, must be located behind the front building line of the principal structure of said lot.

830.2 GENERAL PROVISIONS

The following provisions are required for all uses in this district. Refer to the specific section (as noted) for each item.

A. MULTIFAMILY RESIDENTIAL USES

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|---|----------------------------|
| 1. Trash Collection Area | Article 10, Section 1006 |
| 2. Setback Requirements at Corner Lots | Article 10, Section 1000.1 |
| 3. Visibility for Corner Lots | Article 10, Section 1010.2 |
| 4. Front Yard Fence and Wall Restrictions | Article 10, Section 1010.3 |
| 5. Nonresidential Buffer Zones | Article 10, Section 1007 |
| 6. Architectural Projections | Article 10, Section 1010.5 |
| 7. Height Regulations | Article 10, Section 1010.6 |
| 8. Lighting Restrictions | Article 10, Section 1020.6 |
| 9. Parking | Article 11 |
| 10. Signage | Article 12 |

B. SINGLE FAMILY RESIDENTIAL USES

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|--|----------------------------|
| 1. Conversion of Dwellings To More Units | Article 10, Section 1001 |
| 2. Home Occupations | Article 10, Section 1003 |
| 3. Private Swimming Pools | Article 10, Section 1002 |
| 4. Temporary Buildings | Article 10, Section 1004 |
| 5. Parking and Storage of Certain Vehicles | Article 10, Section 1005 |
| 6. Visibility for Corner Lots | Article 10, Section 1010.2 |
| 7. Front Yard Fence and Wall Restrictions | Article 10, Section 1010.3 |
| 8. Architectural Projections | Article 10, Section 1010.5 |
| 9. Height Regulations | Article 10, Section 1010.6 |

C. SUPPLEMENTAL PROVISIONS (For Multi-Family Uses)

1. Open Space Requirements: A minimum of twenty (20) percent of the total site area, including landscaped areas, shall be maintained in permanent open space by owner, management or homeowners association.
2. Landscaping Requirements: Landscaping shall be required along the front, side and rear yards in accordance with the requirements of Article 10.
3. Circulation Design, Parking, Lighting, Storm Runoff Control and Signage Requirements: Minimum standards and requirements in accordance with Article 10.
4. Parking Requirements: As required in Article 11.
5. Harmonious Relationship to Neighborhood: The size and location of the tract in relation to surrounding property shall be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood.
6. Location and Arrangement: The location and arrangement of buildings, parking structures and areas, walks lighting and appurtenant facilities shall be adjusted to surrounding land uses, and any part of the site not used for buildings or other structures, or for parking, loading or access ways shall be landscaped with grass, trees and shrubs or pedestrian walks.
7. Preliminary Development Plan: A preliminary site development plan is required and shall show how the requirements set forth in this Section and in Article 10 are to be met satisfactorily.

830.3 AREA AND HEIGHT REGULATIONS for the R-B District

830.3 AREA AND HEIGHT REGULATIONS

The intent of this Section is to permit a maximum efficient development of the available land under the uses permitted in a Residence "B" Zone. Minimum lot sizes apply only when one principle structure is to be constructed on each tract or lot. When multiple principle structures are to be located on one lot, these shall be governed by density (number of units per acre).

- A. LOT REQUIREMENTS, SINGLE FAMILY
 - 1. Minimum Lot Area 8,000 Sq. Ft.
 - 2. Minimum Lot Width 65 Ft.

- B. LOT REQUIREMENTS, MULTI-FAMILY
 - 1. Minimum Lot Area
 - a) Two (2) Units 5,000 Sq. Ft./Unit
 - b) Three (3) Units 4,500 Sq. Ft./Unit
 - c) Four (4) Units 4,000 Sq. Ft./Unit
 - d) Five (5) or More Units 3,700 Sq. Ft./Unit

- C. YARD REQUIREMENTS

No structure or building may be erected or constructed within the public right-of-way.

 - 1. Front (measured from right-of-way) 15 Ft. (New Construction)
Front setbacks for additions to existing principle structures shall be determined by the existing front building line.
 - 2. Rear, Principal Structure 15 Ft.
 - 3. Rear, Accessory Structure 5 Ft.
 - 4. Side 5 Ft.

- D. MAXIMUM HEIGHT
 - 1. Stories 3
 - 2. Height 45 Ft.

- E. OTHER REQUIREMENTS
 - 1. Maximum Number of Dwelling Units/Structure 12
 - 2. Maximum Gross Density 12 units/Acre

- F. FLOOR AREA, SINGLE FAMILY
 - 1. Living Area (Minimum requirements) 1,400 Sq. Ft.
 - 2. Total Area 1,600 Sq. Ft.
The minimum total floor area may include attached enclosed garages, in addition to the living area square footage; however, no reduction in

minimum residential floor living area, as defined in Article 2, is permitted. Basement areas may be included in the total floor area, provided such areas are finished as residential living areas.

G. FLOOR AREA, MULTI-FAMILY

1. Living Area (minimum per unit) 800 Sq. Ft.
2. Total Area (minimum per unit) 900 Sq. Ft.

The minimum total floor area may include attached enclosed garages, in addition to the living area square footage; however, no reduction in minimum residential floor living area, as defined in Article 2, is permitted. Basement areas may be included in the total floor area, provided such areas are finished as residential living areas.

830.4 GRANDFATHER CLAUSE

As of the date of the adoption of Section 830.3, any existing residential "B" structure that does not meet the requirements of Section 830.3 shall be exempt from said section if the structure is damaged or destroyed by casualty and the owner thereof elects to rebuild or repair to the original condition. Said rebuilding or repair must be completed within a eighteen (18) months. Failure to complete said rebuilding or repair will be construed as an abandonment of said structure and said property will be subject to Section 830.3 of this ordinance.

840 LOCAL BUSINESS DISTRICT

The following uses and no other shall be permitted:

- 1) Multiple family dwellings
- 2) Rooming houses; hotels; motels; living quarters in business establishments
- 3) Restaurants; cafes, soda fountains; lunch rooms
- 4) Retail stores or shops; repair shops, beauty parlors; barbershops; mercantile establishments; banks; office or office buildings; funeral homes.
- 5) Theaters, not including outdoor
- 6) Museums; community centers
- 7) Garage, service stations
- 8) Grocery and vegetable stores, drug stores, laundry; foot locker; supermarkets; business or professional offices
- 9) Billboards; outdoor advertisement and structures in accordance with Article 12.

840.1 GENERAL PROVISIONS

The following provisions are required for all uses in this district. Refer to the specific section (as noted) for each item.

- | | |
|-------------------------------|----------------------------|
| A. Trash Collection Areas | Article 10, Section 1006 |
| B. Nonresidential Buffer Zone | Article 10, Section 1007 |
| C. Lighting | Article 10, Section 1020.6 |
| D. Exterior Storage | Article 10, Section 1032 |
| E. Parking Requirements | Article 11 |
| F. Signage | Article 12 |

840.2 AREA AND HEIGHT REGULATIONS

A. LOT REQUIREMENTS

- | | |
|---------------------------------------|---------------|
| 1. Minimum Lot Area, Commercial Use | None |
| 2. Minimum Lot Area, Residential Use | 8,712 Sq. Ft. |
| 3. Minimum Lot Width, Commercial | None |
| 4. Minimum Lot Width, Residential Use | 65 Ft. |

B. MINIMUM YARD REQUIREMENTS

- | | |
|---------------------------------------|-----------------|
| 1. Front (measured from right-of-way) | 25 Ft. |
| 2. Rear | 40 Ft. |
| 3. Side | None (see note) |

No commercial building shall be constructed closer than forty (40) feet to any existing residence.

850 GENERAL BUSINESS DISTRICT

The following uses and no others shall be permitted;

- A) Job printing; newspaper printing; storage and sales; plumbing and heating supplies; meat lockers
- B) Automobile sales; garage, public
- C) Retail stores and shops; repair shops, funeral homes, mercantile establishments; office or office buildings; studio
- D) Restaurants; night club; bowling alley; theater; billiard parlor; pool hall
- E) Self-service laundry and dry cleaning shops; interior decorating and paper hanging shops
- F) Upholstering; heating; electrical; and carpenter shops
- G) Libraries and museums
- H) Buildings owned by county, state or federal government
- I) Buildings or structures of recreational, cultural or service type
- J) Commercial and non-commercial recreation areas, including country clubs and swimming pools
- K) Hotel; motel; and rooming houses
- L) Light manufacturing, providing it is not a nuisance, dangerous, offensive or adversely affect the welfare and health of people of the Village
- M) All uses permitted in Local Business District

850.1 GENERAL PROVISIONS

The following provisions are required for all uses in this district. Refer to the specific section (as noted) for each item.

- A) Trash Collection Areas Article 10, Section 1006
- B) Nonresidential Buffer Zone Article 10, Section 1007
- C) Lighting Article 10, Section 1020.6
- D) Exterior Storage Article 10, Section 1032
- E) Parking Requirements Article 11
- F) Signage Article 12

850.2 AREA AND HEIGHT REGULATIONS

A. LOT REQUIREMENTS

- 1. Minimum Lot Area None
- 2. Minimum Lot Width None

B. MINIMUM YARD REQUIREMENTS

No structure or building may be erected or constructed within the public right-of-way.

1. Front (measured from right-of-way) 25 Ft.
 2. Rear 40 Ft.
 3. Side None (see below)
- No commercial building shall be constructed closer than fifty (50) feet to any existing residence.

860 INDUSTRIAL DISTRICT

Uses permitted in this district shall be those which, in the opinion of the Board of Zoning Appeals, do not constitute a nuisance or are not dangerous or offensive. In determining whether an industrial use is dangerous or offensive or in establishing whether or not an industrial use may adversely affect the general welfare and health of the people of the Village, the Board of Zoning Appeals shall consider the emission of odors, dust, smoke, noise, flame, or vibration; esthetics and the provisions of Section 1020 of this ordinance.

860.1 AREA AND HEIGHT REGULATIONS

A. LOT REQUIREMENTS

- | | |
|---------------------|------|
| 1. Minimum Lot Area | None |
|---------------------|------|

B. MINIMUM YARD REQUIREMENTS

No structure or building may be erected or constructed within the public right-of-way.

- | | |
|----------|-----------------|
| 1. Front | 25 Ft. |
| 2. Rear | 40 Ft. |
| 3. Side | None (see note) |
- No commercial building shall be constructed closer than one hundred (100) feet to any existing residence.

870 **PLANNED UNIT DEVELOPMENTS**

Objectives: It shall be the policy of the Village of Moscow, Ohio to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:

- 1) A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
- 2) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
- 3) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
- 4) A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
- 5) A development pattern in harmony with land use density, transportation facilities, and community facilities that meet the objectives of the comprehensive plan.

The Village is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

870.1 **PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS**

Because of the special characteristics of Planned Unit Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of this ordinance, the provisions of this article shall prevail. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this ordinance.

870.2 **APPLICATION AND PROCEDURE**

Upon approval by the Planning Commission and the Village Council, a Planned Unit Development overlay district may be applied to any existing residential district. Upon approval of a final development plan, the Official Zoning Map shall be annotated for the

land area involved so that the district name includes the notation, "PUD." Planned Unit Development overlay districts shall be approved by the Planning Commission and the Village Council in the manner provided in Sections 870.16 through 870.30 of this Article.

870.3 USES PERMITTED

Compatible residential, commercial, industrial, public, and quasi-public uses may be combined in Planned Unit Development districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety and general welfare. Lot area and other yard requirements of the residential districts established in Article 8 shall apply except as modified in Sections 870.9 and 870.11.

The amount of land devoted to commercial and/or industrial use in a residential-commercial-industrial or residential-commercial development shall be determined by the Planning Commission and approved by the Village Council.

870.4 MINIMUM PROJECT AREA

The gross area of the tract to be developed under the Planned Unit Development approach shall conform to the following schedule:

<u>Type of PUD</u>	<u>Minimum area (Acres)</u>
Residential	20
Commercial	5
Industrial	30
Residential-Commercial	30
Commercial-Industrial	40
Residential-Commercial-Industrial	40

When the Planned Unit Development is a mixture of uses, no more than eight percent (8%) of the tract may be devoted to commercial activities nor more than twelve percent (12%) of tract to industrial activities.

870.5 PROJECT OWNERSHIP

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

870.6 COMMON OPEN SPACE

A minimum of twenty percent (20%) of the land developed in any Planned Unit Development project shall be reserved for common open space and recreational

facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Section 870.7 of this ordinance.

870.7 DISPOSITION OF OPEN SPACE

The required amount of common open space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Village, and retained as common open space for parks, recreation, and related uses. All land dedicated to the Village must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way, or water courses and other similar channels are not acceptable for common open space dedication to the Village, unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

870.8 UTILITY REQUIREMENTS

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed Planned Unit Development.

870.9 MINIMUM LOT SIZES

- A) Lot area per dwelling unit may be reduced by not more than forty percent (40%) of the minimum lot area required in the District Regulations heretofore established in Article 8. A planned unit development need not conform to the density requirements of Article 8. A diversification of lot sizes is encouraged.
- B) Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

870.10 LOTS TO ABUT UPON COMMON SPACE

Every property developed under the Planned Unit Development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight (8) townhouse units in any contiguous group.

870.11 HEIGHT REQUIREMENTS

For each foot of building height over the maximum height regulations specified elsewhere in this ordinance, the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by one (1) foot in addition to the side and rear yard required in the districts.

870.12 PARKING

Off-street parking, loading, and service areas shall be provided in accordance with Article 11 of this ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

870.13 PERIMETER YARDS

Notwithstanding the provisions of this Article, every lot abutting the perimeter of the Planned Unit Development district shall maintain all yard requirements specified in this ordinance for the applicable conventional zoning district in which the PUD is located.

870.14 ARRANGEMENT OF COMMERCIAL USES

When a Planned Unit Development includes commercial uses, commercial buildings and establishments they shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas designed for future expansion or not intended for immediate improvement development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Commission.

870.15 ARRANGEMENT OF INDUSTRIAL USES

Planned unit development districts may include industrial uses if it can be shown that the development results in a more efficient and desirable use of land.

Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. A planned

industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.

Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

870.16 PROCEDURE FOR APPROVAL OF PUD OVERLAY DISTRICT
Planned Unit Development overlay districts shall be approved in accordance with the procedures in Sections 870.17 through 870.18.

870.17 PRE-APPLICATION MEETING
The developer shall meet with the Zoning Administrator and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this ordinance and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, and major thoroughfare plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer, and water systems of the Village.

870.18 CONTENTS OF APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN
An application for preliminary Planned Unit Development shall be filed with the Chairman of the Planning Commission by at least one owner or lessee of property for which the PUD is proposed. At a minimum, the application shall contain the following information filed in triplicate:

- A) Name, address and telephone number of applicant;
- B) Name, address, and telephone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
- C) Legal description of property;
- D) Description of existing use;
- E) Zoning district(s);

- F) A vicinity map at a scale approved by the Planning Commission; showing property lines, streets, existing and proposed zoning, and such other items as the Planning Commission may require to show the relationship of the planned unit development to the comprehensive plan and to existing schools and other community facilities and services;
- G) A preliminary development plan at a scale approved by the Commission showing topography at two (2) foot intervals: location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets, right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Planning Commission deems necessary;
- H) Proposed schedule for the development of the site;
- I) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years. The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the Village's statement of objectives for planned unit developments in Section 870 of this ordinance.

870.19 PUBLIC HEARING BY PLANNING COMMISSION

Within thirty (30) days after the receipt of the preliminary development plan, the Planning Commission shall hold a public hearing thereon.

870.20 NOTICE OF PUBLIC HEARING BY PLANNING COMMISSION IN NEWSPAPER

Before holding the public hearing provided in Section 870.19, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Village at least twenty (20) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a general description of the planned unit development.

870.21 NOTICE TO PROPERTY OWNERS BY PLANNING COMMISSION

Before holding the public hearing required in Section 870.19, written notice of such hearing shall be sent by the Chairman of the Planning Commission by first class mail, at least twenty (20) days before the hearing, to all owners of property contiguous to or directly across from the area proposed to be included within the Planned Unit Development district. The failure to deliver the notice, as provided in this section, shall not invalidate any such proceedings. The notice shall contain the same information as required of notices published in newspapers as specified in Section 870.20.

870.22 APPROVAL IN PRINCIPLE BY PLANNING COMMISSION

Within thirty (30) days after the public hearing required by Section 870.19, the Planning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Planning Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility. The Planning Commission may seek assistance in making its recommendation from the County or Regional Planning Commission or any other appropriate source.

870.23 FINAL DEVELOPMENT PLAN

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Planning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Five (5) copies of the final development plan shall be submitted and may be endorsed by a qualified professional team which should include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect.

870.24 CONTENTS OF APPLICATION FOR APPROVAL OF FINAL DEVELOPMENT PLAN

An application for approval of the final development plan shall be filed with the Chairman of the Planning Commission by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within five (5) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- 1) A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.

- 2) All the information required on the preliminary development plan and in addition; the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties;
- 3) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscape; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other ordinances governing development;
- 4) Engineering feasibility studies and plan showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and nature and extend of earth work required for site preparation and development;
- 5) Site plan, showing building(s), various functional use areas, circulation, and their relationship;
- 6) Preliminary building plans, including floor plans and exterior elevations;
- 7) Landscaping plans;
- 8) Deed Restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

870.25 PUBLIC HEARING BY PLANNING COMMISSION

Within thirty (30) days after submission of the final development plan, the Planning Commission may hold a public hearing. If a second public hearing is held, notice shall be given as specified in Sections 870.20 and 870.21.

870.26 RECOMMENDATION BY PLANNING COMMISSION

Within sixty (60) days after receipt of the final development plan, the Planning Commission shall recommend to the Village Council that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the Village Council.

870.27 CRITERIA FOR RECOMMENDATIONS BY PLANNING COMMISSION

Before making its recommendation as required in Section 870.26, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- 1) The proposed development can be initiated within five (5) years of the date of approval;
- 2) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objection will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;
- 3) The streets and thoroughfares are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development;
- 4) Any proposed commercial development can be justified at the locations proposed;
- 5) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the planned unit development and the adopted policy of the Planning Commission and the Village Council;
- 6) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- 7) The planned unit development is in general conformance with the comprehensive plan of the Village;
- 8) The existing and proposed utility services are adequate for the population densities and non-residential uses proposed. The Planning Commission may seek assistance in making its recommendation from the County or Regional Planning Commission or any other appropriate source.

870.28 ACTION BY VILLAGE COUNCIL

Within sixty (60) days after receipt of the final recommendation of the Planning Commission, the Village Council shall by ordinance approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Village Council shall direct the Zoning Administrator to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

870.29 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In approving any Planned Unit Development overlay district, the Village Council may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this ordinance and punishable under Section 350 of this ordinance.

870.30 EXPIRATION AND EXTENSION OF APPROVAL PERIOD

The approval of a final development plan for a planned unit development district shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plan and the development of the project. If no construction has begun within five (5) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.

ARTICLE 9 DISTRICT REGULATIONS

900 COMPLIANCE WITH REGULATIONS

The regulations for each district set forth by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
- B) No building or other structure shall be erected or altered:
- C) to provide for greater height or bulk;
- D) to accommodate or house a greater number of families;
- E) to occupy a greater percentage of lot area;
- F) to have narrower or smaller rear yards, front yards, side yards, or other open spaces as required herein, or in any other manner be contrary to the provisions of this ordinance.
- G) No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein.

910 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED

District regulations shall be as set forth in the Article 8 hereof and as adopted and declared to be a part of this ordinance and as set forth in Article 10, "Supplementary District Regulations," of this ordinance.

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ARTICLE 10 SUPPLEMENTAL DISTRICT REGULATIONS

1000 GENERAL

The purpose of supplemental district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

1001 CONVERSION OF DWELLINGS TO MORE UNITS

A residence may not be converted to accommodate an increased number of dwelling units unless:

- 1) The yard dimensions still meet the yard dimensions required by the zoning regulations or new structures in that district;
- 2) The lot area per family equals the lot area requirements for new structures in that district;
- 3) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
- 4) The conversion is in compliance with all other relevant codes and ordinances.

1002 PRIVATE SWIMMING POOLS

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- 1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;
- 2) It may not be located closer than ten (10) feet to any property line;
- 3) The swimming pool shall be fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence shall not be less than four (4) feet in height, shall be secure and maintained in good condition. If the swimming pool is an above ground pool, it shall be subject to the same conditions above, except that fencing may be added to the pool itself, so that the fencing is a minimum of two (2) feet in height and the total height of the pool and fencing shall be a minimum of four (4) feet in height, said fencing shall be secure and maintained in good condition.

1003 HOME OCCUPATION

An occupation may be conducted in a dwelling unit, provided that:

- 1) No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
- 2) The use of the dwelling unit, including an attached or detached garage, for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
- 3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
- 4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be located in a required front yard;
- 5) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

1004 TEMPORARY BUILDINGS

Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work are only permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Administrator.

1005 PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard if they have a current license.

1006 REQUIRED TRASH AREAS

All commercial, industrial, and multi-family residential uses shall provide trash and/or garbage collection areas; such areas shall be enclosed and the enclosure at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such areas for collection of trash and/or garbage as determined by the Zoning Administrator shall be required.

1007 NONRESIDENTIAL BUFFER ZONES

Nonresidential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) per cent of the requirement if acceptable landscaping or screening approved by the Zoning Administrator is provided. Such screening shall be a masonry or solid fence at least six (6) feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

1010 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In addition to all yard regulations specified in the Article 8 and in other sections of this ordinance, the following provisions shall be used for interpretation and clarification.

- 1) Setback Requirements for Buildings on Corner Lots and Through Lots.
On a corner lot or through lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines, except alleys, as is required for the front yard in the district in which such structures are located.
- 2) Visibility at Intersections
On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of one and a half (1 ½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of

such corner lots and a line joining points along said street lines fifteen (15) feet from the point of intersection

3) Fence and Wall Restrictions

- a. No fence or wall may be constructed or installed within the public right-of-way.
- b. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and a half (2 ½) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and a half (2 ½) feet and ten (10) feet.
- c. Fences, no higher than 6 feet, maybe erected on side and rear yards and are exempted from the set back requirements. Line fences, being a fence erected on the property line of the lot, shall be permitted only with the owners of the adjacent parcels file with the Zoning Administrator their mutual acceptance of the location of the fence; or the owner of the lot files with the zoning inspector a survey by a licensed surveyor that the fence is located on the lot lines.

4) Yard Requirements for Multi-Family Dwellings

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

5) Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

6) Exceptions to Height Regulations

The height limitations contained in Article 8 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

1020 SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements listed in this section.

- 1) Fire Hazards
Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- 2) Radioactivity or Electrical Disturbance
No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
- 3) Noise
Objectionable noise as determined by the Zoning Administrator which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- 4) Vibration
No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- 5) Air Pollution
Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.
- 6) Glare
No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.
- 7) Erosion
No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- 8) Water Pollution
Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.
- 9) Enforcement Provisions
The Zoning Administrator, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and/or objectionable elements involved in processing or in

equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

10) Measurement Procedures

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York; the Manufacturing Chemists' Association, Inc., Washington, D.C.; the United States Bureau of Mines; and the Ohio Environmental Protection Agency.

1021 UNSIGHTLY OR UNSANITARY STORAGE

No rubbish, salvage materials, junk or miscellaneous refuse shall be openly stored or kept in the open within any zones when the same may be construed to be a menace to public health and safety by the appropriate Health Department or to have, in the opinion of the Zoning Administrator, a depressing influence upon property values in the neighborhood.

1022 LOT FRONTAGE AND AREA

All lots shall front on a public street. The area of each lot shall be as required in the district in which the lot may be located.

1023 FILLING STATIONS, PARKING LOTS, PARKING GARAGES

Entrances and exits to gasoline filling stations, public garages and parking lots shall not be located closer than 200 feet to any school, public playground, church, hospital, public library, or institution for children. On corner lots, entrances and exits shall not be closer to the corner than 50 feet. Curb openings shall not exceed 40 feet at the curb line.

1030 REQUIREMENTS FOR SITE PLANS

Site plans shall be drawn to a scale that adequately shows all required information, but not less than one (1) inch equals one hundred (100) feet.

A. Minimum Information (All Districts and Uses)

Site plans shall include (at a minimum) the following information:

1. Boundaries and/or property lines including all dimensions
2. Location and dimensions of all existing and/or proposed structures

B. Supplemental Information (When Required)

1. Topographical contours at two (2) foot intervals
2. Location of existing and proposed easements and/or rights-of-way

3. Location of existing and proposed streets
4. Location of existing and proposed utilities
5. Location and quantity of off-street parking and loading/unloading facilities
6. Landscaped areas and buffer zones
7. Location of existing and proposed pedestrian walkways
8. Any other information as may be required by Village officials

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ARTICLE 11 OFF-STREET PARKING AND LOADING FACILITIES

1100 GENERAL REQUIREMENTS

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance.

The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this ordinance.

Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this ordinance is enlarged by fifty percent (50%) or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

1110 PARKING SPACE DIMENSIONS

A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking; nine (9) feet in width and twenty-three (23) feet in length for parallel parking; ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking; and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1130 of this ordinance.

1111 LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand

(5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

1112 PAVING

The required number of parking and loading spaces as set forth in Section 1111 and 1130, together with driveways, aisles, and other circulation areas, shall be improved with such material as to provide a durable and dust-free surface.

1113 DRAINAGE

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

1114 MAINTENANCE

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

1115 LIGHTING

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

1116 LOCATION OF PARKING SPACES

The following regulations shall govern the location of off-street parking spaces and areas:

- 1) Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
- 2) Parking spaces for commercial, industrial or institutional uses shall be located not more than seven hundred (700) feet from the principal use;
- 3) Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

1117 SCREENING AND/OR LANDSCAPING

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in

good condition. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen or landscaping shall be required.

1118 DISABLED VEHICLES

The parking of a disabled vehicle within a residential or commercial district for a period of more than two (2) weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

1119 MINIMUM DISTANCE AND SETBACKS

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

1120 JOINT USE

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

1121 WHEEL BLOCKS

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

1122 WIDTH OF DRIVEWAY AISLE

Driveways serving individual parking spaces shall be not less than twenty-five (25) wide for ninety (90) degree parking; twelve feet (12) feet wide for parallel parking; seventeen and one-half (17 ½) feet for sixty (60) degree parking; and thirteen (13) feet for forty-five (45) degree parking.

1123 ACCESS

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a

reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

1124 WIDTH OF ACCESS DRIVEWAY

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards; for one way traffic the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet; for two way traffic the minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

1125 STRIPING

All parking areas with a capacity over twelve (12) vehicles shall be striped with double lines (six (6) inches both sides of center) between stalls to facilitate the movement into and out of the parking stalls.

1130 PARKING SPACE REQUIREMENTS

For the purpose of this ordinance the following parking space requirements shall apply:

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
A. RESIDENTIAL	
1) Single family or two family	Two for each dwelling unit
2) Apartments or multi-family	Two for each dwelling unit
3) Boarding house, rooming house, or dormitories that have sleeping rooms	One for each sleeping room or one for each permanent occupant
B. COMMERCIAL	
1) Automobile service garages which provide repair	Two for each fuel pump and two for each service bay
2) Hotels, motels	One for each sleeping room plus one for each two employees
3) Funeral parlors, mortuaries and similar type uses	One per 100 sq. ft. of floor area in slumber rooms, parlors, or service rooms
C. RECREATIONAL OR ENTERTAINMENT	
1) Dining rooms, restaurants, taverns, night clubs, and similar uses	One per 200 sq. ft. of floor area

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|--|--|
| 2) Bowling alleys | Four per alley or lane plus one for each 100 sq. ft. of floor area used for restaurant, cocktail lounge, or similar |
| 3) Dance floors, skating rinks | One for each 100 sq. ft. of floor area used for the activity |
| 4) Outdoor public or community swimming pools or club | One per five persons of capacity plus one per four seats or one per 30 sq. ft. of floor area used for seating purposes, whichever is greater |
| 5) Auditoriums, sports arenas, theaters, and similar uses | One for each 4 seats |
| 6) Retail stores | One for each 250 sq. ft. of floor area |
| 7) Banks, financial institutions and similar uses | One for each 200 sq. ft. of floor area |
| 8) Offices, public or professional administration, or service buildings | One for each 400 sq. ft. of floor area |
| 9) All other types of business or commercial uses permitted in any business district | One for each 300 sq. ft. of floor area |

D. INSTITUTIONAL

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|--|--|
| 1) Churches and other places of religious assembly | One for each 5 seats |
| 2) Hospitals | One for each bed |
| 3) Sanitariums, homes for the aged, nursing homes, children homes, asylums, and similar uses | One for each 2 beds |
| 4) Medical and dental clinics | One for every 200 sq. ft. of floor area of examination, treating room office, and waiting room |
| 5) Libraries, museums, and art galleries | One for each 400 sq. ft. floor area |

E. SCHOOLS (PUBLIC, PAROCHIAL, OR PRIVATE)

- | | |
|--|---|
| 1) Elementary and junior high schools | Two for each classroom and one for every eight seats in auditoriums or assembly halls |
| 2) High schools | One for every ten students and one for each teacher and employee |
| 3) Business, technical and trade schools | One for each two students |
| 4) Colleges and universities | One for each four students |
| 5) Kindergarten, child care centers, nursery schools, and similar uses | Two for each classroom, min. six per building |

F. MANUFACTURING

- | | |
|--|---|
| 1) All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district | One for every 2 employees (on the largest shift for which the building is designed plus one for each motor vehicle used in the business |
| 2) Cartage, express, parcel delivery, and freight terminals | One for every 2 employees (on the largest shift for which the building is designed plus one for each motor vehicle used in the business |

1140 GENERAL INTERPRETATIONS

In the interpretation of this Article, the following rules shall govern:

- 1) Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals upon request from an applicant;
- 2) Fractional numbers shall be increased to the next whole number;
- 3) Where there is an adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board of Zoning Appeals on an appeal from a decision of the Zoning Administrator.

ARTICLE 12 SIGNS

1200 INTENT

The regulations set forth in this article intended to achieve the following purposes:

- A. To promote and protect the public health, safety, welfare, and convenience;
- B. To protect property values, to enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas;
- C. To preserve the non-commercial character of residential neighborhoods while providing reasonable and appropriate conditions for the identification of businesses and services rendered in business and commercial districts by controlling the size, type, and design of signs in relative to the type and size of establishment and;
- D. To reduce traffic hazards by restricting signs and lights which exceed a driver's capacity to receive information or which increase the probability of accidents created by distracting attention or obstructing vision.

1201 GOVERNMENTAL SIGNS EXCLUDED

For the purpose of this ordinance, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

1202 DEFINITIONS

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

ABANDONED SIGN: A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign on its immediate premises not adequately maintained and not repaired within the specified time under order of Section 1205(7).

ANIMATED SIGN: Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene

BANNER: A non-rigid cloth, plastic, paper, or canvas sign typically related to a special event or promotion, that is cultural, educational, charitable, or recreational in its function, under the sponsorship of a for-profit establishment or business, or a public, private nonprofit, or religious organization.

BILLBOARD: An off-premise sign directing attention to a specific business, product, service, entertainment or other activity sold, offered, or conducted off-site.

DIRECTIONAL SIGN: A temporary or permanent sign that provides information regarding location, instructions for use, or functional/directional data.

ELECTRONIC MESSAGE CENTER: An electronically-controlled changeable copy sign used to promote any on- or off-premises enterprise.

ESTABLISHED GRADE LINE: The average finished grade for that area of the site where the sign is to be located, provided however that the height of the sign shall not be artificially increased by the use of mounding. All references to sign height are from the established grade line unless otherwise noted.

EYE-CATCHER: Any device or elements attached to a sign which revolve, rotate, whirl, spin or otherwise make use of motion or reflectivity to attract attention

FLAG: Any fabric or bunting containing the officially recognized and adopted colors, patterns, or symbols used as the official symbol of a government, political, or corporate entity

FLASHING SIGN: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever

FOR SALE/FOR LEASE SIGN: A sign indicating the sale, rental, or lease of a structure or property.

FREE-STANDING SIGN: See GROUND SIGN.

GOVERNMENTAL SIGN: A sign erected and maintained pursuant to and in discharge of any government functions or required by law, ordinance, or other governmental regulations.

GROUND SIGN: Any sign which is physically attached to a foundation. These are commonly known as free-standing, pole, pylon, or monument signs.

ILLUMINATED SIGN: Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

JOINT IDENTIFICATION SIGN: A sign that identifies the name, through type, graphics, or other symbols, of a shopping center, office park, industrial park, or other building complex containing three or more uses on the same lot, allowed in addition to the permitted signs of the individual occupants.

MONUMENT SIGN: A ground sign attached to a wall or a base constructed specifically for the display of the sign. A common example is a permanent subdivision sign.

NONCONFORMING SIGN: A pre-existing legal sign which does not conform to the standards set forth in this code.

PENNANT: A flag or banner longer in the fly than in the hoist, usually tapering to a point.

PERMANENT SIGN: Any permitted or legal nonconforming sign intended to remain in place until a change of occupancy occurs.

POLE SIGN: See GROUND SIGN.

POLITICAL SIGN: A sign concerning candidates for elective office, public issues and similar matters to be decided by the public at an election.

PORTABLE SIGN: Any sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds.

PRODUCT SIGN: A sign typically located in a window, advertising a product or service offered by a business.

PROJECTING SIGNS: A sign that is wholly or partly dependent upon a building for support or suspended from a pole attached to a building. Such signs must be perpendicular to the building face upon which they are attached.

PYLON SIGN: See GROUND SIGN.

ROOF LINE: The uppermost line or point of the facade or parapet of a flat roof structure, or the lower edge of an eave, gable or rake of a sloped roof structure.

ROOF SIGN: Any sign erected on or above the roof line of a building.

SETBACK: The distance from the property line and/or right-of-way line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line and/or right-of-way line.

SIGN: A sign is defined as any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization, or business. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior facade of any building or structure as well as back-lighted translucent panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify and attract attention rather than illuminate space for human activity.

SIGN FACE: The surface intended for the display of information on the sign.

SIGN STRUCTURE: The supporting unit of a sign face, including but not limited to frames, braces and poles.

SPECIAL EVENT: An event or activity that is open to the general public. A special event is educational, cultural or recreational in function.

STREAMER: A ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two or more supports.

WALL SIGN: Any sign attached to or erected against the inside or outside wall of a building or structure, with the exposed display surface of the sign in a plane parallel to the plane of the building or structure and extending less than twenty four (24) inches from the building or structure.

WINDOW SIGN: Any signs, posters, symbols and other types of identification or information about the use or premises directly attached to the window of a building or erected on the inside of the building and visible from any public right-of-way or adjacent property.

1203 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

The regulations contained in this section shall apply to all signs and all use districts.

- 1) Any permanent sign must be securely attached or installed upon a building, structure, or the ground.
- 2) Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination from said sign to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
- 3) No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention;
- 4) All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the legal electric code in effect, if any;
- 5) No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee;
- 6) No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- 7) No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1220 herein;
- 8) No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention;
- 9) No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty percent (20%) of the window surface;

- 10) No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;
- 11) All signs hung and/or erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign;
- 12) Should any sign be or become unsafe or be in danger of falling, the owner of said sign or the person maintaining the sign same, shall upon receipt of written notice from the Zoning Administrator proceed at once to put such sign in a safe and secure condition or remove the sign;
- 13) No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property;

1204 MEASUREMENT OF SIGN AREAS

The surface of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

1205 PROHIBITED SIGNS

The following types of signs are prohibited in all districts:

1. Signs that have changing light, color or motion effects, whether intentional or resulting from a defect. This includes, but is not limited to:
 - a. Blinking, flashing, chasing, strobe and alternating color lights
 - b. Electronic message centers
 - c. "Eye-catchers" and similar shiny devices designed to reflect light and create a glimmering or flashing effect
 - d. Signs emitting flame, smoke, steam or other visual matter
 - e. Signs with animated, moving or rotating lights

This prohibition does not apply to:

- a. Signs with flashing or chasing lights on concessions and rides at special events such as fairs and festivals
- b. Holiday decorations and light strings displayed during holidays
- c. Rotating barber poles at a legitimate barber or beauty shop
- d. Accurate time and temperature displays
- e. Warning signs and markers placed by government officials

2. Signs using exposed light sources which are or contain any color other than white or amber
3. Signs containing or consisting of banners, posters, pennants, ribbons, streamers, spinners or other similar moving device for the purpose of advertising or attracting attention for commercial or advertising reasons
4. Air activated graphics or balloons used for commercial or advertising reasons
5. Signs imitating or resembling official traffic or government signs or signals
6. Signs containing or displaying any obscene, indecent or immoral matter
7. Abandoned signs
 - a. Any sign which no longer advertises a bona fide business conducted on the premises or a product sold on the premises for a period of sixty (60) days shall be deemed abandoned and;
 - b. Such a sign shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such a sign may be found within thirty (30) days after written notification to the owner from the Zoning Administrator or Code Enforcement Officer.

1210 SIGNS PERMITTED IN ALL DISTRICTS NOT REQUIRING A PERMIT

Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area and not over six (6) feet in height, except in all residential districts where the area of the sign shall not be more than six (6) square feet in area and not over four (4) feet in height as measured from the established grade line.

1211 SIGNS PERMITTED IN ANY DISTRICT REQUIRING A PERMIT

- 1) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies which signs or bulletin boards shall not exceed fifteen (15) square feet in area, with a maximum height of eight (8) feet as measured from the established grade line and which shall be located on the premises of such institution;
- 2) Any sign advertising a commercial enterprise other than Home Occupations as defined in Section 1003 of this ordinance, including estate developers or subdivider, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located. Such signs shall have a maximum height of six (6) feet measured from the established grade line.

1212 SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL DISTRICTS

The regulations set forth in this section shall apply to signs in all commercial and manufacturing districts and such signs shall require a permit.

- 1) In a commercial or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half (1 ½) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet;
- 2) In a commercial or manufacturing district, two off-premises signs with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed one thousand two hundred (1,200) square feet. All off-premises signs visible to approaching traffic must have a minimum spacing of at least than two hundred (200) feet between each sign. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

1220 TEMPORARY SIGNS

Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. All temporary signs shall have a maximum height of eight (8) feet measured from the established grade line. Such temporary signs shall conform to the general requirements listed in Section 1202, the setback requirements in Sections 1240 through 1243 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 1200. A permit is required for such signs.

1221 FREE STANDING SIGNS

Free-standing on-premises signs not over thirty (30) feet in height (measured from the established grade line), having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any street right-of-way

line and not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of business conducted in said building. A permit is required for such signs.

1222 WALL SIGNS PERTAINING TO NON-CONFORMING USES

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use provided the area of such sign does not exceed twelve (12) square feet. A permit is required for such signs.

1230 POLITICAL SIGNS

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way or on public property nor shall any such sign be posted on a utility pole.

1240 SIGN SETBACK REQUIREMENTS

Except as modified in Sections 1241 through 1244, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least fifteen (15) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate district.

1241 INCREASED SETBACK

For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

1242 SETBACKS FOR OFF-PREMISES SIGNS

If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

1243 SETBACKS FOR PUBLIC AND QUASI-PUBLIC SIGNS

Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

1244 SPECIAL YARD PROVISIONS

On-premises signs where permitted shall be erected on and placed in conformity with the side and rear yard requirements of the district in which located, except that in any

residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line unless a greater setback is required by the applicable zoning district.

1250 LIMITATION

For the purposes of this resolution, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 (as amended) and the regulations adopted pursuant thereto.

1260 VIOLATIONS

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this ordinance, the Zoning Administrator shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 350 of this ordinance.

SIGN REQUIREMENTS							
Sign Type	Style	Area, Max Sq Ft	Height, Max	Setback	Spacing	Code Reference	Permit Req'd
Residential Sale/Lease	Ground	6	4 ft	At ROW	NA	1210	NO
Business Sale/Lease	Ground	12	6	At ROW	NA	1210	NO
Church/Library		15	8	10	NA	1211(1)	YES
Home Occupation	Wall	4	NA	NA	NA	1003(3)	YES
Business (in Residential Zone)	Ground	12	6	15	60	1211(2)	YES
Business/Industrial, On-Premise	Wall	100	NA	NA	NA	1212(1)	YES
Business/Industrial, Off-premise	Ground	600/1200	30	10	60	1212(2)	YES
Temporary	Ground	50	8	15	60	1220	YES
Free- Standing/Ground	Ground	100	30	10	60	1221	YES
Non-Conforming Uses	Wall	12	NA	NA	NA	1222	YES

ARTICLE 13 FLOOD PLAIN DEVELOPMENT

1300 FLOOD PLAIN CONTROL ORDINANCE

All development must comply with the provisions of the Village of Moscow Flood Damage Prevention Ordinance. If construction occurs in the designated flood plain, the Clermont County Building Inspection Department must authorize the construction as being flood protected in accordance with the Village of Moscow Flood Damage Prevention Ordinance. A zoning permit may be issued prior to such authorization; however, the permit is not valid and no work shall commence until the Zoning Administrator receives a copy of said authorization allowing construction in the designated flood plain.