
Village of North Bend

ZONING CODE

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Of the
Village of North Bend, Ohio

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THE VILLAGE OF NORTH BEND, OHIO

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CHAPTER 1 GENERAL PROVISIONS

1.0 Preamble

An ordinance of the Village of North Bend enacted in accordance with a land use plan and for the purpose of promoting the public health, safety, morals, convenience, and general welfare establishing land use classifications, dividing the Village into districts, imposing regulations, restrictions, and prohibitions on the use and occupancy of real property limiting the height, area, and bulk of buildings and other structures and providing for yards and other open spaces around them establishing standards of performance and design and providing for the administration and enforcement thereof.

1.1 Title

This Chapter shall be known and may be cited and referred to as the Zoning Code of the Village of North Bend, Ohio.

1.2 Interpretation of Standards

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements. Wherever this Chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Chapter shall govern.

1.3 Separability

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 the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1.4 Rules for Text Interpretation

In the interpretation of the text of this Code, the rules of interpretation contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following rules shall apply to the text:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text and any table, the text shall control.
- C. The word “shall” shall be mandatory and not discretionary. The words “may” or “should” shall be permissive.

- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.

1.5 Adult Entertainment Provisions

In adopting all of the provisions pertaining to Adult Entertainment Facilities set forth in the Zoning Code, the Council of the Village of North Bend hereby states as follows:

- A. All such provisions are adopted to protect the public peace, health, safety, and general welfare.
- B. All such provisions are adopted to combat the harmful secondary effects associated with Adult Entertainment Facilities. The Village hereby recognizes and specifically relies upon the studies of the harmful secondary effects of Adult Entertainment Facilities, and all other recitations of those secondary effects, set forth in the United States Supreme Court's decisions in Renton v. Playtime Theatres, 475 U.S. 41 (1986), Young v. American Mini Theatres, Inc., 427 U.S. 50 (1976), Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), and all other applicable case law. See City of Erie v. Pap's A.M., ___ U.S. ___ (2000). Based on its review of those decisions and its familiarity with the Village as a whole, Council believes that the harmful secondary effects set forth in the foregoing decisions are relevant to the Adult Entertainment Facilities which the Village regulates in this Zoning Code.
- C. Council finds that the harmful secondary effects associated with Adult Entertainment Facilities are detrimental to the public peace, health, safety, and general welfare.
- D. No such provision is adopted to regulate, limit, or suppress the content or flow of speech or free expression. Any limitation on speech or expression which results from the provisions of this Zoning Code's regulation of Adult Entertainment Facilities is unintended and purely incidental to the Village's attempt to combat the harmful secondary effects of Adult Entertainment Facilities.

CHAPTER 2 DEFINITIONS

2.0 Definitions

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

2.001 Adult Entertainment Facility

1. An Adult Entertainment Facility is hereby defined to include any of the following listed and defined facilities:
 - A. "Adult arcade" -- an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, including computers or Internet transmitting devices, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
 - B. "Adult bookstore," "adult novelty store," or "adult video store" -- a commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:
 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations including computer-related material, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;"
 2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others;
 3. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an "adult bookstore," "adult novelty store," or "adult video store." Such other business purposes will not serve to exempt such establishments from being categorized as such so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or

describe “specified anatomical areas” or “specified sexual activities.”

- C. “Adult cabaret” -- a nightclub, bar, restaurant, bottleclub, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly feature persons who appear in a state of nudity or semi-nudity, expose their “specified anatomical areas,” or depict or describe “specified sexual activities.”
- D. “Adult motel” -- a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this sexually oriented type of material; or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
- E. “Adult motion picture theater” -- a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.
- F. “Adult theater” -- a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity, expose their “specified anatomical areas,” or depict or describe “specified sexual activities.”
- G. “Escort” -- a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- H. “Escort agency” -- a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- I. “Massage parlor” -- any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with “specific sexual activities,” or where any person providing such treatment, manipulation, or service related thereto, exposes his or her “specified anatomical areas.” The definition of Adult Entertainment Facility shall not include the practice of massage in any licensed hospital or by a licensed hospital, by a licensed physician, surgeon,

chiropractor or osteopath, by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, or by any massage therapist or technician board certified by the State of Ohio.

- J. "Semi-nude model studio" -- any place where a person, who regularly appears in a state of semi-nudity or displays "specified anatomical areas," is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
 - K. "Sexual encounter establishment" -- a business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or activities for the purpose of exposing any person's "specified anatomical areas." The definition of Adult Entertainment Facility shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Ohio engages in medically approved and recognized sexual therapy.
 - L. To the extent not defined above, an Adult Entertainment Facility includes any establishment involved in the sale or rental of services or products characterized by the exposure or presentation of "specified sexual activities" or "specified anatomical areas", and which is characterized by salacious conduct appealing to the prurient interest for the observation or participation in by patrons. Services for products included within the scope of an Adult Entertainment Facility include dancing, and any activity listed above or of the same character thereto.
2. "Establishment" means and includes any of the following:
- A. the opening or commencement of any business as a new business;
 - B. the conversion of an existing business, whether or not an Adult Entertainment Facility, to any of the Adult Entertainment Facilities defined herein;
 - C. the addition of any of the Adult Entertainment Facilities defined herein to any other business;
 - D. the relocation of any Adult Entertainment Facility;
 - E. a business or other physical structure to which the general public, or certain segments thereof, is invited to partake in the activities provided therein.

3. "Nudity" or "state of nudity" means: (a) the appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast. Semi-nudity means that state of dress where only the foregoing areas are covered fully and opaquely.
4. "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.
5. "Specified anatomical areas" means and includes any of the following: less than completely and opaquely covered human genitals, pubic region, buttocks, female breasts below a point immediately above the top of the areola; and male genitals in a discernibly turgid state even if completely and opaquely covered.
6. "Specified sexual activities" means and includes any of the following: the fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; actual or simulated sex acts, including without limitation sexual intercourse, oral copulation, or sodomy; actual or simulated masturbation; human genitals in a state of sexual stimulation or arousal; or excretory functions done in connection with any of the foregoing activities.
7. "Salacious conduct appealing to the prurient interest" is limited to the meaning given to it by applicable case law, including Brockett v. Spokane Arcades, 472 U.S. 491 (1985) and related case law. "Salacious conduct appealing to the prurient interest" does not include a protected normal interest in sex as set forth in Brockett and related cases, but includes an abnormal, shameful, or morbid interest in sex.

2.002 Agriculture. Agriculture is the use of land for agricultural purposes, including farming of crops, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating, or storing the produce; however, the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

2.003 Alley. An alley shall mean any public or private thoroughfare less than thirty (30) feet wide affording only secondary means of access to abutting properties.

2.004 Animal Hospital or Veterinarian Clinic. An animal hospital or veterinarian clinic is a building used for the medical treatment, housing or boarding of domestic animals such as dogs, cats, rabbits and birds by a veterinarian.

2.005 Apartment. See *Dwelling, Multi-family*.

2.006 Automotive Service. Automobile service is any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of parts to motor vehicles or trailers.

- 2.007 Automotive Sales Area or Trailer Sales Area.** Automotive sales area or trailer sales area is an open lot, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.
- 2.008 Automotive Filling Station.** An automobile filling station is any building, or land area used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories.
- 2.009 Automotive Wash or Automatic Car Wash.** An automotive car wash is a building or structure where chain conveyors, blowers, steam cleaners, or other mechanical devices are employed for the purpose of automatically or manually washing motor vehicles.
- 2.010 Automotive Wrecking Yard.** An automotive wrecking yard is the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.
- 2.011 Basement.** A basement is a story partly underground and having at least one-half of its height above the average adjoining grade.
- 2.012 Bed and Breakfast Establishment.** A bed and breakfast establishment is any owner occupied dwelling unit that contains no more than four rooms where lodging, with or without meals, are provided for compensation.
- 2.013 Block.** In describing the boundaries of a district the word **Block** refers to the legal description. In all other cases the word **Block** refers to the property abutting on one side of a street between two intersecting streets or a street and a railroad right-of-way or watercourse.
- 2.014 Board.** The Board of Zoning Appeals of the Village of North Bend.
- 2.015 Building.** A building shall mean any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, or property.
- 2.016 Building, Height of.** The height of a building shall mean the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.
- 2.017 Building Line.** The building line shall be the line, parallel to the street line, beyond which no building or part thereof shall project.

- 2.018 *Buildable Lot Area.*** The buildable lot area is the portion of a lot remaining after required yards have been provided.
- 2.019 *Bulk Storage or Display.*** Bulk storage or display shall mean the display of two or more items which are identical or nearly identical examples of which would include but are not limited to raw materials, firewood, mulch, fertilizer, building materials, building maintenance products, packaged food products, soft drinks, salt products, furniture and household goods, statuary and other manufactured concrete products, and like items.
- 2.020 *Cellar.*** A cellar is an enclosed space within the foundation walls of a building and having more than one-half of its height below the average surrounding ground levels.
- 2.021 *Cellular or Personal Communications Antenna.*** Any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers or other personal communications devices and ground-wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to service personal communication services.
- 2.022 *Cellular Communications/Personal Communications Services Sites.*** A tract, lot or parcel of land that contains the cellular communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular communications and personal communications services transmissions.
- 2.023 *Cellular Communications/Personal Communications Services Support Structure.*** Any building or structure accessory to, but necessary for the proper functioning of the cellular or personal communications antenna or tower.
- 2.024 *Cellular/Personal Communications Services Tower.*** Any freestanding structure used to support a cellular or personal communications services antenna.
- 2.025 *Cellular/Personal Communications Services Tower, Height Of.*** The height from the base of the structure to it's top; including any antenna located thereon.
- 2.026 *Cemetery.*** A cemetery is land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries, if operated in connection with, and within the boundaries of, such cemetery.
- 2.027 *Clinic.*** A clinic shall mean a human place used for the care, diagnosis, and treatment of sick, ailing, infirm, and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

- 2.028 Club.** A club shall mean a nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but excluding religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
- 2.029 Commercial Communication Antenna.** A commercial communication antenna is a tower, pole or other similar device, erected on the ground or roof top, for the purpose of transmitting or receiving radio, micro, cellular, or other electromagnetic waves between terrestrially and/or orbitally based uses.
- 2.030 Commission.** The Village Planning Commission of the Village of North Bend, Ohio.
- 2.031 Convalescent Care Facility.** A convalescent care facility shall mean a building or group of buildings, public or private, which provides personal care or nursing to ill, physically infirm or aged persons who are not related by blood or marriage to the operator.
- 2.032 Council.** The Village Council of the Village of North Bend, Ohio.
- 2.033 Court.** A court is an open unoccupied, and unobstructed space, other than a yard, on the same lot with a building or group of buildings, which is enclosed on three or more sides fully open to the sky.
- 2.034 Day Care.** Day care shall mean a building or structure where care, protection and supervision are provided on a regular schedule, for a fee, at least twice a week, to at least five persons at one time, including any relation of the day care provider.
- 2.035 District.** A district is a portion of the territory of the Village, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.
- 2.036 Drive-in Facility.** A drive-in facility shall be any portion of a building or structures from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.
- 2.037 Dwelling.** A dwelling is any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more families, but not including a tent, cabin, trailer or trailer coach, boarding or rooming house, hotel, or mobile home.
- 2.038 Dwelling, Multi-family.** A multi-family dwelling is a building or portion thereof designed for or used by three or more families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit.

- 2.039 Dwelling, Secondary.** A secondary dwelling shall mean the addition of a second independent dwelling, attached or detached to the primary single family dwelling, housing a relative related by blood or marriage on the same lot.
- 2.040 Dwelling, Single-family Detached.** A single family dwelling is a building designed for or used exclusively for residence purposes by one family or housekeeping unit.
- 2.041 Dwelling, Two-family.** A two-family dwelling is a building designed for or used exclusively by two families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit.
- 2.042 Educational Institution.** An educational institution is a facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools and technical and collegiate level courses.
- 2.043 Essential Services and Utilities.** Essential services and utilities are the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public health, safety, or general welfare.
- 2.044 Exotic wildlife.** Indigenous or non-indigenous wildlife, including those animals that could be considered dangerous but not limited to lions, tigers, ocelots, jaguars, leopards, mountain lions, cheetahs, lynx, bobcats, jaguarundi, bears, hyenas, wolves or coyotes, or any life-threatening reptiles and arachnids, including but not limited to crocodilians, poisonous reptiles and tarantulas.
- 2.045 Family.** Family shall mean one or more individuals living together as a single housekeeping unit in a dwelling, and maintaining and using the same and certain other housekeeping facilities in common.
- 2.046 Fence.** A fence shall mean an artificial barrier or divider intended to prevent escape or intrusion, to mark a boundary, or to enclose an area.
- 2.047 Financial Institution.** A financial institution is any building, property or activity of which the principal use or purpose of which is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATM's), credit unions, savings and loan institutions and mortgage companies.
- 2.048 Floor Area.** The floor area is the sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures.

- 2.049 Floor Area Ratio.** Floor area ratio is the total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.
- 2.050 Frontage.** Frontage shall mean all the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or Village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.
- 2.051 Frontage, Where Measured.** The frontage of a lot shall be measured along the front property line.
- 2.052 Funeral Home.** A funeral home shall mean any dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.
- 2.053 Garage, Private.** A private garage shall mean a detached accessory building or a portion of the principal building used only for the storage of automobiles or trailers by the family resident on the premises. A carport or carporch shall be construed to be a private garage.
- 2.054 Garage, Public.** A public garage shall mean a structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair, or refinishing of automobiles or trailers.
- 2.055 Group Home.** A group home means any licensed residential facility designed to allow not more than eight (8) persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate activity in a non-institutional environment.
- 2.056 Hedge.** A hedge is a growth of shrubbery planted to function as a boundary or fence.
- 2.057 Helistop.** A helistop is an area on the ground or on a roof used by helicopters or steep gradient aircraft for the purpose of picking up or discharging passengers or cargo.
- 2.058 Home Occupation.** A home occupation is any occupation, profession, activity or use which is customarily incident to the principal use of the premises and is conducted by a resident occupant which does not alter the exterior of the property or affect the residential character of the neighborhood.
- 2.059 Hospital.** A hospital is an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

- 2.060 Hotel.** A hotel is a facility, with room entrances accessed through an interior corridor, offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.
- 2.061 Impervious Surface Ratio.** The impervious surface ratio is a measure of the intensity of land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the site or lot.
- 2.062 Industry.** Industry is any storage, manufacture, preparation, or treatment of any article, substance or commodity for commercial use.
- 2.063 Kennel.** A kennel is any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, sold, or which offers provisions for minor medical treatment.
- 2.064 Kitchen.** Any room in a building or dwelling unit which is used for cooking or preparing food.
- 2.065 Land Use Plan.** The land use plan of the Village of North Bend as adopted by Village Council indicating the desirable use of land in the Village as officially adopted and as amended by the Village Planning Commission. The purpose of such plan is to serve as a guide in the review of zoning changes and to aid in the acquisition of rights-of-way or sites for public purposes such as streets, parks, public buildings or other municipal uses.
- 2.066 Livestock.** Hoofed mammals, including but not limited to horses, cattle, sheep, swine, goats, bison, llamas, and other species typically raised for food, fiber or draft. Also includes domestic fowl and game birds.
- 2.067 Loading Space.** A loading space shall mean an off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- 2.068 Lot.** A lot is a piece or parcel of land occupied or intended to be occupied by a principal building or a group of buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces required by this chapter, and having frontage on a public street.
- 2.069 Lot Area.** Lot area is the computed horizontal area contained within the lot lines.
- 2.070 Lot, Corner.** A corner lot is a lot abutting on two or more streets at their intersection or on two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

- 2.071 Lot Depth.** Lot depth is the average horizontal distance between the front and the rear lot lines.
- 2.072 Lot Line, Front.** The front lot line is the line separating the lot from the street on which it fronts.
- 2.073 Lot, Interior.** The interior lot is a lot other than a corner lot and with frontage on one street.
- 2.074 Lot Lines.** Lot lines are the property lines bounding the lot.
- 2.075 Lot Line, Rear.** The rear lot line is the lot line opposite and most distant from the front lot line.
- 2.076 Lot Line, Side.** The side lot line is any lot line other than a front or rear lot line.
- 2.077 Lot Line, Street or Alley.** A street or alley lot line is a lot line separating the lot from a vehicular public or private right-of-way.
- 2.078 Lot of Record.** A lot of record is a lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Hamilton County, Ohio, or a lot described by metes and bounds, the description of which has been recorded in such office.
- 2.079 Lot, Through.** A through lot is a lot having frontage on two parallel or approximately parallel streets.
- 2.080 Lot Width.** The lot width is the width of the lot measured at right angles to the building setback lines.
- 2.081 Manufacturing.** Manufacturing is the process of making or fabricating raw materials by hand, machinery or the combination thereof into finished parts or products.
- 2.082 Motel.** A motel is a facility, with exterior room entrances, offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.
- 2.083 Non-conforming Use.** See definition **2.144, Use, Non-conforming.**
- 2.084 Office.** An office is a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.
- 2.085 Open Space.** Open space is land used for resource protection, recreation, amenity and/or buffers.

- 2.086 *Parking Area, Private.*** A private parking area shall mean an open area for the same uses as a private garage.
- 2.087 *Parking Area, Public.*** A public parking area shall mean an open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.
- 2.088 *Parking Space.*** A parking space shall mean a permanently surfaced area of not less than 171 square feet and having a width of not less than 9 and a length of not less than 19', either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.
- 2.089 *Personal Services.*** Personal services are activities conducted in an office, store or other place of business catering to the personal needs of a customer, such as normally conducted by a barber, beautician, tailor, dressmaker, doctor, attorney, architect or a photocopy duplication center.
- 2.090 *Pet, Household.*** Domesticated animals that share the same domicile or premises with humans; are dependent upon humans for food, water and shelter; and are kept as companions, including but not limited to dogs, cats, caged birds of a variety of species, rodents, rabbits, and nonpoisonous reptiles and amphibians, that are not included in the definitions of livestock and exotic wildlife.
- 2.091 *Printing and Related Trades.*** Printing and related trades shall mean an establishment that provides duplicating services using photocopy, blueprint and/or offset printing equipment including the collating of booklets and reports. Printing and related trades shall not include copy service centers or self-service copy centers that primarily utilize photocopy machines as their source of duplication.
- 2.092 *Public Building.*** A public building is a structure or portion of a structure owned, operated or controlled by a government agency for the performance of certain specialized governmental activities required for day to day functions.
- 2.093 *Recreation, Active.*** Active recreation shall mean the improvement of the land, open to the general public which provides facilities serving the recreational needs of the community. Active recreational areas shall include, but are not limited to: swimming pools, athletic fields, tennis courts, amphitheaters, community centers, and playgrounds.
- 2.094 *Recreation, Commercial.*** Commercial recreation is land or facilities operated as a business and are open to the general public for a fee that shall include, but is not limited to: rollerblade rental, billiard parlors, video amusement arcades, pay-to-play athletic fields, golf courses, ice skating rinks or swimming pools.

- 2.095 Recreation, Non-commercial.** Non-commercial recreation is any land or facility operated by a governmental agency or non-profit organization and open to the public or members of the non-profit organization without a fee that shall include but is not limited to: picnic areas, bike/hike trails, public golf courses, athletic fields or swimming pools.
- 2.096 Recreation, Passive.** Passive recreation shall mean the use of unimproved land, in its natural state and open to the general public, which provides for a variety of activities for the outdoor exercise and activity needs of the community. Passive recreational areas shall include, but are not limited to: unimproved backpacking trails, unimproved hiking trails, primitive camping areas, canoeing, swimming, rafting, scientific and scholastic studies. Lands may be improved for handicapped access.
- 2.097 Religious Places of Worship.** A religious place of worship is an institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held.
- 2.098 Research and Development Laboratory.** A research and development laboratory shall mean a building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental to the main purpose of the laboratory.
- 2.099 Restaurants.** A restaurant is an establishment with table services whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers, provided that no drive-through window may be permitted.
- 2.100 Restaurant/Fast Food.** A fast food restaurant is an establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers and without table service, directly to the customer in a ready-to-consume state.
- 2.101 Retail Business.** A retail business shall mean any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale.
- 2.102 Right-of-way.** A right-of-way (ROW) is land dedicated to or owned by the public for use as a roadway, walk or other way.
- 2.103 Roadside Stand.** A roadside stand shall mean a temporary business use devoted strictly to the sale of seasonal agricultural and horticultural products to the general public located in a wholly or partially enclosed structure.
- 2.104 Satellite Dish.** A satellite dish is a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone,

horn or tower. Such device shall be used only to receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. Satellite dishes include but are not limited to TVRO's (television reception only satellite dish antennas) and satellite microwave antennas.

- 2.105 Setback.** The setback is the required minimum horizontal distance between the building line and the related front, side or rear property line.
- 2.106 Shopping Center.** A shopping center is a grouping of retail and service uses on a single site that is developed, owned and managed as a unit with off-street parking as an integral part of the unit.
- 2.107 Sign.** A sign is an outdoor advertising structure, device or visual communication designed or intended to convey information to the public in written or pictorial form.
- 2.108 Sign, Aerial.** An aerial sign is any balloon, or other airborne floatation device which is tethered to the ground or to a building or other structure which directs attention to a business, commodity, service, or entertainment conducted, sold or offered.
- 2.109 Sign, Construction.** A construction sign is a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
- 2.110 Sign, Directional.** A directional sign is any on-premise sign giving directions, instructions, or facility information but shall not contain the name or logo of an establishment nor any advertising copy.
- 2.111 Sign, Freestanding.** A freestanding sign is any permanent sign not attached to a building. This shall include signs attached to poles and signs attached directly to the ground.
- 2.112 Sign, Ground Mounted.** A ground mounted sign is any freestanding sign, other than a pole mounted sign, independently supported by the ground or mounted on a decorative wall or fence.
- 2.113 Sign, Informational.** An informational sign is any off-premises sign located in the public right-of-way that is intended to direct vehicular or pedestrian traffic, giving direction or instructions, but shall not contain any commercial message or advertising copy.
- 2.114 Sign, Non-conforming.** A non-conforming sign is a sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

- 2.115 Sign, Political.** A political sign is a temporary sign which announces the candidacy of a person or slate or persons running for elective office, or a political party or issue.
- 2.116 Sign, Portable Sandwich Board.** A portable sandwich board is a sign with two display surfaces that is not permanently anchored to the ground or a structure and has a hinged, or A-frame construction that allows the sign to be displayed indoors or outdoors.
- 2.117 Sign, Portable.** A portable sign is a sign which is movable and which is not permanently attached to the ground, a structure or other signs, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.
- 2.118 Sign, Projecting.** A projecting sign is a sign supported by a building wall or column and extending a distance exceeding twelve (12) inches from the wall.
- 2.119 Sign, Real Estate.** A real estate sign is a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.
- 2.120 Sign, Subdivision.** A subdivision sign is any ground mounted or wall sign identifying a recognized subdivision, condominium complex, or residential development.
- 2.121 Sign, Temporary.** A temporary sign is any sign not constructed or intended for long-term use and is not permanently mounted.
- 2.122 Sign, Wall.** A wall sign is any sign which is located on or formed by the surface of the wall of a building. A Mansard roof facade on a building shall be considered part of the wall.
- 2.123 Sign, Window.** A window sign is a sign installed inside a window and intended to be viewed from the outside.
- 2.124 Sign, Area of.** The area of a sign is the entire area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. The copy of signs composed of individual letters, numerals or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices.
- 2.125 Sign Permit.** A sign permit shall be the official written approval for the creation, erection or construction of a sign issued by the Village of North Bend.
- 2.126 Site Plan.** A site plan is a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings,

structures, uses and principal site development features proposed for a specific parcel of land.

- 2.127 Standard, Performance.** Performance standards are a criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.
- 2.128 Story.** A story is that portion of a building, included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- 2.129 Story, First.** The first story shall mean the lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building except that any basement or cellar used for residence purposes shall be deemed a full story.
- 2.130 Story, Half.** A half story shall mean a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, provided, that any partial story used for residence purposes shall be deemed a full story.
- 2.131 Story, Mezzanine.** A mezzanine story shall mean a story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story in case it covers more than one-third of the area of the story directly underneath the mezzanine story.
- 2.132 Street.** A street is a public right-of-way which provides a public means of access to abutting property for motor vehicles.
- 2.133 Structure.** A structure shall mean anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.
- 2.134 Structure, Accessory.** See definition **2.142 - Use, Accessory.**
- 2.135 Structural Alteration.** Structural alteration shall mean any change in the structural members of a building, such as walls, columns, beams, or girders.
- 2.136 Swimming Pool.** A swimming pool is any structure located in-ground or above ground containing, or normally capable of containing, water to a depth at any point greater than 24 inches for the purpose of recreation, sports activity, or swimming.
- 2.137 Tavern.** An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.

- 2.138 Trailer Home or Mobile Home.** (Including *Motor Home, Automobile Trailer, Trailer Coach, or House Trailer.*) A trailer home or mobile home shall mean any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation or use as a selling or advertising device, or use for storage or conveyance for goods, equipment, or machinery and so designed that it is or can be mounted on wheels and used as a conveyance on highways and streets propelled or drawn by its own or other motor power.
- 2.139 Trailer, Educational.** An educational trailer is any trailer, mobile unit, or van that is used exclusively for the purpose of instruction or activities related to instruction by a school of general education.
- 2.140 Trailer Home Park or Mobile Home Park.** A trailer home park is any lot or part thereof, or any parcel of land which is used or offered as a location for two or more trailers used for any purpose set forth in *Trailer Home* or *Mobile Home* above.
- 2.141 Use.** The term use shall mean the purpose for which land or a building or structure is arranged, designed, or intended, or for which either land or a building or structure is, or may be, occupied or maintained.
- 2.142 Use, Accessory or Accessory Structure.** A use or structure subordinate to the principal use of a building or to the principal use of land, which is located on the same lot as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.
- 2.143 Use, Conditional.** Conditional use is a use which is permitted in a district only if a Zoning Certificate therefore is expressly authorized by the Planning Commission in accordance with Section 21.2 (C - H).
- 2.144 Use, Non-conforming.** A non-conforming use is any building, structure, or premises legally existing or used at the time of adoption of this chapter, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or courts, or distance requirements from more restricted districts or uses, shall not be considered a nonconforming use.
- 2.145 Use, Principal Permitted.** Principal permitted use is a use which is permitted outright in a district for which a Zoning Certificate shall be issued provided that the applicant meets the applicable requirements of the Code.
- 2.146 Used.** The word used shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.

- 2.147 Variance.** A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public health, safety, or welfare and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
- 2.148 Vehicular Use Area.** A vehicular use area is a paved lot utilized for the parking of motor vehicles.
- 2.149 Village.** Village shall mean all of the land located within the jurisdictional boundaries of the Village of North Bend, Ohio.
- 2.150 Wireless Communication Systems.** See Cellular or Personal Communication.
- 2.151 Wholesale Warehousing.** Wholesale warehousing is an establishment that is engaged in the storage and selling of merchandise to retail establishments rather than to consumers.
- 2.152 Yard.** A yard shall mean an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward.
- 2.153 Yard, Front.** Front yard shall mean a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot, usually the building line.
- 2.154 Yard, Front, How Measured.** Front yard, how measured shall mean that such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line) to the closest point of a principal building, provided, however, that if the proposed location of the right-of-way line of such street as established on the official map of the Village differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on the official map. Corner lots shall have two front yards.
- 2.155 Yard, Rear.** Rear yard shall mean a yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line to the closest part of a principal building.
- 2.156 Yard, Side.** Side yard shall mean a yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line to the side of a principal building, and a line parallel thereto on the lot.
- 2.157 Yard, Side, Least Width, How Measured.** Side yard, least width, how measured shall mean that such width shall be measured from the nearest side lot line to a principal building.

2.158 Zoning Certificate. Zoning Certificate shall mean a document issued by the Building Official authorizing buildings, structures, or uses consistent with the terms of this Code and for the purpose of carrying out and enforcing its provisions.

2.159 Zoning Map. The zoning map shall mean the official zoning map of the Village, together with all amendments subsequently adopted.

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**CHAPTER 3
DISTRICT ESTABLISHMENT AND MAP**

3.0 Division of Village into Districts

The Village is hereby divided into nine use districts as follows:

<u>Abbreviation</u>	<u>District</u>
R-1	Low Density Residence
R-2	Medium Density Residence
R-3	High Density Residence
B-1	Neighborhood Business
B-2	Highway Commercial
M-1	Light Industrial
M-2	Heavy Industrial
RF	Riverfront/Recreation
PUD	Planned Unit Development

3.1 Official Zoning Map

The districts established in Section 3.0 are shown on the Zoning Map which, together with all explanatory matter therein, is hereby adopted as part of this Zoning Code and is hereby incorporated by reference into this Zoning Code. The Zoning Map, properly attested, shall remain on file in the office of the Mayor or his/her designee.

3.2 Interpretation of District Boundaries

Except where referenced on the map to a street or alley line or other designated line by dimensions shown on the map, the district boundary lines follow lot lines or the center lines of streets or alleys as they existed at the time of adoption of this Chapter, but where a district line obviously does not coincide with the lot lines as such, or center lines of streets or alleys, or where it is not designated by dimensions, it shall be determined by the use of an engineer's scale as measured on the Zoning Map.

When the streets or alleys on the ground differ from the streets or alleys on the Zoning Map, the Board of Appeals may apply the Zoning District designations on the map to the property on the ground in such a manner as to conform to the intent and purposes of this Section in the judgment of the Board.

3.3 Lot Divided, Extension of District

Where a district boundary line established in this Section or as shown on the Zoning Map divides a lot which was in single ownership at the time of enactment of this Chapter, the use authorized thereon and the other district requirements applying to the more restricted portion of such lot under this Chapter shall be considered as extending to the entire lot.

3.4 Vacated Street or Alley

Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district.

3.5 Annexations

All territory which may hereafter become a part of the Village of North Bend by annexation shall automatically be classed as lying and being in the same District as it was designated by the adjacent jurisdiction, if there be a similar District in existence under these regulations; insofar as the use, area and height of buildings erected thereon can fit into a similar zone, such District shall be applied. If no such use or District is available, then such portion annexed shall automatically be classified as lying and being in the "R-1" Residence District until such classification shall have been changed by an amendment to the Zoning Map, as provided for by law.

3.6 Conformance with Regulations

Except as hereinafter specified:

- A. No land shall be used except for a use permitted in the Zoning District in which it is located, or for a use conditionally permitted and subject to the issuance of a Conditional Use Permit.
- B. No building shall be erected, converted, enlarged, reconstructed, nor shall any building be moved onto a zoning lot or within the same zoning lot, unless it is a use permitted in the Zoning District in which such building is located, except as provided for elsewhere in this Code.

No parcel of land nor lot shall hereafter be created which does not conform to, and meet the requirements of these regulations.

- C. Every building hereafter erected or structurally altered shall be located on a lot as herein defined. No more than one principal building per lot shall be permitted.

**CHAPTER 4
SUPPLEMENTAL DISTRICT REGULATIONS**

4.0 Residential Conversions to Accommodate a Greater Number of Dwelling Units

This Section shall enable the owner of a dwelling unit to convert the structure to accommodate additional dwelling units, provided the following criteria are met:

- A. When completed, the conversion shall conform to all the requirements for new construction of the Zoning District in which it is located, including use, density, lot size, yard requirements, and all other restrictions mandated by this Zoning Code.
- B. Additional off-street parking must be provided in accordance with the requirements of Chapter 19, Off-Street Parking and Loading.
- C. In no case shall a conversion result in the creation of a new dwelling unit which has a floor area of less than 400 square feet.
- D. Each proposed dwelling unit shall be served by municipal water and sewer facilities and shall contain a separate kitchen and bathroom.

4.1 Regulations for Drive-In, Drive-Through, or Carry Out Eating and Drinking Establishments

In addition to the other relevant District regulations, drive-in, drive-through or carry-out eating and drinking establishments shall be reviewed by the Planning Commission during Site Plan Review as required by Chapter 21 and shall be further regulated as follows:

- A. The location must be located on or near a major street; said street must be adequate to carry the additional traffic generated by the establishment. The Village may require the preparation of a traffic impact study by a qualified traffic engineer to determine the adequacy of the roadway and determine any necessary off-site roadway improvement.
- B. A minimum of five (5) stacking spaces per drive-thru lane shall be required.
- C. Exterior lighting, including illuminated signage, shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to any adjacent dwelling units.
- D. A solid fence or wall four (4) to six (6) feet in height shall be constructed where any off-street parking area is located, adjacent to a dwelling unit or any residentially zoned parcel of land. An evergreen hedge maintained in good condition may be substituted for the required fence or wall, provided however,

that the evergreen hedge provides an opaque screen to prevent the glare of headlights onto adjoining properties and provided that the Planning Commission or Board of Zoning Appeals approves such.

4.2 Reduction of Required Area or Space

Unless a variance is specifically granted by the Board of Zoning Appeals, no lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this Code. No part of a yard, court, parking area or other space provided about or for any building or structure for the purpose of complying with the provisions of this Chapter, shall be included as part of the yard, court, parking area or other space required under this Chapter for another building or structure. Furthermore, no part of a yard, court, parking area or other space provided which is already less than the required minimum shall not be reduced further.

4.3 Clear Sight Distance at Street and Access Drive Intersections and Corner Lots

To insure that landscape materials do not constitute a driving hazard, a “clear sight triangle” will be observed at all street and access drive intersections. A clear sight triangle is the triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines. See Figure 4.3A.

A. Design

The entire area of the clear sight triangle should be designed as illustrated in Figure 4.3A to provide the driver of the vehicle entering the intersection with an unobstructed view to all points nine (9) feet above the roadway along the centerline. The recommended distance depends upon the design speed of the higher-order street and therefore is greater for arterial streets than for collectors.

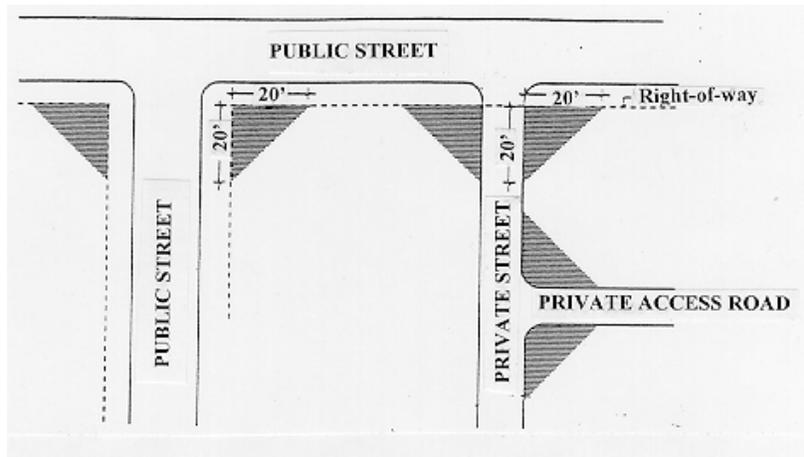
B. Restrictions Within Clear Sight Triangles.

Within the sight triangle no landscape material with a mature height greater than twelve inches (12”) shall be permitted with the exception of trees which conform to the following standards. Trees shall be permitted within the sight triangles as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the ground and nine (9) feet above the ground, or otherwise does not present a traffic visibility hazard. Restrictions shall not apply to the following:

1. Existing natural grades which, by reason of natural topography, rise twelve (12) or more inches above the level of the center of the adjacent intersection;

2. Fire hydrants, public utility poles, street markers, governmental signs and traffic control devices.

**Figure 4.3A
Sight Distance Diagram**



4.4 Fences, Hedges, Walls and Retaining Walls

Fences, hedges, walls and retaining walls are permitted in all districts, subject to the following conditions:

A. Location

1. Fences and/or walls can be located in the front, side and rear yards subject to the height restrictions delineated in Section 4.4 B and setback restrictions for retaining walls delineated in Section 4.4 F.
2. Hedges are permitted in the required front yard provided that the hedge height does not exceed three (3) feet. Taller hedges, not exceeding five (5) feet in height, are permitted in the required front yard, provided the hedges are setback at least ten (10) feet from the street right-of-way.
3. Any fence shall be constructed in such a fashion that the finished side of the fence is facing the adjoining property.

B. Height

1. For residential uses, no fence or wall located in the front or side yard shall exceed three (3) feet in height and shall have an open face area of no less than fifty (50) percent or when constructed to a height of not more than four (4) feet, shall have an open face area of no less than seventy-five (75) percent. Fences located in the rear yard shall not exceed six (6) feet in height.

2. For non-residential uses, fences shall not exceed six (6) feet in height and shall not be located in the front yard unless approved by the Village Planning Commission or Board of Zoning Appeals.

C. Materials

Fences shall not contain an electric charge or barbed or razor wire.

D. Site distance requirements

No fence, wall, or hedge shall violate the sight distance requirements found in Section 4.3 of this Zoning Code.

E. Requirement for a Property Survey

The Building Official may require that a property survey be prepared at the expense of the applicant and submitted when the location of a proposed fence is such that the property lines or setbacks are in question.

F. Retaining Walls

Retaining walls facing a residence district shall be setback from the residential property line a minimum of two (2) feet for every foot of height.

4.5 Satellite Dishes/Satellite Signal-Receiving Earth Stations

Satellite dishes over one meter in diameter in a residential district or two meters in diameter in a nonresidential district, when permitted as an accessory use, are subject to the following conditions:

A. Location

1. No satellite dish shall be erected on the rooftop of any residential, commercial, apartment building, school, church building or any other building. However, commercial buildings, churches and schools located in a business or other non-residential zoning district may be granted a variance based on the need by the Board of Zoning Appeals.
2. Satellite dishes shall be set back a minimum twenty (20) feet from all property lines.
3. Satellite dishes shall be prohibited in the front and side yards of the property on which it is located.

B. Height and Size

1. The maximum height of any ground-mounted earth satellite station/satellite dish shall not exceed fifteen (15) feet above the finished grade and its diameter shall not exceed twelve (12) feet.
2. The maximum height of any roof-mounted earth satellite station/satellite dish approved by the Board shall not exceed the roof height it is mounted on more than four (4) feet and its diameter shall not exceed three (3) feet.

C. Advertising

The satellite dish apparatus shall bear no advertising, lettering, picture or visual image.

D. Landscaping and Maintenance

1. The satellite dish apparatus, where mounted to the ground, shall be screened with shrubbery and/or landscaped to provide a four (4) foot high barrier to adjacent properties.
2. The satellite dish apparatus, landscaping and shrubbery shall be properly maintained to prevent both unsightly and unsafe conditions.

E. Permits Required

No person, firm or corporation shall erect a satellite dish or “earth station dish” in the Village without a permit, and no installation or erection shall commence before a permit is issued in accordance with this Code.

E. Exemptions

Satellite dishes under one (1) meter in diameter in residential districts and under two (2) meters in diameter in nonresidential districts shall be exempt from the aforementioned regulations.

4.6 Home Occupations

Customary home occupations may be permitted by conditional use permit from the Planning Commission. Home occupations shall be subject to the following conditions in addition to use regulations in various districts:

- A. No person other than members of the family residing on the premises shall be engaged in such home occupation.
- B. The use of the dwelling unit 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 floor area of the dwelling unit shall be used in the conduct of the home occupation.

- C. The external appearance of the structure in which the use is conducted shall not be altered. Furthermore, no external alteration, construction or reconstruction of premises to accommodate the use shall be permitted.
- D. The home occupation may increase parking and traffic flow by no more than one (1) vehicle at a time.
- E. There shall be no outside storage of any kind related to the home occupational use and only commodities made on the premises may be sold on the premises. No display of the products shall be visible from the street.
- F. No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupational use, shall be created.
- G. No equipment, process, materials or chemicals shall be used which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances detectable to normal senses off the premises. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
- H. The neighborhood shall not be adversely affected by said home occupation.

4.7 Cellular or Wireless Communication Systems

Cellular or wireless communication systems shall be regulated as follows:

A. Intent

In recognition of the quasi-public nature of cellular and/or wireless communication systems, it is the purpose of these regulations as set out here in this Section, and known as “Cellular or Wireless Communications Systems” to:

1. Accommodate the need for cellular or wireless communication towers while regulating their location and number in the Village;
2. Minimize adverse visual effects of communication towers and support structures through proper siting, design and screening;

3. Avoid potential damage to adjacent properties from communication towers and support structure failure; and
4. Encourage the joint use of any new and existing communication towers and support structures to reduce the number of such structures needed in the future.

B. Use Regulations

The following use regulations shall apply to cellular or wireless communication antennas and towers:

1. A cellular or wireless communications antenna that is mounted to an existing communications tower (whether said tower is for cellular purposes or not), smoke stack, water tower or other tall structure, shall be permitted as-of-right in all zoning districts. Cellular or wireless communications antenna may also be located on the top of buildings which are no less than fifty (50) feet in height.

Any cellular or wireless communications antenna that is mounted to an existing structure as indicated above shall be painted a color which matches, or is compatible with, the structure on which it is located.

2. A cellular or wireless communications antenna that is not mounted on an existing structure or is more than fifteen (15) feet higher than the structure on which it is mounted, is permitted in all zoning districts, with the exception of any single family or multi-family zoning district, as a conditional use.
3. All other uses accessory to the cellular or wireless communications antenna and towers including, but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the cellular or wireless communications antenna and/or tower is located.
4. Cellular or wireless communications sites shall not be located in any single family or multi-family residential zoning district nor shall they be located any closer to any residential zoning district as follows:
 - a. Cellular or wireless communication towers less than 100 feet in height shall be located no closer than 500 feet to any residential zoning district.
 - b. Cellular or wireless communication towers less than 150 feet in height shall be located no closer than 750 feet to any residential zoning district.
 - c. Cellular or wireless communication towers 150 feet in height and greater shall be located no closer than 1000 feet to any residential zoning district.

C. Standards of Approval for Conditionally Permitted Cellular or Wireless Communications Antennas and Towers

The following standards shall apply to all conditionally permitted cellular or wireless communications antennas and towers:

1. The cellular or wireless communications company shall be required to demonstrate, using the latest technological evidence, that the antenna or tower must be placed where it is proposed in order to satisfy its necessary function in the company's grid system.
2. If the cellular or wireless communications company proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within a one (1) mile radius of the site proposed, asked for permission to install the cellular or wireless communications antenna on those structures, and was denied for reasons other than economic ones. "Tall structures" shall include, but not be limited to: smoke stacks, water towers, buildings over fifty (50) feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway lighting poles.

The Village may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

D. Standards of Approval of All Cellular or Wireless Communications Antennas and Towers

1. Antenna/Tower Height

The applicant shall demonstrate that the antenna/tower is the minimum height required to function satisfactorily. No antenna that is taller than the minimum height shall be approved unless the owner demonstrates the need for additional height to accommodate other wireless communication companies. In such cases, the applicant shall submit written proof of such agreements from any/all wireless communication companies intending to co-locate on the proposed antenna.

2. Setbacks from the Base of the Tower

If a new cellular or wireless communications tower is to be constructed, the minimum distance between the base of the tower or any guy wire anchors and the property line shall be the greater of the following:

- a. Forty (40) percent of the tower height;
 - b. The minimum setback in the underlying zoning district; or
 - c. Fifty (50) feet.
3. Cellular or Wireless Communications Tower Safety

The applicant shall demonstrate that the proposed cellular or wireless communications tower and its' antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. Furthermore, all cellular or wireless communications towers shall be fitted with anti-climbing devices as approved by the manufacturers.

4. Fencing

A fence shall be required around the cellular or wireless communications tower and its' support structure(s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height and shall be erected to prevent access to non-authorized personnel. If a chain link style fence is utilized, it shall be green in color.

5. Landscaping

The following landscaping shall be required to screen as much of the support structures as possible, the fence surrounding the cellular or wireless communications tower, support structure(s) and any other ground level features and, in general, soften the appearance of the cellular communications site. The Village may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside of an existing structure, landscaping shall not be required.

Any freestanding cellular or wireless communications tower shall incorporate landscaping which includes trees, shrubs and other landscaping vegetation that is subject to review and is acceptable to the Planning Commission. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

6. Limiting the Number of Cellular or Wireless Communications Towers

In order to reduce the number of antenna support structures needed in the Village in the future, the proposed cellular or wireless communications tower

shall be required to accommodate other users, including other cellular communications companies, and local police, fire and ambulance departments. No new cellular or wireless communication tower shall be located any closer than 1500 feet from an existing tower unless technologically required or visually or aesthetically preferable.

7. Licensing

The cellular or wireless communications company must demonstrate to the Village that it is licensed by the Federal Communications Commission (FCC).

8. Required Parking

If the cellular or wireless communications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in the Zoning Code.

9. Appearance

Cellular or wireless communications towers under 200 feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted except when required by the FAA. Furthermore, no cellular communication tower or antenna shall contain any signage containing a commercial message.

10. Site Plan Required

A full site plan shall be required for all proposed cellular or wireless communications sites, at a scale of 1 inch to 100 feet (1"=100'), indicating, as a minimum, the following:

- a. The total area of the site.
- b. The existing zoning of the property in question and of all adjacent properties.
- c. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
- d. Existing topography with a maximum of five (5) foot contours intervals.

- e. The proposed finished grade of the development shown by contours not exceeding five (5) foot intervals.
- f. The location of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all cellular or wireless communications support structures including dimensions, heights, and where applicable, the gross floor area of the buildings.
- g. The location and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility.
- h. All existing and proposed sidewalks and open areas on the site.
- i. The location of all proposed fences, screening and walls.
- j. The location of all existing and proposed streets.
- k. All existing and proposed utilities including types and grades.
- l. The schedule of any phasing of the project.
- m. A written statement by the cellular or wireless communications company as to the visual and aesthetic impacts of the proposed cellular or wireless communications tower on all adjacent residential zoning districts.
- n. Any other information as may be required by the Planning Commission to determine the conformance with this Zoning Code.

Upon submission of a complete application for site plan review to the Building Official, the application shall be transmitted to the Planning Commission where they shall review the site plan to determine if it meets the purpose and requirements as established in this Section, of the zoning district where the proposed cellular or wireless communications site is located and of any other applicable Section of this Zoning Code. No public notice or public hearing shall be required in conjunction with the review, approval, approval with modifications or disapproval of the site plan.

The Planning Commission shall act upon all site plans within thirty-five (35) days after the receipt of the complete application from the Building Official. The Planning Commission may approve, disapprove or approve with modifications the site plan as submitted. Within the said thirty-five (35) day period, a majority of the members of the Planning Commission present at a meeting thereof may vote to extend the said period of time, not to exceed an additional sixty (60) days.

E. Maintenance

Any owner of property used as a cellular or wireless communications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any cellular or wireless communications tower that has discontinued its service for a period of twelve (12) continuous months or more shall be removed, along with all accessory structures related thereto. Discontinued shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, unused or has ceased the daily activities or operations which had occurred.

4.8 Performance Standards to Regulate Potential Hazards and Nuisances

The following minimum standards shall apply to all uses in the Business and Industrial Districts and all Planned Unit Developments:

A. Fire and Explosion Hazards

All activities including storage, involving flammable or explosive materials, shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

B. Air Pollution

No emission of air pollutants shall be permitted which violate the Clean Air Act Amendment, as amended from time to time, as enforced by the Ohio Environmental Protection Agency.

C. Glare, Heat and Exterior Light

Any operation producing intense light or heat, such as high temperature processes like combustion, welding or otherwise, shall be performed within an enclosed building and shall not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.

D. Dust and Erosion

Dust or silt shall be minimized through landscaping, paving or other adequate means in a manner as to prevent their transfer by wind or water to points off of the lot in objectionable quantities.

E. Liquid or Solid Wastes

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

F. Vibrations and Noise

No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property lines of the subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.

G. Odors

No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.

4.9 Regulations for Automotive Service Stations and/or Repair Garages and Gasoline Sales Establishments

The following requirements shall apply to automotive service stations and/or repair garages and gasoline sales establishments:

- A. There shall be a minimum of two (2) separate driveways providing ingress and egress from the property, located not closer than fifty (50) feet from one another, twenty-five (25) from any adjacent residentially zoned district, or a minimum of seventy-five (75) feet from a street intersection. The Village may require the submission of a traffic study prepared by a qualified traffic engineer to evaluate the proposed driveway locations and if necessary, recommend alternate locations.
- B. The entire lot area, exclusive of the area covered by the building, shall be paved and/or landscaped. A minimum four (4) inch high curb shall separate all paved areas from all landscaped areas.
- C. In the case of an automotive service station/repair garage or gasoline sales establishment, the light from exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to any surrounding residential area.

- D. A solid fence, wall or evergreen hedge, four (4) to six (6) feet in height shall be constructed or planted, and maintained in good condition where ever such use abuts a residentially zoned district.
- E. Motor vehicle fuel pumps, compressed air connections and similar equipment shall be erected no closer than fifteen (15) feet to any right-of-way line.
- F. Canopies erected on an automotive filling station site shall be erected no closer than fifteen (15) feet to any right-of-way line.
- G. Other uses permitted in a district which automotive service stations are permitted may be combined on the same premises with automotive filling station uses provided that, before the commencement of such combined uses, a development plan shall be submitted to the Planning Commission for its review and approval. In determining the approval, approval with modifications or disapproval of such development plan, the Planning Commission shall consider the following factors, and its approval or disapproval shall be based on the following factors alone:
 - 1. Access, ingress, egress and traffic circulation;
 - 2. Off-street parking and loading spaces as required by this Zoning Code;
 - 3. Adequate and safe separation of uses; and
 - 4. Compliance with the requirements of this Chapter.
- H. No vehicles shall be parked within the required front yard of any automotive service station except for those vehicles actually being serviced at the pump island. No vehicle not owned by an employee or owner of such automotive filling station shall be permitted to stand out of doors on such premises for more than 72 hours.
- I. The following shall regulate the abandonment of automotive service and gas stations:
 - 1. If any automobile filling station is abandoned for a period of at least six (6) consecutive months, such station shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated.
 - 2. Such abandoned condition shall be abated within sixty (60) days either by placing the station in operation in accordance with this section and other applicable laws and regulations of the Village and State, adapting and using the building or structure for another permitted use in the district in which it is

located, or by razing the station, removing the pumps and signs, abandoning the underground storage tanks in accordance with safe accepted practices as prescribed by the National Fire Protection Association in Appendix C to N.F.P.A. No. 30, under the supervision of the Village's Fire Chief or other designated officials, and filling depressions to the grade level of the lot, however, if the station is in operation at the time notice is given and remains in operation for ninety (90) consecutive days thereafter, the provision of this sub-section shall not apply.

Whenever the Building Official shall find any automotive service station/repair garage to be abandoned within the meaning of this Section, the Building Official shall give notice in the same manner as service of summons in civil cases, or by certified mail addressed to the owner of record of the premises at the last known address or the address to which tax bills are sent, or by a combination of the foregoing methods.

3. On the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Building Official shall take such action as may be necessary to abate such nuisance.
4. Inoperative service stations which do not come within the definition of an abandoned station shall be maintained in accordance with the provisions of this section and other applicable laws and regulations, and the owner shall maintain the premises, mowing grass and removing all weeds and rubbish. The parking of motor vehicles on the premises shall be strictly prohibited, and the owner shall place in the window of such station a sign of at least ten (10) square feet in area, notifying the public of this fact. Notwithstanding any other provision of this section, if the Building Official shall find that such notice is not complied with by the public, he may order the owner of the premises on which any station is inoperative for more than six months to install fencing or barricade, approved by the Building Official, which will be sufficient to block motor vehicles access to the property.

4.10 Outdoor Bulk Storage or Display

The following regulations shall apply to outdoor bulk storage or displays:

- A. The outdoor storage or display of bulk goods including seasonal items such as firewood and mulch shall be controlled by the following regulations:
 1. The outdoor storage or display of merchandise, inventory or materials shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways. Furthermore, no outdoor storage or display area may occupy any required parking space.

2. The outdoor storage or display of merchandise, inventory or materials shall not be located in any required yard area within the lot.
 3. The outdoor storage or display of merchandise, inventory or materials shall not include the use of banners, pennants or strings of pennants.
 4. Outdoor storage areas shall be required to be fully screened with an opaque fence or wall not to exceed six (6) feet in height.
- B. Outdoor storage or display locations shall be approved by the Building Official upon the application of the record owner of the property.
- C. Applications for outdoor storage or display areas shall be on a form provided by the Building Official and shall be submitted with a site plan depicting the location of the said storage or display areas with supporting documentation indicating the impact of the storage or display area on the property as a whole. The Building Official may request the specific review and approval of the Planning Commission of any application. The review and approval of the Planning Commission may also be requested by any applicant whose application has been rejected or modified by the Building Official, which request must be made in writing and must be made within ten (10) days of such rejection or modification.

4.11 Adult Entertainment Facility

An Adult Entertainment Facility is a conditional use within the M-2 Heavy Industrial District. A conditional use for such facilities shall not be approved unless the following minimum conditions shall be complied with:

A. Minimum location requirements

No Adult Entertainment Facility shall be established within five hundred (500) feet of:

1. Any Residence (R) District; or
2. Any public, private, governmental or commercial library, school, teaching facility, park, recreational facility, religious place of worship, child day care facility, day care facility, playground or swimming pool; or
3. Any other Adult Entertainment Facility.

B. Prohibited public display

No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

C. Public view to be prevented

All building openings, entries, windows, etc. for Adult Entertainment Facilities shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.

D. External audio and visual impact

No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

E. Interior design

The interior of any adult book store shall be lighted and constructed in such a manner that every portion thereof (except restroom facilities) is readily visible to the clerk or supervisory personnel from the facilities' counter or other regular work station.

4.12 Regulations for Multi-Family Dwellings

Multi-Family dwellings shall conform to the following requirements:

- A. The following minimum zoning lot size and density requirements shall be observed unless an exception is granted as authorized under the Planned Unit Development provisions of these regulations, as provided for in the Planned Unit Development Chapter:
 - 1. A total minimum lot area of 6,000 square feet shall be required for the first three (3) dwelling units.
 - 2. An additional 4,000 square feet shall be required for each unit over the third unit.
- B. In the case of a total landholding proposed for multi-family development of one acre or more, no portion or phase of the development shall exceed a maximum gross density of 10 dwelling units per acre, unless an exception is granted under the Planned Unit Development Provisions in the Planned Unit Development Chapter.

- C. The applicant for a conditional use permit for a multi-family use shall furnish assurances from the developer that the following criteria have been satisfied:
 - 1. The disposal of sewage shall meet with the approval of all applicable health authorities.
 - 2. Storm water run-off shall be properly channeled so as to eliminate the possibility of flooding, either on or off the property.
 - 3. The street(s) providing access to the site shall be adequate to carry the additional traffic generated by the development.

4.13 Regulations for Convalescent Care Facilities, Nursing Homes and Assisted Living.

Convalescent Care Facilities, Nursing Homes, and Assisted Living facilities shall require conditional use approval by the Planning Commission and shall conform to the following requirements:

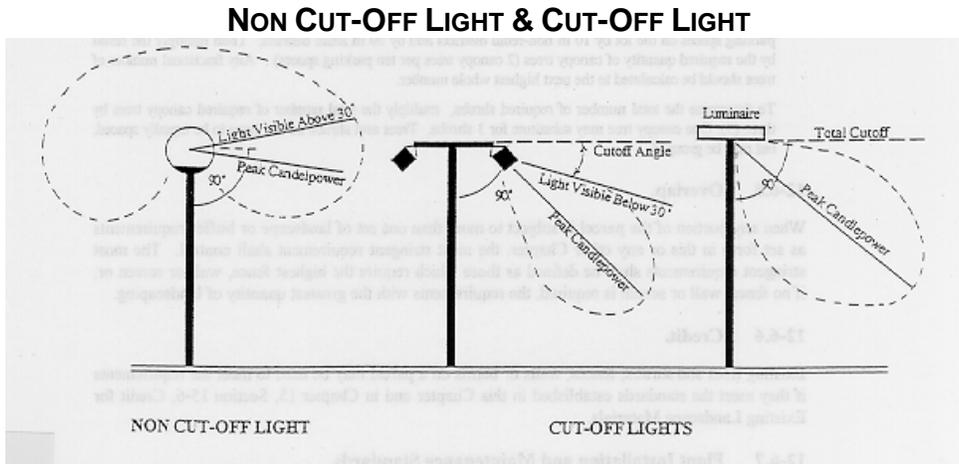
- A. The minimum lot size shall be two (2) acres.
- B. In determining the “density” for such a facility, the Planning Commission should consider the nature of the use as a care giving facility, which is not the same as a multiple family dwelling unit. The number of units for each facility should be evaluated by the Planning Commission on a site specific basis, according to the operational elements of the facility and the site design characteristics.
- C. The applicant for a conditional use permit for convalescent care facilities, nursing homes, and assisted living facilities shall furnish assurances from the developer that the following criteria have been satisfied:
 - 1. The disposal of sewage shall meet with the approval of all applicable health authorities.
 - 2. Storm water run-off shall be properly channeled so as to eliminate the possibility of flooding, either on or off the property.
 - 3. The street(s) providing access to the site shall be adequate to carry the additional traffic generated by the development.

4.14 Regulations for Outdoor Lighting.

The following restrictions shall apply to any outdoor lighting located in any district on parcels, including parking areas and areas where on-building lighting or other security lighting is utilized.

A. Height

All outdoor lighting shall be designed, located, and mounted at heights no greater than sixteen feet (16') above grade for non-cutoff lights and twenty-four feet (24') above grade for cutoff lights. A greater height may be authorized in any district by a variance approved by the Board of Zoning Appeals or by the Planning Commission during the Site Plan Review process. Cutoff and non-cutoff lights are illustrated below:



B. Illumination

All outdoor lighting shall be designed and located with a maximum illumination of 0.5 footcandles at the property line of any Residential Zoning District.

C. Shielding

All outdoor lighting for non-residential and residential uses shall be located, screened, or shielded so that adjacent lots located in Residential Zoning District are not directly illuminated.

D. Color and Glare

No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

E. Factors for Evaluation

The following factors shall be considered in the evaluation of lighting plans:

1. Pole Height
2. Type of Luminaire
3. Site Coverage – average maintained
4. Uniformity: (a) Maximum:Minimum (b) Average:Minimum
5. Intensity at Property Line

F. Location

Outdoor lighting need not comply with the yard requirements of this Resolution, except that no such light shall obstruct sight triangles as defined in Section 4.3.

4.15 Regulations for Dumpsters and Trash Handling Areas for Non-Residence Districts

The following requirements shall apply to all dumpsters, trash handling areas, and related service entrances:

D. Setbacks

Dumpsters, trash handling areas and related screening, shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed.

E. Location of Screen

Any such accessory use or structure shall be screened on three sides by a fence or wall from the view from public streets and any abutting properties located in a residential, office, or commercial district.

F. Height and Construction of Screen

Any fence or wall required under this Section shall have a height no greater than seven feet (7') and no less than five feet (5'). Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than twenty-five percent (25%) of the wall surface left open. Any fence shall be constructed in a durable fashion of wood posts and/or planks with minimum diameter or width of three inches (3") and with no greater than twenty-five percent (25%) of the fence surface left open between posts and/or planks.

4.16 Regulations for Private Swimming Pools, Tennis Courts, Basketball Courts

Swimming pools (measured from the edge of water), tennis courts and independent basketball courts and similar active recreation areas shall be permitted as an accessory use in all Residence Districts or any district with permitted residential uses provided they are located behind the rear line of the principal structure and at least ten feet (10') from all property lines. Fixed lighting for these uses shall be located, screened, or shielded so that any adjacent residential lots are not directly illuminated.

4.17 Day Care Centers as Accessory to Non-Residential Use

A day care center receiving state certification pursuant to the Ohio Revised Code shall be permitted as accessory to any non-residential use in accordance with the following requirements:

A. Area of Outdoor Play Space

At least one hundred (100) square feet of outdoor play space per child shall be provided on the lot, exclusive of driveways, off-street parking and service areas, and required yards.

B. Location and Enclosure of Outdoor Play Space

All outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides to a height of no less than three feet (3') and no greater than six feet (6').

C. Parking Standards

Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 19.

4.18 Pre-School and Elementary Schools as Accessory to Existing Churches

A. Building Location

All buildings shall be setback from any property line the minimum distance that is required in the District in which it is located. An additional two (2) feet shall be added to the setback requirement for each foot of building height which exceeds the maximum height permitted (not to exceed 45 feet in height).

B. Building Type

All accessory structures shall be designed to reflect the main building and the use of temporary, portable or modular structures shall be prohibited.

C. Area of Outdoor Play Space

At least one hundred (100) square feet of outdoor play space per child shall be provided on the lot, exclusive of driveways, off-street parking and service areas and required yards.

D. Location and Enclosure of Outdoor Play Space

All outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides to a height of no less than three feet (3') and no greater than six feet (6').

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CHAPTER 5 LOTS OF RECORD

5.0 Dwelling on Any Lot of Record

In any district where dwellings are permitted, a single family detached dwelling may be erected on any lot of official record at the effective date of this Chapter, irrespective of its area or widths, provided the applicable yard and other open space requirements satisfying the following requirements, that on lots of record which do not meet the minimum yard requirements for the corresponding district as of the effective date of this code, the minimum yard setback shall be determined by the proportional application of the requirements specified in that corresponding district. However, those modified setbacks shall not be greater than 50% of the minimum setback required in that district except as otherwise provided by this code.

5.1 Non-Conforming Dwelling Units

Any legally permitted dwelling unit existing within a non-residential district on the effective date of the adoption of this Code may continue as a dwelling use provided that the dwelling conforms with the regulations set forth in Chapter 8, Non-Conforming Uses.

5.2 Limitation of One Main Building on Lot

Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main building on a lot except as specifically provided hereinafter in Section 5.0.

Where a proposed building/development is located on several lots of record, such parcels shall be consolidated prior to issuance of a Zoning Certificate. Furthermore, all accessory structures shall be located on the same parcel as the principle use.

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CHAPTER 6 HEIGHT MODIFICATIONS

6.0 Height Limitations

The height limitations stipulated elsewhere in this Chapter may be modified pursuant to the following provisions in Sections 6.1 through 6.3, as per the decision of the Planning Commission following a site plan review.

6.1 Architectural Features

Church spires, domes, flagpoles, antennas, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers or scenery lofts, tanks, water towers, silos, or necessary mechanical appurtenances, may be erected to any lawful and safe height. Cellular, or wireless communications systems are not subject to this exception and shall be regulated according to Section 4.7, Cellular or Wireless Communication Systems, of this Code.

6.2 Places of Public Assembly

Public, semi-public or public service buildings, (except as otherwise provided), institutions, or schools, when permitted in a District, may be erected to a height not exceeding sixty (60) feet, and churches and similar places of worship may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each required rear and side yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the District in which the building or structure is built.

6.3 Single Family Dwellings

Single family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the District in which they are located by not less than ten (10) feet, in any event, they shall not exceed three (3) stories or forty-five (45) feet in height.

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CHAPTER 7
FRONTAGE AND YARD MODIFICATIONS AND PROJECTIONS

7.1 Building on Through Lots

Buildings on through lots shall conform to the front yard requirements for each street. In such cases, accessory buildings shall be treated as a principal building with regard to compliance with the front yard setback requirements.

7.2 Average Depth of Front Yards

In any Residence district, where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Code, the required depth of the front yard on such lot may be modified. In such case, this modification shall not be less than the average depth of the existing front yards on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, that the depth of a front yard on any lot shall be at least ten (10) feet and need not exceed fifty (50) feet.

7.3 Rear and Side Yard Depth Computation

In computing the depths of a rear yard or the width of a side yard, where the rear or side yards abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.

7.4 Required Yard Requirements

The following requirements shall apply to the required yards in districts:

1. Accessory buildings which are not a part of the main building may be built in a required rear yard provided that they are not less than three (3) feet from the rear and side lot lines. An accessory building which is not part of the main building shall not occupy more than thirty (30) percent of the required rear yard and shall be located not less than sixty (60) feet away from the any front lot line, except as provided elsewhere by this Code (i.e. gasoline sales).
2. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in the rear yard, and except for the ordinary projections of skylights, sills, beltcourses, cornices and ornamental features. This requirement shall not prevent the construction of fences and hedges as regulated in Section 4.4.

7.5 Corner Lot Yard Requirements

A corner lot shall be considered to contain two front yards. Front yard setbacks shall apply from both street rights-of-way.

7.6 Projection of Architectural Features

Terraces, open porches, platform, ornamental features and fire escapes may project into a required yard, provided these projections be at least two (2) feet from the adjacent side lot line, and provided that they project no more than ten (10) feet into the front yard. For the purpose of this section, terraces, open porches and platforms shall be defined as projections that are not more than 30 inches above the finished grade.

7.7 Projection of Commercial Awnings and Canopies

Awnings that do not project more than forty-eight (48) inches from the face of the building may project into the required front or rear yard when such site is located in a non-residence district. In non-residence districts canopies may be erected over service station pump islands except that no canopy shall be closer than ten (10) feet to a front right-of-way line and shall not be more than eighteen (18) feet above the ground nor less than fourteen (14) feet above the ground.

CHAPTER 8 NON-CONFORMING USES

8.0 Existing Non-conforming Uses Continuation

Except as otherwise specified in these regulations, any use, lot, building or structure that exists as of the enactment date of these regulations may be continued even though such use, lot, building or structure may not conform to the provisions of the Zoning District in which it is located. The provisions for non-conforming uses shall apply.

Nothing contained in these regulations shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of these regulations; provided, however, that construction under such permit or approval shall have been started within six (6) months and the ground floor framework including structural parts of the second floor shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of these regulations.

8.1 Discontinuance of Use

In the event that a non-conforming use of any dwelling, building or structure and/or of any land or premises is voluntarily discontinued for two (2) years or more, any future use shall be a lawful conforming use.

8.2 Improvement to an Existing Non-conforming Use

Unless specifically excepted elsewhere in these regulations, no existing building or premises devoted to a non-conforming use shall be enlarged, extended, reconstructed or structurally altered, unless the use is changed to a permitted use or a conditionally permitted use under this Zoning Code.

8.3 Exceptions to the Non-Conforming Regulations

Exceptions to the non-conforming regulations may be permitted by the Board of Zoning Appeals in the following cases:

- A. A non-conforming residential use may be substantially improved or repaired one (1) time. For the purposes of this Chapter, substantial improvements shall mean structural improvements which increase the size of a residential unit by twenty five (25) percent.
- B. Nothing in these regulations shall be interpreted to prevent normal maintenance, operation or repair of a premises, or the alteration, repair, or improvement of a

premises to comply with an order to improve the property to minimum building code standards.

- C. An existing facility or operation may be permitted to replace existing structures or machinery in order to modernize such facility. No such replacement shall result in the expansion by more than ten (10) percent of the floor area of the structure or facility existing at the time, or more than ten (10) percent of the land coverage on the site existing at the time of enactment of these regulations. Further, such replacement for modernization purposes must be reviewed and approved by the Board of Zoning Appeals to be in compliance with these provisions. The replacement of an existing structure for modernization or any associated expansion shall require that the property comply with the regulations of this Zoning Code, including but not limited to parking regulations, setback requirements, landscaping requirements, buffer requirements and sign regulations.

8.4 Replacing Damaged Non-Conforming Structures

When a non-conforming building, use or structure is damaged or destroyed to the extent of more than sixty percent (60%) of its replacement value, it shall not be restored except in the case of residential uses being granted an exception under Section 8.3 (A) above.

CHAPTER 9
R-1 LOW DENSITY RESIDENCE - SINGLE FAMILY DISTRICT

9.0 Purpose

It is the purpose of the R-1 Low Density Residence - Single Family District to establish and maintain high quality areas for single-family detached dwellings on large sized lots.

9.1 Principally Permitted Uses

Principally permitted uses shall be as follows:

- A. Single family detached dwellings.
- B. Publicly owned parks.

9.2 Permitted Accessory Uses

Permitted accessory uses are as follows:

- A. Satellite dishes; see Section 4.5 regarding regulations.
- B. Signs; see Chapter 20 regarding regulations.
- C. Any use or structure customarily accessory and incidental to any of the permitted uses within this district.

9.3 Conditionally Permitted Uses

Conditionally permitted uses are as follows:

- A. Religious places of worship.
- B. Educational institutions.
- C. Home occupations; see Section 4.6 regarding regulations.
- D. Private recreation areas.
- E. Bed and breakfast establishments.
- F. Clubs.
- G. Essential services and utilities.

9.4 Minimum Lot Area and Width

The minimum lot area and width for properties in the R-1 Low Density Residence - Single Family District are as follows:

- A. Single family detached dwellings shall have a minimum lot area of not less than 20,000 square feet and a width of not less than 100 feet.
- B. Other uses shall have a minimum lot area of not less than one (1) acre and a width of not less than 150 feet.

9.5 Minimum Front Yard Setback

The minimum front yard setback for properties in the R-1 Low Density Residence - Single Family District shall be as follows:

- A. Single family detached dwellings shall have minimum front yard setback of not less than 35 feet.
- B. All other uses shall have a minimum front yard setback of not less than 50 feet.

9.6 Minimum Side Yard Setback

The minimum side yard setback for properties in the R-1 Low Density Residence - Single Family District shall be as follows:

- A. Single family detached dwellings shall have a minimum side yard setback of not less than 15 feet each side.
- B. All other uses shall have a minimum side yard setback of not less than 30 feet each side.

9.7 Minimum Rear Yard Setback

The minimum rear yard setback for properties in the R-1 Low Density Residence - Single Family District shall be as follows:

- A. Single family detached dwellings shall have a minimum rear yard setback of not less than 40 feet.
- B. All other uses shall have a minimum rear yard setback of not less than 50 feet.

9.8 Maximum Height Regulations

The maximum height regulations for properties in the R-1 Low Density Residence - Single Family District is as follows:

- A. No principal structure shall exceed 35 feet in height.
- B. No accessory structure shall exceed 15 feet in height.

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CHAPTER 10
R-2 MEDIUM DENSITY RESIDENCE - SINGLE FAMILY DISTRICT

10.0 Purpose

It is the purpose of the R-2 Medium Density Residence – Single and Two Family District to establish and maintain high quality areas for single-family and two family dwellings on medium sized lots consistent with the existing housing in the Village.

10.1 Principally Permitted Uses

Principally permitted uses shall be as follows:

- A. Single family detached dwellings.
- B. Two family dwellings.
- C. Publicly owned parks.

10.2 Permitted Accessory Uses

Permitted accessory uses are as follows:

- A. Satellite dishes; see Section 4.5 regarding regulations.
- B. Signs; see Chapter 20 regarding regulations.
- C. Any use or structure customarily accessory and incidental to any of the permitted uses within this district.

10.3 Conditionally Permitted Uses

Conditionally permitted uses are as follows:

- A. Religious places of worship.
- B. Educational institutions.
- C. Home occupations; see Section 4.6 regarding regulations.
- D. Private recreation areas.
- E. Bed and breakfast establishments.
- F. Clubs.

G. Essential services and utilities.

10.4 Minimum Lot Area and Width

The minimum lot area and width for properties in the R-2 Medium Density Residence – Single and Two Family District are as follows:

- A. Single family detached dwellings shall have a minimum lot area of not less than 10,000 square feet and a width of not less than 80 feet.
- B. Two family dwellings shall have a minimum lot area of not less than 15,000 square feet (7,500 square feet per family) and a width of not less than 120 feet.
- C. Other uses shall have a minimum lot area of not less than one (1) acre and a width of not less than 150 feet.

10.5 Minimum Front Yard Setback

The minimum front yard setback for properties in the R-2 Medium Density Residence – Single and Two Family District shall be as follows:

- A. Single family detached dwellings shall have minimum front yard setback of not less than 30 feet.
- B. Two family dwellings shall have minimum front yard setback of not less than 30 feet.
- C. All other uses shall have a minimum front yard setback of not less than 40 feet.

10.6 Minimum Side Yard Setback

The minimum side yard setback for properties in the R-2 Medium Density Residence – Single and Two Family District shall be as follows:

- A. Single family detached dwellings shall have a minimum side yard setback of not less than 10 feet each side.
- B. Two family dwellings shall have a minimum side yard setback of not less than 15 feet each side.
- C. All other uses shall have a minimum side yard setback of not less than 30 feet each side.

10.7 Minimum Rear Yard Setback

The minimum rear yard setback for properties in the R-2 Medium Density Residence – Single and Two Family District shall be as follows:

- A. Single family detached dwellings shall have a minimum rear yard setback of not less than 40 feet.
- B. Two family dwellings shall have a minimum rear yard setback of not less than 40 feet.
- C. All other uses shall have a minimum rear yard setback of not less than 40 feet.

10.8 Maximum Height Regulations

The maximum height regulations for properties in the R-2 Medium Density Residence – Single and Two Family District is as follows:

- A. No principal structure shall exceed 35 feet in height.
- B. No accessory structure shall exceed 15 feet in height.

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CHAPTER 11
R-3 HIGH DENSITY RESIDENCE – MULTIPLE FAMILY DISTRICT

11.0 Purpose

It is the purpose of the R-3 High Density Residence – Multiple Family District to encourage areas of high quality single-family and two family dwellings on medium to small sized lots consistent with the existing housing in the Village and to encourage high quality multi-family residential development.

11.1 Principally Permitted Uses

Principally permitted uses are as follows:

- A. Multiple family dwelling units.
- B. Two family dwelling units.
- C. Single family dwelling units.
- D. Publicly owned parks.

11.2 Permitted Accessory Uses

Permitted accessory uses are as follows:

- A. Satellite dishes; see Section 4.5 regarding regulations.
- B. Signs; see Chapter 20 regarding regulations.
- C. Any use or structure customarily accessory and incidental to any of the permitted uses within this district.

11.3 Conditionally Permitted Uses

Conditionally permitted uses are as follows:

- A. Religious places of worship.
- B. Educational institutions.
- C. Convalescent care facilities, nursing homes, and assisted living.
- D. Active recreation areas.

- E. Bed and breakfast establishments.
- F. Clubs.
- G. Essential services and utilities.

11.4 Maximum Density

The maximum density for multiple family dwelling unit developments shall not exceed ten (10) dwelling units per acre.

11.5 Minimum Lot Area and Width

The minimum lot area and width for properties in the R-3 High Density Residence – Multiple Family District are as follows:

- A. Multi-family dwelling units shall have a minimum lot area as follows:
 - 1. Multi-family dwellings consisting of three units or less shall have a minimum lot area of not less than 6,000 square feet per dwelling unit and a width of not less than 80 feet.
 - 2. Each dwelling unit over three units shall provide an additional 4,000 sq. ft. per dwelling unit to the minimum 18,000 square feet and shall have a width of not less than 100 feet.
- B. Two family dwellings shall have a minimum lot area of not less than 11,000 square feet (5,500 sq. ft. per dwelling unit) and a width of not less than 70 feet.
- C. Single family detached dwelling units shall have a minimum lot area of not less than 7,500 square feet and a width of not less than 60 feet.
- D. Convalescent care facilities, nursing homes, and assisted living facilities shall have a minimum lot area of not less than two (2) acres and a width of not less than 200 feet.
- E. Other uses shall have a minimum lot area of not less than one (1) acre and a width of not less than 150 feet.

11.6 Minimum Front Yard Setback

The minimum front yard setback for properties in the R-3 High Density Residence – Multiple Family District shall be as follows:

- A. Multi-family dwellings shall have a front yard setback of not less than 25 feet.

- B. Two family dwellings shall have a front yard setback of not less than 25 feet.
- C. Single family dwellings shall have a front yard setback of not less than 25 feet.
- D. Convalescent care facilities, nursing homes, and assisted living facilities shall have a front yard setback of not less than 50 feet.
- E. All other uses shall have a front yard setback of not less than 40 feet.

11.7 Minimum Side Yard Setback

The minimum side yard setback for properties in the R-3 High Density Residence – Multiple Family District shall be as follows:

- A. Multi-family dwellings shall have a side yard setback of not less than 15 feet each side.
- B. Two family dwellings shall have a side yard setback of not less than 10 feet each side.
- C. Single family dwellings shall have a side yard setback of not less than 5 feet each side.
- D. All other uses shall have a side yard setback of not less than 15 feet each side.

11.8 Minimum Rear Yard Setback

The minimum rear yard setback for properties in the R-3 High Density Residence – Multiple Family District shall be as follows:

- A. Multi-family dwellings shall have a rear yard setback of not less than 30 feet.
- B. Two family dwellings shall have a rear yard setback of not less than 30 feet.
- C. Single family dwellings shall have a rear yard setback of not less than 30 feet.
- D. Convalescent care facilities, nursing homes, and assisted living facilities shall have a rear yard setback of not less than 50 feet.
- E. All other uses shall have a rear yard setback of not less than 40 feet.

11.9 Maximum Height Regulations

The maximum height regulations for properties in the R-3 High Density Residence – Multiple Family District shall be as follows:

A. No principal structure shall exceed 40 feet in height.

B. No accessory structure shall exceed 15 feet in height.

11.10 Additional Requirements (excluding single family and two family dwellings)

In addition to the standards established in this Chapter, uses except single family and two family dwellings located within the R-3 High Density Residence – Multiple Family District must conform to the standards established in Chapter 18, Bufferyards and Landscaping and Chapter 19, Off-Street Parking and Loading.

Site plan review and/or conditional use approval by the Planning Commission is required for all uses except single family and two family dwellings located within the R-3 High Density Residence – Multiple Family District. This review shall be conducted in accordance with the standards and procedures outlined in Chapter 21.6.

CHAPTER 12
B-1 NEIGHBORHOOD BUSINESS DISTRICT

12.0 Purpose

It is the purpose of the B-1 Neighborhood Business District to provide for a full range of business, office, professional and commercial uses intended to serve local residents where dependence on heavy vehicular traffic is not necessary.

12.1 Principally Permitted Uses

Principally permitted uses are as follows:

- A. Retail sales and service shops.
- B. Personal services.
- C. Building and related trades.
- D. Business and professional offices.
- E. Business services.
- F. Commercial recreation establishments.
- G. Eating and drinking places.
- H. Entertainment establishments.
- I. Financial institutions.
- J. Funeral homes.
- K. Garden centers, greenhouses and nurseries.
- L. Printing and publishing establishments.
- M. Publicly owned parks.

12.2 Permitted Accessory Uses

Permitted accessory uses are as follows:

- A. Satellite dishes; see Section 4.5 regarding regulations.
- B. Signs; see Chapter 20 regarding regulations.

- C. Any use or structure customarily accessory and incidental to any of the permitted uses within this district.

12.3 Conditionally Permitted Uses

Conditionally permitted uses are as follows:

- A. Automotive service stations, gasoline sales establishments and repair garages and other similar sales, service, professional or business establishments.
- B. Essential services and utilities.
- C. A drive through window in association with a permitted or conditional use.

12.4 Minimum Lot Area and Width

The minimum lot area for properties in the B-1 Neighborhood Business District shall not be less than 5,000 square feet and a width of not less than 40 feet.

12.5 Maximum Front Yard Setback

The maximum front yard setback for properties in the B-1 Neighborhood Business District shall be not more than 10 feet.

12.6 Minimum Side Yard Setback

There shall be no minimum side yard setback in the B-1 Neighborhood Business District except when a property abuts any Residence District; then the minimum side yard setback shall be not less than 10 feet each side.

12.7 Minimum Rear Yard Setback

The minimum rear yard setback for properties in the B-1 Neighborhood Business District shall be not less than 20 feet.

12.8 Maximum Height Regulations

The maximum height regulations for properties in the B-1 Neighborhood Business District shall be as follows:

- A. No principal structure shall exceed 45 feet in height.
- B. No accessory structure shall exceed 25 feet in height.

12.9 Additional Requirements

In addition to the standards established in this Chapter, uses within the B-1 Neighborhood Business District must conform to the standards established in Chapter 18, Bufferyards and Landscaping and Chapter 19, Off-Street Parking and Loading.

Site plan review and/or conditional use approval by the Planning Commission is required for all uses within the B-1 Neighborhood Business District. This review shall be conducted in accordance with the standards and procedures outlined in Chapter 21.6.

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CHAPTER 13
B-2 HIGHWAY COMMERCIAL BUSINESS DISTRICT

13.0 Purpose

It is the purpose of the B-2 Highway Commercial Business District to provide for a full range of business, office, professional and commercial uses intended to serve those areas located along primary roadways and at major intersections where they may take advantage of heavy traffic flow.

13.1 Principally Permitted Uses

Principally permitted uses are as follows:

- A. Retail sales and service shops.
- B. Personal services.
- C. Building and related trades.
- D. Business and professional offices.
- E. Business services.
- F. Commercial recreation establishments.
- G. Eating and drinking places.
- H. Entertainment establishments.
- I. Financial institutions.
- J. Funeral homes.
- K. Garden centers, greenhouses and nurseries.
- L. Motels and hotels.
- M. Printing and publishing establishments.
- N. Automotive service stations and gasoline sales establishments
- O. Automotive repair garages and other similar sales and service.
- P. Car washes

Q. Publicly owned parks.

13.2 Permitted Accessory Uses

Permitted accessory uses are as follows:

- A. Satellite dishes; see Section 4.5 regarding regulations.
- B. Signs; see Chapter 20 regarding regulations.
- C. Any use or structure customarily accessory and incidental to any of the permitted uses within this district.

13.3 Conditionally Permitted Uses

Conditionally permitted uses are as follows:

- A. Self storage facilities
- B. Essential services and utilities.

13.4 Minimum Lot Area and Width

The minimum lot area for properties in the B-2 Highway Commercial Business District shall not be less than 30,000 square feet and a width of not less than 150 feet.

13.5 Maximum Front Yard Setback

The minimum front yard setback for properties in the B-2 Highway Commercial Business District shall be not less than 40 feet.

13.6 Minimum Side Yard Setback

There shall be no minimum side yard setback in the B-2 Highway Commercial Business District except when a property abuts any Residence District; then the minimum side yard setback shall be not less than 10 feet each side.

13.7 Minimum Rear Yard Setback

The minimum rear yard setback for properties in the B-2 Highway Commercial Business District shall be not less than 30 feet.

13.8 Maximum Height Regulations

The maximum height regulations for properties in the B-2 Highway Commercial Business District shall be as follows:

- A. No principal structure shall exceed 45 feet in height.
- B. No accessory structure shall exceed 25 feet in height.

13.9 Additional Requirements

In addition to the standards established in this Chapter, uses within the B-2 Highway Commercial Business District must conform to the standards established in Chapter 18, Bufferyards and Landscaping and Chapter 19, Off-Street Parking and Loading.

Site plan review and/or conditional use approval by the Planning Commission is required for all uses within the B-2 Highway Commercial Business District. This review shall be conducted in accordance with the standards and procedures outlined in Chapter 21.6.

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CHAPTER 14 M-1 LIGHT INDUSTRIAL DISTRICT

14.0 Purpose

It is the purpose of the M-1 Light Industrial District to provide appropriate locations for industrial uses that are separated from residential developments and do not produce noxious odors, fumes, dust or other harmful fumes.

14.1 Principally Permitted Uses

Principally permitted uses are as follows:

- A. Research and development establishments.
- B. Warehouse and wholesale establishments.
- C. Manufacturing establishments.
- D. Self storage facilities
- E. Business and professional offices.
- F. Private recreation areas.
- G. Publicly owned parks.

14.2 Permitted Accessory Uses

Permitted accessory uses are as follows:

- A. Satellite dishes; see Section 4.5 regarding regulations.
- B. Signs; see Chapter 20 regarding regulations.
- C. Outdoor storage; provided it is subject to review according to the Section 4.10, Outdoor Storage and Display.
- D. Any use or structure customarily accessory and incidental to any of the permitted uses within this district.

14.3 Conditionally Permitted Uses

All uses principally permitted in the B-1 and B-2 Districts are conditionally permitted in the M-1 Light Industrial District.

14.4 Minimum Lot Area and Width

The minimum lot area for properties in the M-1 Light Industrial District shall be one acre and shall have a minimum lot width of not less than 200 feet.

14.5 Minimum Front Yard Setback

The minimum front yard setback for properties in the M-1 Light Industrial District shall be 50 feet.

14.6 Minimum Side Yard Setback

The minimum side yard setback for properties in the M-1 Light Industrial District shall be 30 feet each side.

14.7 Minimum Rear Yard Setback

The minimum rear yard setback for properties in the M-1 Light Industrial District shall be 40 feet.

14.8 Maximum Height Regulations

The maximum height regulations for properties in the M-1 Light Industrial District shall be as follows:

- A. No principal structure shall exceed 45 feet in height.
- B. No accessory structure shall exceed 25 feet in height.

14.9 Potential Hazards and Nuisances

All uses in the M-1 Light Industrial District must comply with Section 4.8 of this Code.

14.10 Additional Requirements

In addition to the standards established in this Chapter, uses within the M-1 Light Industrial District must conform to the standards established in Chapter 18, Bufferyards and Landscaping and Chapter 19, Off-Street Parking and Loading.

Site plan review and/or conditional use approval by the Planning Commission is required for all uses within the M-1 Light Industrial District. This review shall be conducted in accordance with the standards and procedures outlined in Chapter 21.6.

CHAPTER 15 M-2 HEAVY INDUSTRIAL DISTRICT

15.0 Purpose

It is the purpose of the M-2 Heavy Industrial District to provide for areas along major thoroughfares and well-suited areas for heavy manufacturing uses which generate large amounts of truck traffic and which, for other reasons, should be substantially separated from residential developments.

15.1 Principally Permitted Uses

Principally permitted uses are as follows:

- A. All uses principally permitted in the M-1 Light Industrial District.
- B. Warehouse and wholesale establishments.
- C. Manufacturing establishments.
- D. Building materials sales and storage yards including lumber yards and contractors' equipment storage.
- E. Machining and welding shops.
- F. Foundries.
- G. Public utilities.
- H. Publicly owned parks.

15.2 Permitted Accessory Uses

Permitted accessory uses are as follows:

- A. Satellite dishes; see Section 4.5 regarding regulations.
- B. Signs; see Chapter 20 regarding regulations.
- C. Outdoor storage; provided it is subject to review according to the Section 4.10, Outdoor Storage and Display.
- D. Any use or structure customarily accessory and incidental to any of the permitted uses within this district.

15.3 Conditionally Permitted Uses

- A. All uses principally permitted in the B-1 and B-2 Business Districts are conditionally permitted in the M-2 Heavy Industrial District.
- B. Adult Entertainment Facilities.
- C. Any manufacturing uses that produce noxious or offensive smells or fumes.
- D. Junk Yards and automotive wrecking yards.

15.4 Minimum Lot Area and Width

The minimum lot area for properties in the M-2 Heavy Industrial District shall be 2 acres and shall have a minimum lot width of not less than 250 feet.

15.5 Minimum Front Yard Setback

The minimum front yard setback for properties in the M-2 Heavy Industrial District shall be 50 feet.

15.6 Minimum Side Yard Setback

The minimum side yard setback for properties in the M-2 Heavy Industrial District shall be 30 feet each side. If adjacent to residential uses, the setback shall be 100 feet.

15.7 Minimum Rear Yard Setback

The minimum rear yard setback for properties in the M-2 Heavy Industrial District shall be 40 feet. If adjacent to residential uses, the setback shall be 100 feet.

15.8 Maximum Height Regulations

The maximum height regulations for properties in the M-2 Heavy Industrial District shall be as follows:

- A. No principal structure shall exceed 60 feet in height.
- B. No accessory structure shall exceed 25 feet in height.

15.9 Potential Hazards and Nuisances

All uses in the M-2 Heavy Industrial District must comply with Section 4.8 of this Code.

15.10 Additional Requirements

In addition to the standards established in this Chapter, uses within the M-2 Heavy Industrial District must conform to the standards established in Chapter 18, Bufferyards and Landscaping and Chapter 19, Off-Street Parking and Loading.

Site plan review and/or conditional use approval by the Planning Commission is required for all uses within the M-2 Heavy Industrial District. This review shall be conducted in accordance with the standards and procedures outlined in Chapter 21.6.

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CHAPTER 16
RF RIVERFRONT/RECREATION DISTRICT

16.0 Purpose

It is the purpose of the RF Riverfront/Recreation District to provide areas for uses directly related to the Ohio River.

16.1 Principally Permitted Uses

Principally permitted uses shall be as follows:

- A. Publicly owned parks.
- B. Noncommercial or commercial recreation facilities.
- C. Private recreation areas.
- D. Publicly owned parks.

16.2 Permitted Accessory Uses

Permitted accessory uses are as follows:

- A. Satellite dishes; see Section 4.5 regarding regulations.
- B. Signs; see Chapter 20 regarding regulations.
- C. Any use or structure customarily accessory and incidental to any of the permitted uses within this district.

16.3 Conditionally Permitted Uses

Conditionally permitted uses are as follows:

- A. Commercial recreation facilities.
- B. Clubs.
- C. Sand, gravel, topsoil extraction.
- D. Essential services and utilities.

16.4 Minimum Lot Area and Width

The minimum lot area for properties in the RF Riverfront/Recreation District shall not be less than 3 acres and shall have a width of not less than 250 feet.

16.5 Minimum Front Yard Setback

The minimum front yard setback for properties in the Riverfront/Recreation District shall be 50 feet.

16.6 Minimum Side Yard Setback

The minimum side yard setback for properties in the Riverfront/Recreation District shall be 50 feet each side. If adjacent to residential uses, the setback shall be 100 feet.

16.7 Minimum Rear Yard Setback

The minimum rear yard setback for properties in the Riverfront/Recreation District shall be 50 feet. If adjacent to residential uses, the setback shall be 100 feet.

16.8 Maximum Height Regulations

The maximum height regulations for properties in the Riverfront/Recreation District is as follows:

- A. No principal structure shall exceed 35 feet in height.
- B. No accessory structure shall exceed 15 feet in height.

CHAPTER 17 PLANNED UNIT DEVELOPMENT

17.0 Purpose

It is the purpose of the Planned Unit Development District to permit a developer, through consultation with Village Council and the Planning Commission, to develop a site according to an established plan which would supercede normal zoning requirements of a particular zoning district; however, the uses approved within a Planned Unit Development must conform to the uses as specified in the existing zoning district. Planned Unit Developments would permit creative site planning and permit a developer to incorporate such amenities as common open space into the overall site design. The Village Council may approve a Planned Unit Development (PUD) based on the following guidelines and procedures.

17.1 Types of Planned Unit Developments and Permitted Uses

A PUD may be approved within any zoning district, provided that the use(s) approved in the development plan by Council for the PUD complies with those uses identified as permitted or conditionally permitted within the existing zoning district.

17.2 Required Contents of the Concept Plan

The submission of a Concept Plan is required as the initial process for establishment of a PUD. The applicant is encouraged to engage in informal consultations with the Village Planning commission prior to preparing the Concept Plan, it being understood that no statement or representation by the Planning Commission members shall be binding upon the Commission. The applicant shall prepare a Concept Plan and shall submit the number of copies of this Concept Plan as specified by the Building Official along with the c to the Planning Commission for approval.

This Concept Plan submission shall contain the following:

- A. A written text setting forth in detail the criteria and conditions which the developer will follow in determining final elevations, locations of improvements, maximum slope, size, density, character and management of the development for the purposes of a Final Development Plan.
- B. An existing conditions map showing existing topography, including the location of natural features such as creeks, ponds, significant stands of trees and other nature features of note requiring special consideration, as well as man-made features including easements, roads, sewer lines, adjacent property lines and all existing structures located on the property.

- C. A preliminary development plan map of the property showing land use, general topography and physical features and the following information:
1. Property boundaries;
 2. Proposed street plan indicating all surrounding streets and access points as well any private streets or golf paths;
 3. Proposed pedestrian circulation system including sidewalks and hike/bike trails;
 4. General location and size of different land use areas;
 5. Density levels or maximum building size proposed for each area;
 6. General location of schools, parks or other community facility sites, if any;
 7. Setback and height requirements for each area;
 8. Proposed drainage plan;
 9. General utility layout;
 10. Parking layout for non-residential uses;
 11. Preliminary geotechnical data indicating soil types for any area containing slopes in excess of 20%;
 12. Any other information specifically requested by the Village to adequately review the proposed PUD.
- D. A written description of the management of any open spaces or common areas describing the form of organization to be followed in the establishment of a property owners' association in the event that the care and maintenance of such common areas is to be the responsibility of the property owners. This description shall also include any proposed covenants and restrictions designed to govern open spaces or other common areas.
- E. Time schedule of projected development if construction is to extend beyond a two (2) year time period.

17.3 Referral to County Regional Planning Commission

Within five (5) days after the filing of the PUD application, the Planning Commission shall transmit a copy of the complete application to the Hamilton County Regional Planning Commission. The Hamilton County Regional Planning Commission shall

recommend approval, denial or modification of the proposed PUD and shall submit such recommendation to the Village Planning Commission for consideration at the public hearing for the proposed PUD.

17.4 Village Planning Commission Review

The Village Planning Commission shall study the application and Concept Plan and shall hold a public hearing within sixty (60) days of the time of application. Following this public hearing, the Commission shall make a report to the Village Council recommending approval or disapproval and the reasons therefore. The Commission may explicitly impose special conditions relating to any pertinent development characteristics as needed in making a determination.

17.5 Conditions of Approval

Upon receipt of the report of the Village Planning Commission, the Village Council shall study and review the proposed Concept Plan and shall approve or disapprove the application on the basis of (1) all application requirements have been satisfied, and (2) finding that the following specific conditions are met:

- A. That each individual section of 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 objective will be attained;
- B. That 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 other zoning districts in these regulations;
- C. That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic;
- D. That any part of a planned unit development not used for structures, parking and loading areas or streets shall be landscaped or otherwise improved.
- E. The development will not impose an undue burden on public services and facilities such as fire and police protection.
- F. That the density of each individual phase of the Planned Unit Development, as well as the density of the entire project shall not exceed the maximum allowable density as permitted in the underlying districts, except as provided for in Section 17.6.

17.6 Increase in Density

Upon a recommendation of the Planning Commission, and subject to final approval by Council, an increase in density of fifteen (15) percent may be permitted over the maximum allowable density of the underlying zoning district(s).

17.7 Village Planning Commission and Village Council Action

Action by the Village Planning Commission and the Village Council shall be as follows:

- A. If from the facts presented, the Planning Commission and Council are unable to make the necessary findings specified in Section 17.5, Conditions of Approval, the application shall be denied or returned to the applicant for clarification. In taking action, the Planning Commission and Council may deny the Concept Plan or may recommend approval of said plan subject to specified amendments.

If the application is approved by Council, the approval of the Concept Plan shall be limited to the general acceptability of the land uses proposed, density levels and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility which are to be determined in subsequent preparation of detailed site development plans.

Approval of the Concept Plan shall constitute the creation of a separate "PUD" Planned Unit Development Zoning District. The new zoning designation shall incorporate the existing zoning classification.

- B. At the time of adopting any Ordinance establishing a "PUD" District, the Council shall make appropriate arrangements with the applicant, which will ensure the accomplishment of the public improvements and reservation of common open space of the public improvements shown on the approved Concept Plan.

17.8 Final Development Plan Approval Procedure

Once the Concept Plan has been approved by the Planning Commission and Council, a Final Development Plan for each section of the overall planned unit development must each be reviewed and approved by the Planning Commission prior to the issuance of any Zoning Certificate by the Building Official.

The Final Development Plan shall be in accordance with the original Concept Plan; shall be prepared for the applicant by a professionally competent engineer, architect and/or landscape architect; and shall include the following:

- A. Site plan indicating lot lines, building outlines, off-street parking and loading spaces, pedestrian walkways and vehicular circulation.

- B. Preliminary building plans, including floor plans and exterior elevations.
- C. Landscaping and buffering plans.
- D. Evidence that the development will not impose an undue burden on public services and facilities such as fire and police protection.
- E. Specific engineering plans, including site grading, street improvements, drainage and utility improvements and extensions as necessary.

Approval of each Final Development Plan for each unit of a PUD District shall be valid for one (1) year. No Zoning Certificate or Building Permit shall be issued for any structure within the Planned Unit Development until the final Subdivision Plat has been recorded with the County Recorder.

17.9 Amendments to Approved Planned Unit Development

An approved PUD Concept Plan or Final Development Plan may be amended by following the procedures described in this Chapter. However, minor adjustments in the Final Development Plan which become necessary because of field conditions, detailed engineering data, topography or critical design criteria may be authorized in writing by the Planning Commission. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to residential property lines. Changes determined to be major shall require review and approval by the Village Council.

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CHAPTER 18 BUFFERYARDS AND LANDSCAPING

18.0 Purpose

The purpose of this Chapter is to provide minimum standards involving the development of land to provide attractive views from roads and adjacent properties; to screen from view visually undesirable uses; to require screening between incompatible land uses and to protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

18.1 Applicability

This Section shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family dwellings and two family dwellings (duplexes) and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined as an increase of the existing structure by twenty (20) percent or more.

18.2 General Requirement For Submission

Any property to which this Section applies shall submit a bufferyard plan to the Planning Commission as part of the Site Plan Review process required in Section 21.6. Bufferyard plans shall be prepared by a nursery and/or certified by a design professional practicing within their areas of competence. The site plan shall contain the following information:

- A. Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements at a minimum of 1" = 20' and shall include the following minimum information:
 1. North arrow and scale.
 2. The name of applicant/owner.
 3. The name, address and phone number of the person or firm responsible for the preparation of the buffering plans.
 4. The dates the plans are submitted or revised.
 5. All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.

6. All existing plant material to be removed or retained and all new landscaping materials to be installed.
 7. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
 8. All property lines and easements.
 9. Any other information which is deemed appropriate by the Building Official.
- B. Details shall be shown for the planting of the types of trees, shrubs and ground cover within the bufferyard or landscaped area.

18.3 Approval

- A. No site or development plan required under this Zoning Code shall receive final approval unless a landscaping plan has been submitted and approved.
- B. No Certificate of Occupancy shall be issued unless the following criteria are fully satisfied with regard to the approved landscape plan:
1. Such plan has been fully implemented on the site; or
 2. Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the Village.

18.4 Bufferyard Standards

A. Maintenance of Landscaping and Bufferyards

All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Building Official to refuse a building occupancy permit, require replacement of the landscape material or institute legal proceedings to enforce the provisions of this Section.

B. Bufferyard Establishment

Once a bufferyard has been approved by the Planning Commission and established by the owner, it may not be used, disturbed or altered for any purpose.

C. Quality and Installation

1. All specifications for the quality and installation of trees and shrubs shall be in accordance with the most recent edition of "American Standards for Nursery Stock" published by the American Association of Nurserymen.
2. All plant material shall be free from disease and damage.
3. All plant material shall be planted in a manner that is not intrusive to utilities, pavement, pedestrian traffic or vehicular traffic.
4. All required plant material shall be planted within one year or by the next planting season, as outlined in the latest edition of "American Standards for Nursery Stock", after all construction activity in the area of the new planting has ceased.

D. Size

1. Canopy Trees shall be deciduous trees with a minimum of twelve feet (12') overall height or a minimum caliper of 2 ½ inches when installed, and have an expected height of at least thirty-five (35') feet at maturity.
2. Evergreen Trees shall be a minimum of five feet (5') in height when installed.
3. Understory Trees shall be a minimum of five feet (5') in height in clump form or 1 ½ inch caliper in single stem form when installed.
4. Shrubs shall be at least eighteen inches (18") in height or twenty-four inches (24") in spread when installed.

E. Screens

The objective of providing a screen is to visually hide whatever is behind the screen. The screen shall be 100% opaque. The following standards for each screening material shall be required.

1. Plant Material Height Requirements.

When plant material is used as screening it shall meet all height requirements in accordance with this Chapter. Height requirements will be considered met when plants are selected whose height at maturity as certified by a licensed Landscape Architect or Certified Horticulturist complies

with the requirements of this Chapter.

2. Planting Requirements.

To be counted towards screening requirements, evergreen trees and evergreen shrubs shall be planted close enough to fulfill the objective as defined in this Section. Recommended spacing to achieve this is as follows:

- a. Spreading evergreen trees should be planted eight feet (8') on center. Narrow evergreen trees should be planted four feet (4') on center. Designations of evergreen trees as spreading or narrow shall be certified by a licensed Landscape Architect or certified Horticulturist.
- b. Evergreen shrubs should be planted at a maximum of 4' on center.

3. Combination of Materials.

Plant material may be used in conjunction with fences, walls and berms but the overall effect shall be a continuous 100% opaque screen at maturity. Plants may be planted in rows or be staggered, but the overall effect shall be a 100% opaque screen

4. Fences.

Fences should be used where appropriate to create an effective screen between incompatible uses. Fences to be used as screens should be approved by the Planning Commission during review of the landscape plan and shall be in conformance with regulations as established in Section 4.4.

18.5 Screening And Buffering Required

In order to provide protective screening and buffers for residential areas adjacent to nonresidential areas, the Planning Commission shall require a wall, fence or greenbelt to be provided by the nonresidential property owner in accordance with the following:

- A. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.
- B. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.
- C. The Board of Zoning Appeals (or the Planning Commission, as part of the Site Plan Review process), may waive the requirement for a wall, fence or greenbelt

if equivalent screening is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions.

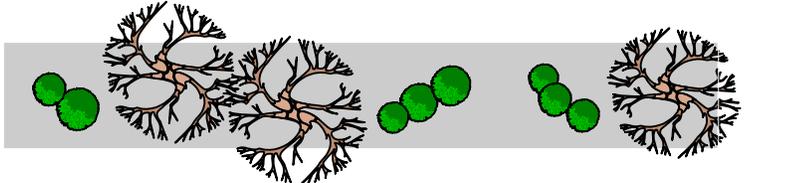
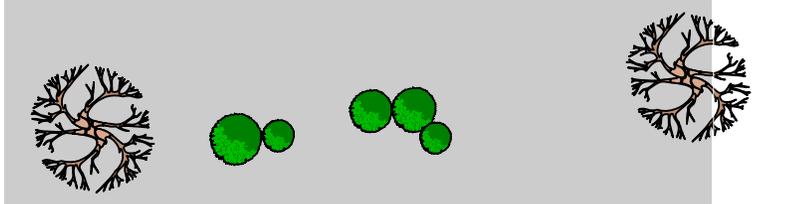
18.6 Bufferyard Requirements

WHEN...	IS PROPOSED TO ABUT...	A MINIMUM BUFFERYARD OF...
Any commercial land use Any office land use Any industrial land use	Any Residence zone or land use Any Residence zone or land use Any Residence or commercial zone or land use	Evergreen trees planted at the boundary at a standard of one tree per 25 feet of linear distance and a fence should be six feet in height and placed at the nonresidential property line. The area between such fence and the property line shall be treated with plantings to form a permanent landscaped area.
Any multiple family land use Any institutional land use	Any Residence zone or land use Any Residence zone or land use	A bufferyard as specified in Figure 18A
Any non-residence or parking lot	Any public right-of-way	A streetscape buffer as specified in Figure 18B

18.7 Modification

The Planning Commission shall have the authority to modify any of the aforementioned requirements in this Chapter. In considering an individual site with respect to changes in elevation, environmental impact, durability of plant material, aesthetic appeal, and any other factor that will develop a compatible buffer or screen with the surrounding neighborhood at the time of application.

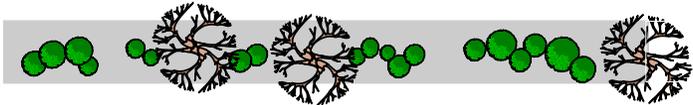
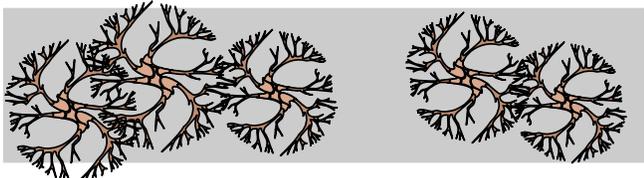
**Figure 18A
Boundary Bufferyard**

Width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 ft.		3.3	10
15 ft.		2.8	8
20 ft.		2.3	6.5
25 ft.		1.9	5

Notes:

1. 1.5 understory trees or 1 evergreen tree may be substituted for 1 canopy tree for up to 50% of the required canopy trees.
2. One canopy tree may substitute for 3 shrubs up to 50% of the shrub requirements.
3. A berm with a minimum height of 3 ft. may be used in lieu of the shrub requirements.
4. A fence or wall, in compliance with Section 4.4, may be used and can be substituted for 50% of the shrub requirements.
5. All landscape material required for the buffer shall be confined to within the required boundary buffer landscape strip.

**Figure 18B
Streetscape Bufferyard**

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
<p>OPTION 1</p> <p>10 ft.</p>		2.5	20
<p>OPTION 2</p> <p>20 ft. Average (range 10 to 30 ft.)</p>		5	

Notes:

1. 1.5 understory trees or 1 evergreen tree may be substituted for 1 canopy tree for up to 50% of the required canopy trees.
2. One canopy tree may substitute for 3 shrubs up to 50% of the shrub requirements.
3. A berm with a minimum height of 3 ft. may be used in lieu of the shrub requirements.
4. A fence or wall, in compliance with Section 4.4, may be used and can be substituted for 50% of the shrub requirements.
5. All landscape material required for the buffer shall be confined to within the required streetscape buffer landscape strip.

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CHAPTER 19
OFF-STREET PARKING AND LOADING

19.0 General Requirements

Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for automobiles in accordance with the following provisions of this Chapter. A parking plan shall be required for all uses. The parking plan shall be submitted to the Village as part of the site plan review. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established 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 of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

19.1 Off-Street Parking and Design Standards

All off-street parking facilities including entrances, exits, circulation areas and parking spaces shall be in accordance with the following standards and specifications:

A. Parking space dimensions

Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles and shall be of useable shape and condition. All parking spaces must be a minimum of nine (9) feet wide and eighteen (18) feet long. Stacking spaces for drive-through windows must provide a space equal to the required parking space size.

B. Access

There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access as follows:

1. For single family detached dwellings or two family dwellings, the access drive shall be a minimum of ten (10) feet in width.

2. For all other uses, the access drive shall be a minimum of twenty (20) feet in width.
3. All parking spaces, except those required for single family detached dwellings and two family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
4. Parking for uses not permitted in a residence zone shall not be permitted in a residence zone, nor shall any Residential Zoning District property be utilized as access for uses not permitted in that Residence District.

C. Setbacks

No parking shall be permitted within the required front yard of a single family or two-family residence. Parking and vehicular use areas for non-residential uses and multi-family dwellings shall be located a minimum of ten (10) feet from the right-of-way line or access easement and at least five (5) feet from a side or rear property line. Front parking setback areas shall be landscaped according to the regulations for streetscape bufferyards as established in Chapter 18.

D. Screening

Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces any premises situated in any residence district or institutional premises, by a masonry wall or a solid fence of acceptable design. Such wall or fence shall not be less than four (4) feet nor more than six (6) feet in height, and shall be maintained in good condition without any advertising. The space between such wall or fence and the lot shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition, free of debris and weeds. In lieu of such wall or fence, a strip of land not less than fifteen feet in width and planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted and this shall be maintained in good condition.

E. Paving

Any off-street parking area and its driveway shall be surfaced with a pavement having an asphalt or concrete surface of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface.

F. Drainage

All parking spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the

excess drainage of surface water onto adjacent properties, walkways or onto public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

G. Barriers

Wherever a parking lot extends to a property line, fencing, wheelstops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line and from destroying the screening materials.

H. Visibility

Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street or alley.

I. Marking

All parking areas, excluding those for single family detached dwellings and two family homes, shall be marked with paint lines, curb stones or in some other manner approved by the Village and shall be maintained in a clearly visible condition.

J. Maintenance

Any owner of property used for parking areas shall maintain such areas in good condition without holes and free from all dust, trash, weeds and other debris.

K. Signage

Where necessary, due to multiple curb cuts, the entrance, exits and the intended circulation pattern shall be clearly marked in the parking area. Signage shall consist of pavement markings or freestanding directional signs in accordance with Chapter 20, Signs, of this code.

19.2 Determination of Required Spaces

In computing the number of parking spaces required by this Code, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross floor area of a specified use.

- B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for each twenty-four (24) lineal inches of seating facilities.
- C. Fractional numbers shall be increased to the next highest whole number.
- D. Parking space requirements for a use not specifically mentioned in this Code, shall be determined by using the most similar and restrictive parking space requirement as specified by the Planning Commission.
- E. When the building floor area is designated as the standard for determining parking space requirements and that number is less than the minimum standard, at least one parking space shall be provided on the premises.

19.3 Outdoor Lighting

Outdoor lighting shall be reviewed by the Building Official and Planning Commission according to the standards established in Section 4.14.

19.4 Parking Space Requirements

For the purpose of this Zoning Code, the following parking space requirements shall apply:

- | | | |
|----|---------------------------------|---|
| A. | Automotive Repair | Two spaces for each service bay. |
| B. | Automobile Car Washes | Automobile car washes shall provide sufficient stacking spaces for five vehicles per bay. |
| C. | Automotive Service Stations | Two spaces per fuel pump. |
| D. | Automotive Sales | One space for each 800 square feet of floor area. |
| E. | Bed and Breakfast | One space for each guest room plus two spaces for the permanent residence. |
| F. | Clinics – Medical and Dental | One space for each 200 square feet of floor area. |
| G. | Not for Profit or Service Clubs | One space for each 250 square feet of floor area. |

H.	Contractor Yard	One space for each 1,000 square feet of floor area plus one space for each facility vehicle.
I.	Convalescent/Nursing/ Rest Homes	One space for each four beds.
J.	Convenience Store	One space for each 250 square feet of floor area.
K.	Day Care Center	One space for each four persons of design capacity.
L.	Educational Institution	Two spaces for each classroom plus one space for each four seats in the auditorium. High schools shall also include one space for each ten students at design capacity.
M.	Financial Institution	One space for each 100 square feet of floor area plus sufficient stacking space to accommodate the number of automobiles equal to five times the number of teller windows.
N.	Funeral Home	One space for each 50 square feet of floor area plus one reserved space for each hearse or company vehicle.
O.	Group Home	One space for each four beds.
P.	Hospitals	One space for each two beds.
Q.	Hotel/Motels	One space for each sleeping room plus one space for each 400 square feet of public meeting area and/or restaurant space accessory to the hotel/motel.
R.	Industrial/Manufacturing	One space for each 400 square feet of floor area.
S.	Office	One space for each 200 square feet of floor area.
T.	Personal Service	One space for each 200 square feet of floor area.
U.	Printing and Publishing	One space for each 400 square feet of floor

	Establishment		area.
V.	Public Assembly Hall		One space for each 50 square feet of floor area.
W.	Public Buildings		One space for each 200 square feet of floor area.
X.	Recreational, Commercial	Non-	One space for each participant at maximum utilization.
Y.	Recreational, Commercial		One space for each three seats or one space for each 100 square feet of floor area, whichever is greater.
Z.	Religious Places of Worship		One space for each eight seats in the place of assembly.
AA.	Residential, Multiple Family		Two spaces for each dwelling unit.
BB.	Residential, Single Family		Two spaces for each dwelling unit.
CC.	Residential, Two Family		Two spaces for each dwelling unit.
DD.	Research and Development Laboratories		One space for each 500 square feet of floor area.
EE.	Restaurants		One space for each 100 square feet of floor area.
FF.	Restaurants, Fast Food		One space for each 100 square feet of floor area plus sufficient stacking space for five vehicles at each drive through window.
GG.	Retail Business		One space for each 250 square feet of floor area.
HH.	Taverns		One space for each 100 square feet of floor area.
II.	Vet. Clinic/Animal Hospital		Four spaces for each examination room.
JJ.	Warehouse and Wholesale		One space for each 1,000 square feet of floor area.

19.5 Joint or Collective Parking Facilities

The joint or collective parking provision of required off-street parking areas shall comply with the following standards and requirements:

- A. Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap.
- B. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
- C. The total of such off-street parking spaces supplied collectively shall be not less than the sum of the requirements for the various uses computed separately.
- D. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel of the Village and filed with the application for a Zoning Certificate.
- E. The Board of Zoning Appeals or Planning Commission may reduce the amount of required parking for uses in a Business District if such use is within one thousand (1000) feet of a public parking facility and findings are made that such reduction in parking spaces is justified. An application must be made to the Board of Zoning Appeals to consider such a request or such request may be reviewed by the Planning Commission during the Site Plan Review process.

19.6 Handicapped Parking Requirements

Parking facilities serving buildings and facilities required to be accessible to the physically disabled shall have conveniently located designated parking spaces to be provided as established by the Ohio Basic Building Code.

19.7 Off-Street Loading Space Requirements

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, funeral home, laundry, dry cleaning or other uses similarly

requiring the receipt or distribution by vehicles of materials or merchandise shall have at least one (1) off-street loading space designed to the specifications contained in Section 19.8.

19.8 Off-Street Loading Design Standards

All off-street loading spaces shall be in accordance with the following standards and specifications:

- A. Dimensions - Each loading space shall have a minimum dimension not less than 10 feet in width, 25 feet in length and a vertical clearance of not less than 14 feet in height.
- B. Access - All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- C. Paving - Any required off-street loading spaces, together with its appurtenant driveways, aisles and other circulation areas, shall be surfaced with a pavement having an asphalt or concrete binder of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface.
- D. Drainage - All loading spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
- E. Lighting - Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from any adjacent properties or right-of-way.

19.9 Submission to Planning Commission

Detailed drawings of the location, width and number of entrance driveways to necessary parking and off-street loading facilities shall be submitted to the Planning Commission, with the exception of single family detached dwellings and duplexes, for approval prior to the granting of any building permit. Such drawing shall show the number of spaces and locations, dimensions and descriptions of all features enumerated in this Section or as required elsewhere in this Zoning Code. The Planning Commission may require, in addition to those enumerated, further structural or landscaping features such as bumper guards, curbs, walls, fences, shrubs, trees, ground cover or hedges to further the intent and purposes of this zoning code. The Planning Commission, in addition, may recommend such changes in location, width and number of driveways as it shall determine are necessary to eliminate any potential traffic hazards.

19.10 Modifications

The Board of Zoning Appeals (or the Planning Commission during the Site Plan Review process), may authorize a modification, reduction, or waiver of the foregoing requirements if it should find that the peculiar nature of the residential, business, trade, industrial, other use, exceptional situation or condition would justify such action.

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CHAPTER 20 SIGN REGULATIONS

20.0 Purpose

It is the purpose of these sign regulations to permit the use of signs as a means of communication in the Village; to maintain and enhance the Village's natural and manmade environment; to encourage an attractive and healthy economic environment; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

The purpose as stated above is based on the following findings concerning signs:

- A. That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and man-made beauty of the Village, and as such are detrimental to the public health, safety and general welfare of the Village.
- B. That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.

20.1 General Provisions

The following regulations shall apply to all permitted signs in the Village:

- A. Traffic Safety, Ingress and Egress, Ventilation:
 - 1. Notwithstanding any provisions of this ordinance to the contrary, no sign shall be so located as to obstruct or interfere with traffic or traffic visibility.
 - 2. No sign shall be so designed or constructed as to resemble or imitate signs, devices or signals erected by the Village for the regulation of traffic and parking.
 - 3. No sign shall be so located as to obstruct or interfere with any ingress or egress to a building or other premises which is required by any applicable Fire, Building or Zoning Codes or any window or other opening in any building providing ventilation to such building.
- B. Illuminated or Animated Signs
 - 1. No sign shall be permitted in the Village which rotates in which is incorporated animation, moving parts, flashing lights or changing colors.

2. Signs may be illuminated by either external or internal sources of light; however, no illuminated sign shall be permitted where any part of the illumination flashes on and off or displays change in any degree of intensity, provided further that a part of a sign, which by means of changes in copy or moving parts, indicates time and/or temperature or other public information, shall be exempted from the provisions of this Section.
3. Any illuminated signs located within one hundred (100) feet of any Residential Zoning District shall cease to be illuminated between the hours of 11:00 P.M. and 6:00 A.M., unless the establishment is open for business.

C. Directional or Informational Signs

1. Small directional or informational signs, non-advertising signs such as “IN”, “OUT”, “REST ROOMS”, “REGULAR” and “PREMIUM”, etc., shall be permitted, provided that such signs shall be limited to the following:
 - a. Two (2) square foot in any face area for each.
 - b. A maximum of two (2) signs per curb cut.
 - c. A total of not more than four (4) signs shall be permitted per site.
2. Such signs shall comply with the following provisions:
 - a. They may be internally lighted.
 - b. They must not exceed four (4) feet in height, nor may they obstruct the view of any drivers on or off the premises.
 - c. They shall be located no closer than five (5) feet to any property line or right-of-way.

D. Projecting Signs

1. No sign, whether freestanding or attached to a building or other structure may project over the right-of-way of any public street, sidewalk or other public right-of-way.
2. Any sign which encroaches on a right-of-way shall be immediately removed.

E. Temporary Signs and Displays

Signs, pennants, banners, flags, streamers or other display devices which are of a temporary nature and which advertise or call attention to grand openings, special sales or other temporary business promotions may be erected or

installed only upon prior approval of the Building Official. Such signs shall be in accordance with the regulations set forth in this Chapter for the designated zoning district in which the sign is to be located.

F. Unsafe Signs

1. Notwithstanding any provisions of this Chapter to the contrary, the Building Official shall make an inspection of all signs or other structures governed by this Chapter upon notice of a complaint and, if upon such inspection, the Building Official shall determine that any such sign is or has become defective or insecurely mounted or supported so as to constitute a public or traffic hazard, the Building Official shall order such sign to be removed or repaired so as to eliminate such hazard.
2. If the Building Official determines that such sign is of immediate danger, he shall place or cause to be placed signs or barriers indicating such danger, and shall be empowered to order its immediate removal or repair.
3. The Building Official shall order rusted signs or signs in disrepair or with peeling paint or other damage to be repaired or removed.
4. The owner or persons in control of such sign shall bear the full cost of compliance with such order of the Building Official.

20.2 Permitted Signs in Non-Residential Districts

The following provisions define the categories of signs permitted by this Chapter in Non-Residential Zoning Districts and set forth certain specific regulations with respect to each category. All other provisions of this Chapter, which are by their nature applicable to any of the following categories of signs, shall apply to such categories.

A. Wall Signs

Every commercial, business, industrial or institutional use located in a Non-Residential Zoning District may paint or erect and maintain, upon or incorporated into the structure of the building or portion of a building in which such use is maintained, either illuminated or non-illuminated signs.

1. Such signs may be attached to the exterior walls or other vertical surfaces of such buildings but may not extend beyond the parapet of such building provided further that the face of such signs shall be parallel to the face of the building.
2. The total wall sign area on each building shall not exceed ten (10) percent of the building face.

3. No portion of said signs shall project more than one (1) foot beyond the face of the building, nor extend beyond the end of the building face.
4. No building shall have a roof mounted sign, except for signs mounted on the face of a mansard roof.
5. A property owner may allocate up to fifty (50) percent of the allowable total wall sign area to a building wall other than the front wall of the building, however, in no case shall the total wall sign area for the entire building exceed ten (10) percent of the front building face.
6. No wall sign shall exceed one hundred and fifty (150) square feet in area.

B. Ground Signs

1. Setback requirements for ground signs shall be as follows:

No portion of any freestanding, ground level sign shall be closer than five (5) feet to any property line or right-of-way.

2. Height requirements for ground signs shall be as follows:

No portion of any such sign may exceed fifteen (15) feet in height.

3. Distance between ground signs shall be as follows:

- a. No ground sign shall be closer than fifty (50) feet to any other freestanding signs.
- b. Distance shall be measured on a straight line directly between signs but shall not apply to signs located across any public right-of-way except an alley.

4. Number of ground signs permitted shall be as follows:

- a. Every commercial, business or industrial use or multiple development located in a non-residential zoning district may erect and maintain one or more freestanding signs as follows:

<u>Road Frontage</u>	<u>Number of Signs Permitted</u>
0 to 400 feet	One (1) sign
401 to 800 feet	Two (2) signs
801 feet or more	Three (3) signs

- b. In the case of a user or multiple development located on a corner lot, the aforesaid minimum frontage shall be computed by adding together the frontages on each abutting street or road.
 - c. If the premises upon which a freestanding sign is erected fronting on more than one public street, other than a corner lot, the street frontage nearest the sign(s) shall be used in determining the maximum number of permitted signs on such streets.
5. Display surface area for ground signs:
- a. The sign area for a ground sign shall not exceed fifty (50) square feet per display area. More than one display surface shall only be permitted when such surfaces are placed “back to back” and cannot be viewed at the same time.
 - b. In the case of a multiple development, the permitted total area of display surfaces of a ground sign shall include all the display surfaces of any individual signs identifying separate uses in such multiple development.
 - c. In the case of a user of multiple development located on a corner lot, the aforesaid minimum frontage shall be computed by adding together the frontages on each abutting street or road.
 - d. If the premises upon which a freestanding sign is erected fronts on more than one public street, other than a corner lot, the street frontage nearest the sign shall be used in determining the maximum permitted sign area on such street.
 - e. The allowable area of a freestanding sign may include a section for changeable letters. Such area shall not exceed fifty (50) percent of the sign area.

C. Landscaping of Signs

Any ground mounted sign shall have landscaping beneath the sign according to the following standards:

1. The minimum landscaped area shall be equal to the area of the sign face.
2. The landscaped area shall screen all points of structural support attachment to the ground.
3. Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles is required. The minimum horizontal

distance between the face of any required curb and any part of the sign is thirty-six (36) inches.

4. The landscaped area shall include living plantings located and maintained. The use of concrete, asphalt or other paved surface inside the required landscaped area beneath the sign is prohibited.

E. Temporary Signs

One temporary sign for any of the following events shall be permitted for each business, except that two such signs shall be permitted on corner lots. Such signs may have two faces with each sign face area as follows:

1. Non-commercial Events
 - a. Maximum size = 8 square feet
 - b. Maximum time = 14 days
2. New development
 - a. Maximum size = 32 square feet
 - b. Maximum time = Annual Renewal
3. Commercial Events
 - a. Maximum size = 60 square feet
 - b. Maximum time = 14 days per event; a period of 60 days shall elapse between temporary sign permit issuance and no more than two such signs are permitted within one year.

20.3 Signs Permitted in Residential Zoning Districts

The following provisions define the categories of signs permitted by this Chapter in Residence Zoning Districts and set forth certain specific regulations with respect to each category. All other provisions of this Chapter, which are by their nature applicable to any of the following categories of signs, shall apply to such categories.

A. Institutional or Religious Places of Worship Signs - Bulletin Boards

1. Any church, religious sect or congregation, community center of similar semipublic, public or institutional use may erect and maintain for their own use a bulletin board or announcement sign.
2. The area of each display surface of such signs shall not exceed thirty-two (32) square feet, nor the total of all surfaces exceed sixty-four (64) square feet.
3. If not attached flat against a building, said sign shall be at least five (5) feet from all front property lines and right-of-way.

4. A maximum of one (1) such sign shall be permitted per lot.

B. Real Estate Signs

1. Real estate signs advertising the sale, rental or lease of the premises on which they are erected and maintained shall be located at least five (5) feet from any property line or, at the seller's option, may be mounted flat against the premises to which it pertains.
2. The area of each display surface of such signs shall not exceed six (6) square feet, nor shall the total of all surfaces exceed twelve (12) square feet in Residential Zoning Districts.
3. Any such sign shall be removed five (5) days after the closing on the premises is complete.
4. A maximum of one (1) such non-illuminated signs shall be permitted per lot.

C. Contractors Signs

1. Signs announcing the name of contractors, subcontractors, materials, suppliers, or architects participating in the construction or improvement of a building shall be permitted during the actual construction period, provided that such signs shall be located only on the parcel of land being improved.
2. The area of each display surface of such signs shall not exceed twelve (12) square feet, nor shall the total of all surface exceed twenty-four (24) square feet in Residential Districts.
3. The area of each display surface of such signs shall not exceed thirty-two (32) square feet, nor shall the total of all surfaces exceed sixty-four (64) square feet in all other Districts.
4. Said sign shall be at least five (5) feet from all property lines and right-of-way.
5. A maximum of one (1) such unlit sign shall be permitted per lot.

20.4 Signs in a Planned Unit Development

Signs in a Planned Unit Development shall conform to the regulations of the underlying district.

20.5 Political Signs

Political signs shall be regulated as follows:

- A. Signs advertising support of or opposition to any issue, levy, political party, political candidate, or write-in candidate shall be permitted without application for a building permit for a period of time commencing sixty (60) days prior to the primary, special or general election in which the candidate, political party, issue or levy appears on the ballot, and ending seventy-two (72) hours following such special, primary or general election.
- B. Size and Location
 - 1. Such non-illuminated signs shall not exceed three (3) square feet in size and no more than one (1) such sign shall appear on any lot.
 - 2. Such signs shall be at least five (5) feet from all property lines and right-of-way.

20.6 Maintenance of Signs

All signs, in all Districts, and the immediate surrounding premises shall be maintained by the owner of such sign or signs or his agent in a clean condition, free and clear of all rubbish and weeds.

20.7 Variances

Sign variances shall be regulated as follows:

- A. The Board of Zoning Appeals shall have the power to authorize a variance from the strict application of the provisions of this Chapter upon appeal by reasons of exceptional narrowness, shape, topographic conditions, or other extraordinary situation, in order to relieve the undue hardship, provided that the variance can be granted without substantial detriment to the public good and does not substantially impair the intent of these regulations. No variance shall be granted unless the Board finds that the special circumstances or conditions applying to the building or land in question are peculiar to such lot or property, and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.
- B. The Board may not grant any variances whose effect will be to continue or to permit a hazard to public safety.

20.8 Village Not Responsible

The Village of North Bend is hereby not responsible for any signs which have been previously placed within the right-of-way of any street, highway, lane, avenue, road, drive or public thoroughfare and which have to be removed because of any reason whatsoever.

20.9 Rights Reserved by the Village

The Village of North Bend reserves the right to erect Village name signs and traffic signs anywhere that the public health, safety and general welfare of the Village are served.

20.10 Sign Permits

Sign permits shall be regulated as follows:

- A. No sign shall be erected, enlarged, expanded, altered, (including face changes), relocated, reconstructed or placed unless a permit has been issued by the Building Official, except that no permit shall be necessary for the following signs as identified in this Chapter:
 - 1. Real Estate Signs.
 - 2. Contractors Signs.
 - 3. Political Signs.
 - 4. Signs erected by the Village.
- B. A fee to be determined by Council shall be charged for each sign permit.

20.11 Exemptions

Exemptions from this Chapter shall be as follows:

The provisions of this Chapter shall not apply to the following signs:

- A. Signs not more than two (2) feet in height, on or over a show window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of the business.
- B. Signs not exceeding two (2) square feet of display surface on a residence building stating merely the name of the occupants and/or the street address.
- C. Signs not exceeding ten (10) square feet of display surface on a public building or institutional building use giving the name and nature of the occupancy and information as to the conditions of use or admission.
- D. Any other signs authorized by a department of the Village which is not inconsistent with the authority of that department.

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CHAPTER 21 ADMINISTRATION

21.0 Purpose

This Code sets both the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Village Council and the Building Official with respect to the administration of the provisions of this Code.

21.1 Responsibilities of the Building Official

A Building Official shall be appointed by the Village Council. The Building Official shall have the following responsibilities and powers:

- A. Enforce the provisions of this Code and interpret the meaning and application of its provisions, including both map and text.
- B. Receive, review and make determinations on applications for Zoning Certificates.
- C. Issue Zoning Certificates as provided by this Code, and keep a record of same with notations of special conditions involved.
- D. Review and process plans pursuant to the provisions of this Code.
- E. Make determinations as to whether violations of this Code exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Code.
- F. Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Code.
- G. Maintain permanent and current records required by this Code, including but not limited to the Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments and conditional uses. These records shall be made available for use of the Village Council, Planning Commission, the Board of Zoning Appeals and to the public.
- H. Revoke a permit or approval issued contrary to this Code or based on a false statement or misrepresentation in the application.
- I. Act upon all applications within thirty (30) days of their date of filing. A Zoning Certificate or written notification and explanation of refusal shall be issued to the applicant within said thirty (30) days. Failure to notify the applicant of such

refusal within this period shall entitle the applicant to submit his request to the Board of Zoning Appeals.

21.2 Village Planning Commission

The Village Planning Commission shall be as follows:

A. Membership

The Planning Commission shall consist of five members including the Mayor, one (1) member of Council (to be elected by Council) and three (3) other residents of the Village appointed by the Mayor. All members of the Planning Commission shall be residents of the incorporated area of the Village. The length of the Commission members shall be as established in the Ohio Revised Code.

B. Powers and Duties

The Planning Commission shall have the following responsibilities and powers as they relate to this Code:

1. Carry on a continuous review of the effectiveness and appropriateness of this Code and recommend such changes or amendments as it feels would be appropriate.
2. Hold public hearings, notice of which shall be given in accordance with Section 713.12 of the Ohio Revised Code.
3. Initiate advisable Official Zoning District Map changes, or changes in the text of the Code where same will promote the best interest of the public in general through recommendation to the Village Council.
4. Review proposed zoning amendments and Planned Unit Development applications as filed by a property owner.
5. Conduct Site Plan Review for projects requiring such approval.
6. Review and approval/disapproval of Conditional Use applications.
7. Function, in addition, as provided by all other applicable Sections of the state law, Chapter 713 of the Ohio Revised Code.

C. Conditional Uses

The Planning Commission may hear and decide upon, in accordance with the provisions of these regulations, applications for a Conditional Use Permit. The

purpose of a Conditional Use Permit is to allow a property integration of uses into the Village which may only be suitable in specific locations within certain zoning district(s) or only if such uses are designated or laid out in a particular manner on the site.

In considering an application for a Conditional Use Permit, the Planning Commissioner must make an affirmative finding that the proposed Conditional Use is to be located in a district wherein such use may be conditionally permitted, and that all conditions for approval of Conditional Uses have been met. The Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.

A public hearing shall be held by the Planning Commission when considering an application for a Conditional Use Permit. Notice shall be given not less than fifteen (15) days prior to the date of public hearing, both by notifying all properties adjacent to the subject site, and by publishing notice in a newspaper of general circulation.

An application for a Conditional Use Permit shall contain the following information:

1. The total area in the development.
2. The existing zoning of the property in question and/or all adjacent properties.
3. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
4. Existing topography with a maximum of ten (10) foot contour lines.
5. The proposed finished grade of the development shown by contours not larger than five (5) feet.
6. The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
7. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
8. Location of all sidewalks and other open areas.
9. Location of all walls, fences, and buffer yards.
10. Location, size, height, materials, lighting, and orientation of all signs.
11. Location of all existing proposed streets, highways and alleys.
12. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.
13. The schedule of phasing of the project.
14. Names and mailing addresses of owners of property adjacent to the subject property as recorded by the Hamilton County Auditor's Office.
15. Such other information as required by the Planning Commission to determine

the conformance with this Code.

D. Standards for Conditional Use

The Commission shall not grant a Conditional Use unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

1. The proposed Conditional Use will comply with all applicable regulations of this Code, including lot size requirements, development standards and use limitations.
2. Adequate utility, drainage and other such necessary facilities have been or will be provided.
3. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion to public streets and alleys.
4. All necessary permits, and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits and licenses are obtainable for the proposed Conditional Use on the subject property.
5. All exterior lights for artificial open-air illuminations are so shaded as to avoid casting direct light upon any property located in a residential district.
6. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets given access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
7. The location, nature and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.
8. Evidence that the Conditional Use desired will not adversely affect the public health, safety and morals.

E. Conditions and Restrictions

In granting a Conditional Use Permit, the Commission may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to comply with the standards set out in this Chapter to reduce or minimize potentially injurious affects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Code.

F. Period of Validity

A Conditional Use Permit granted by the Commission shall terminate at the end of one year from the date on which the Commission grants the Conditional Use,

unless within the one year period a building permit is obtained and the erection or alteration of a structure is started.

G. Appeal of Planning Commission Decision for Conditional Uses

Any party aggrieved by a decision of the Planning Commission for a Conditional Use may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

21.3 Village Council

The powers and duties of the Village Council are as follows:

- A. Appoint a Building Official to administer and enforce the provisions of these Regulations.
- B. Appoint a five member Board of Zoning Appeals in accordance with the Ohio Revised Code, Chapter 713, to hear administrative appeals and requests for variances.
- C. Initiate or act upon suggested amendments to the Zoning Regulations text or the Zoning District Map following the recommendations of the Village Planning Commission.
- D. Elect one of its' own members to the Planning Commission.
- E. Determine fees for permits, application review and violations. Each written application for a Zoning Certificate, Zoning Amendment, Administrative Appeal, Conditional Use Permit or Variance shall be accompanied by filing fees. These filing fees shall be forwarded to the Village, and shall be utilized to help cover the expenses of the Building Official, the Planning Commission, the Board of Zoning Appeals, and the public.
- F. Provide for maintaining and keeping current the permanent records required by these regulations, including but not limited to the Zoning District Map, Zoning Certificates, inspections, and all official zoning actions of the Village Council. Such records shall be made available for use by the Village Council, Planning Commission, Board of Zoning Appeals, and the public.
- G. To hear and decide appeals to the decision of the Planning Commission regarding an application for Site Plan Review and Conditional Use Permits.
- H. To hear and decide appeals to the decision of the Board of Zoning Appeals regarding administrative appeals and variances.

21.4 Board of Zoning Appeals

A. Membership

The Board of Zoning Appeals, hereinafter called the Board, shall be appointed by the Village Council and shall consist of five (5) members who are residents of the incorporated area of the Village. The Mayor presides as chairman of the Board and at least three (3) members of the Board shall not be members of the Planning Commission or Council.

B. Jurisdiction

The Board shall have the following powers:

1. Administrative Appeals

To hear and decide appeals where it is alleged there is an error in any interpretation, judgment, decision or determination made by the Building Official in the administration and enforcement of the provisions of these regulations.

2. Variances

The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as hereinafter provided, such variances from the terms, provisions or requirements of this Zoning Code as will not be contrary to the public interest provided, however, that such variances shall be granted only in such cases where, owing to special and unusual conditions pertaining to a specific piece of property as described below, the literal enforcement of the provisions or requirements of this Zoning Code would result in practical difficulty or undue hardship, so that the spirit of the Zoning Code shall be upheld, public safety and welfare secure and substantial justice done. Variances shall not be granted for uses not permitted in the zoning district applicable to the property.

a. Conditions Prevailing.

Where there are exceptional or extraordinary circumstances or conditions, the literal enforcement of the requirements of this Zoning Code would involve practical difficulty or would cause unnecessary hardship, unnecessary to carry out the spirit and purpose of this chapter, the Board of Zoning Appeals shall have power to relieve such hardship. In authorizing a variance, the Board of Zoning Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use it as it may deem necessary in the interest of the furtherance of the purpose of the chapter and in the public interest.

In authorizing a variance, with attached conditions, the Board of Zoning Appeals shall require such evidence and guarantee or bond as it may deem to be necessary, to enforce compliance with the conditions attached.

b. Findings of the Board of Zoning Appeals.

No such variance of the provisions or requirements of this Zoning Code shall be authorized by the Board of Zoning Appeals unless the Board of Zoning Appeals finds, that ALL of the following facts and conditions exist and they determine that the hardship was not self-created:

i. Exceptional Circumstances.

Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the original effective date of this Zoning Code (June 26, 1972), or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties or classes of uses on the same zoning district.

ii. Preservation of Property Rights.

That such variance is necessary for the preservation an enjoyment of substantial property rights which are possessed by other properties in the same zoning district and in the same vicinity.

iii. Absence of Detriment.

That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Zoning Code or the public interest.

iv. Not of General Nature.

That the condition or situation of the subject property, or the intended use of the property, for which variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such condition or situation.

3. An application for an Appeal or Variance shall contain the following information:

- a. Name, address and telephone number of the applicant.
- b. A brief narrative description of the existing use of the property.
- c. Statement of location of the property (subdivision, township, range, section number, lot number).
- d. A statement indicating the zoning of the property.
- e. A brief narrative description of the proposed appeal or variance being requested, citing the section of the Zoning Code from which the appeal or variance is being requested.
- f. A plan, drawn at an appropriate scale, showing the following:
 - i. Location of the property, indicating all existing and proposed structures and lot lines.
 - ii. Locations of the nearest public rights-of-way, and location of all access points to the site, existing or proposed.
 - iii. Locations of any easements existing or proposed.
 - iv. Locations of any existing or proposed parking areas and driveways, showing intent to comply with all parking requirements specified by these regulations.
- g. Such other information as may be required by the Board of Zoning Appeals.
- h. Names and mailing addresses of owners of property adjacent to the subject property as recorded by the Hamilton County Auditor's Office.

4. Appeal of Board of Zoning Appeals Decision

Any party aggrieved by a decision of the Board of Zoning may appeal within thirty (30) days of the date of decision to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

21.5 Zoning Certificates

The following shall apply for the application of a Zoning Certificate:

A. Requirements

No person shall locate erect, construct, reconstruct, enlarge or structurally alter any building or structure within the Village without obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with all the provisions of these regulations.

B. Provision of Utility Services

No public utility company or supplier of electrical service shall supply initial utility services (gas, electricity, water, sewer) to any use until such time as a Zoning Certificate is presented to such public utility or electrical service company which

indicates that the building to be serviced has been officially approved by the Building Official.

C. Application

Application for a Zoning Certificate shall be made in writing to the Building Official, or secretary of the Village Planning Commission. Each written application shall include the following:

1. Three (3) copies of a scale drawing showing the actual shape and dimensions of the lot to be built upon, or to be changed in its use, in whole or in part;
2. The location of the lot, existing zoning and land use, including the immediately surrounding area;
3. The location, size and height of any building or structure to be erected or altered;
4. The existing or intended use of each building, structure or use of land where no buildings are included; and
5. The number of families or dwelling units each building is designed to accommodate, if applicable.

D. Time Limit

Subject to an extension by the Building Official, no Zoning Certificate shall be valid for a period longer than six (6) months unless a building permit application has been submitted in compliance with the approved Zoning Certificate.

21.6 Site Plan Review

Site plan review shall be as follows:

A. Applicability

This section shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family dwellings and two family dwellings (duplexes) and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined as an increase of the existing structure by twenty (20) percent or more.

Furthermore, no building shall be erected or structurally altered on any lot or parcel in zones where a site plan is required, except in accordance with the

regulations of this section and an approved site plan. No building permit shall be issued prior to the approval of a site plan.

B. Contents of Site Plan

Before a permit is issued for construction, one copy of the site plan at a scale no smaller than 1 inch to 100 feet shall be filed with the Building Official setting forth, identifying and locating the following:

1. The total area in the development.
2. The existing zoning of the property in question and/or all adjacent properties.
3. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
4. Existing topography with a maximum of five (5) foot contour intervals.
5. The proposed finished grade of the development shown by contours not less than one (1) foot.
6. The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
7. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
8. All sidewalks and other open areas.
9. Location of all walls, fences, and buffer yards.
10. Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.
11. Location of all existing proposed streets, highways and alleys.
12. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.
13. The schedule of phasing of the project.

14. A lighting plan including photometric information and proposed style and height of light fixtures.
15. A landscape plan.
16. Such other information as required by the Planning Commission to determine the conformance with this Code.

C. Site Plan Review Guidelines

The following principles shall guide the exercise of site planning review by the Planning Commission:

1. The natural topographic and landscape features of the site shall be incorporated into the plan and the development.
2. Buildings and open spaces should be in proportion and in scale with existing structures and spaces in the area within three hundred (300) feet of the development site.
3. A site that has an appearance of being congested, over built or cluttered can evolve into a blighting influence and therefore such should not be congested, over built or cluttered.
4. Open spaces should be linked together.
5. Natural separation should be preserved or created on the site by careful planning of the streets and clustering of buildings using natural features and open spaces for separation. Existing vegetation removal should be kept to a minimum.
6. Screening of intensive uses should be provided by utilizing landscaping, fences or walls to enclose internal areas.
7. Buildings should be sited in an orderly, non-random fashion. Long, unbroken building facades should be avoided.
8. In connection with the siting of mid-rise and high-rise buildings, the location should be oriented to maximize the privacy of the occupants of adjacent buildings.
9. Street location and design shall conform to existing topographic characteristics. Cutting and filling shall be minimized in the construction of streets. Flat as possible grades shall be utilized proximate to intersections.

10. Pedestrian circulation in non-residential areas should be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Handicapped parking should be located as near as possible to be accessible to the structure. Pedestrian and vehicular circulation should be separated as much as possible, through crosswalks designated by pavement markings, signalization or complete grade separation.
11. Path and sidewalk street crossings should be located where there is a good sight distance along the road, preferably away from sharp bends or sudden changes in grade.
12. Parking lots and garages should be located in such a way as to provide safe, convenient ingress and egress. Whenever possible there should be a sharing or curb cuts of more than one facility. Parking areas should be screened and landscaped and traffic islands should be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.
13. Drive through establishments such as restaurants and banks should be located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations.

D. Action by Planning Commission for Site Plan Review

Upon submission of the complete application for site plan review to the Building Official, the application shall be transmitted to the Planning Commission where they shall review the site plan pursuant to Section 21.6(C) Site Plan Review Guidelines. No public notice or public hearing shall be required in conjunction with the review, the approval, approval with modifications or disapproval of the site plan. The Planning Commission may approve, disapprove or approve with modifications the site plan as submitted.

The Planning Commission shall act upon all site plans within thirty-five (35) days after the receipt of the complete application from the Building Official. Within the said thirty-five (35) day period, a majority of the members of the Planning Commission present at a meeting thereof may vote to extend the said period for a period of time not to exceed an additional sixty (60) days.

E. Appeal of Planning Commission Decision for Site Plan Review

An appeal can be made to the Village Council regarding a decision by the Planning Commission regarding approval of a site plan review. An applicant, or other aggrieved party, may appeal to the Village Council to evaluate the decision of the Planning Commission as related to a site plan review application. The Village Council may uphold the decision of the Planning Commission, overturn the decision of the Planning Commission or modify the decision of the Planning

Commission. An affirmative vote of three-fourths (3/4) of the Village Council is required to overturn or modify the recommendation of the Planning Commission.

21.7 Text Amendments and Changes of Zoning Districts

The text of this Zoning Code and the Zoning Map may be amended from time to time by the passage of an ordinance duly adopted by the Village Council in accordance with the procedures set forth in this Chapter and in compliance with the provisions provided in the Ohio Revised Code, Chapter 713.

A. Parties Entitled to Initiate Amendments

An amendment to the text of the Zoning Code or to the Zoning Map may be initiated by motion of the Planning Commission, by passage of an ordinance by the Village Council that is certified by the Village Clerk to the Planning Commission, or by the filing of an application with the Planning Commission by one or more of the owners or lessees of property located within the area proposed to be changed or affected by the proposed amendment.

B. Standards for Reviewing Amendments

The decision of the Village Council to amend the text of the Zoning Code or to amend the Zoning Map is within the sound legislative discretion of the Council. As a part of the review by the Council, for any amendment to the text of the Zoning Code or to the Zoning Map, the following factors, where applicable, should be considered:

1. The recommendation of the Hamilton County Regional Planning Commission and/or any other opinion by a professional planner that may be employed by the Village.
2. The reports submitted by reviewing governmental agencies.
3. The comments received at the public hearing concerning the proposed amendment.
4. The relationship to the public health, safety, morals and general welfare.
5. Compatibility with the goals and objectives, if any, of adopted plans for land use, transportation, utilities, community facilities.
6. The economic viability of the proposed district.
7. The location of the subject property and the compatibility of the proposed use with the character of the area.
8. The existing and proposed site features of the subject property.

C. Review Procedures for Amendments

1. Application

An applicant for a zone amendment shall file an application on a form or forms provided by the Planning Commission. The application shall be considered complete when the Building Official or other designee determine such.

2. Referral of Proposed Change to County Regional Planning Commission

Within five (5) days after the filing of the application, the Planning Commission shall transmit a copy of the complete application to the Hamilton County Regional Planning Commission. The Hamilton County Regional Planning Commission shall recommend approval, denial or modification of the proposed amendment and shall submit such recommendation to the Village Planning Commission for consideration at the public hearing for the proposed amendment.

3. Scheduling of the Planning Commission Public Hearing

Within five (5) days after the adoption of a motion by the Planning Commission, certification of an ordinance by the Village Council or the filing of an application determined to be complete, the Planning Commission shall set a date for a public hearing not less than twenty (20) nor more than forty (40) days from the date of initiation of the amendment by motion, certification or the filing of an application and provide notice of such hearing pursuant to Section 21.8.

4. Planning Commission Review and Recommendation

The Planning Commission shall, within thirty (30) days after their public hearing recommend the approval or denial of the proposed amendment, or the approval of some modification of the amendment pursuant to the standards in Section 21.7(B). The Planning Commission shall then submit its recommendation together with the proposed text and map changes and the recommendation of the Hamilton Regional Planning Commission to the Village Council.

5. Village Council Review and Action

a. Schedule of Hearing

Upon receipt of the recommendation from the Planning Commission, the Village Council shall hold a public hearing within thirty (30) days in accordance with the procedures outlined in Section 21-8.

b. Decision

Within twenty (20) days after the public hearing, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification of the recommendation by the Planning Commission. In making its decision, the Board shall consider the factors contained in Section 21.7(B).

c. Effective Date

An amendment adopted by the Village Council shall become effective in thirty (30) days after the date of adoption of the ordinance unless within that time period a petition for zoning referendum is presented in accordance with the requirements of the Ohio Revised Code.

6. Referendum

a. Petition Time Limit

Within thirty (30) days after the date of adoption of an amendment by the Village Council, a petition may be presented to the Village Council requesting that the Council submit the amendment to the electors of the Village, for approval or rejection, at a special election to be held on the day of the next primary or general election.

b. Petition Signatures

The petition must be signed by the number of qualified voters residing in the Village equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which the governor was elected.

c. Petition Content

Each part of the petition for zoning referendum shall contain the number and full and correct title, if any, of the zoning amendment ordinance, motion or application, as the case may be, furnishing the name by which the amendment proposal is known and a brief summary of its contents. Each petition and Statement of the Circulator shall, in addition, conform to the rules specified in Section 3501.38 of the Ohio Revised Code.

d. Effect of Referendum

No amendment for which a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take effect immediately.

21.8 Notice Requirements for Public Hearings

An amendment to the text of the Zoning Code or to the Zoning Map, initiated by any one of the three methods described in Section 21.7, shall require notification of required public hearings in accordance with the following provisions.

A. Published Notice

Notice of the public hearing shall be given by the Planning Commission or Village Council, as the case may be, both by notifying all properties adjacent to the subject site, and by publishing notice in a newspaper of general circulation.

B. Mailed Notice

The Planning Commission or the Village Council, as the case may be, shall provide notice for map and text amendments according to the following situations. When the proposed zone map amendment involves the rezoning or redistricting of ten (10) or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed at least fifteen (15) days before the date of the public hearing. That notice shall be mailed to all owners of property within, contiguous to, directly across from, and within two hundred (200) feet of the area proposed to be rezoned or redistricted. When the proposed zone map amendment involves the rezoning or redistricting of more than 10 parcels of land as listed on the County Auditor's current tax list, or when a text amendment is proposed, the Planning Commission shall determine on a case-by-case basis the extent and method to which additional notice is necessary beyond general notice as required by this Code.

C. Content of Published and Mailed Notices

Published and mailed notices shall contain the time, date, and place of the public hearing. In addition, they shall include all of the following information:

1. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Code;
2. The nature of the proposed amendment;
3. The current and proposed zoning classification of the property named in the proposed amendment;
4. The time and place where the motion, resolution, or application proposing to amend the Zoning Code will be available for examination for a period of at least ten (10) days prior to the public hearing;
5. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;

CHAPTER 22 ENFORCEMENT

22.0 Enforcement by Village Building Official

A Building Official shall be designated by the Village Council. It shall be the duty of the Building Official to administer and enforce this Code in accordance with the provisions of this Chapter. All departments, officials, and public employees of the Village vested with the duty and authority to issue permits or licenses, shall conform to the provisions of this Chapter.

22.1 Revocation of Zoning Certificate

Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Village Council, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate upon the premises concerned, or in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with these regulations, shall be deemed guilty of a violation thereof.

22.2 Schedule of Fees

The Village Council shall by Ordinance, establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Code. The schedule of fees shall be posted in the office of the Building Official, and may be altered or amended only by the Village Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

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CHAPTER 23 VIOLATION, REMEDIES AND FEES

23.0 Violation

Any building that is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land that is proposed to be used in violation of this Chapter or any amendment or supplement thereto, the Village Council, the Village Solicitor or, the Building Official or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation to prevent the occupancy of the said building, structure or land or to prevent any illegal act, conduct, business or use in or about, such premises.

23.1 Notice of Violation

The notice of any violation of the Zoning Code shall be as follows:

- A. Whenever the Building Official determines that there is a violation of any provision of this Zoning Code, a notice of such violation shall be issued. Such notice shall:
1. Be in writing;
 2. Identify the violation;
 3. Include a statement of the reason or reasons why it is being issued and refer to the section of this Zoning Code being violated; and
 4. State the time by which the violation shall be corrected.
- B. Service of notice of the violation shall be as follows:
1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of sixteen (16) years or older; **or**
 2. By Certified Mail, and first class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when the fact of the mailing is entered of record, provided that the First Class mail envelope is not returned by the Postal Authorities with an endorsement showing failure of delivery; **or**
 3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

23.2 Remedies

The following remedies shall apply to violations of the Zoning Code:

A. Prohibitions

1. No person, business or corporation shall fail or refuse to comply with an order issued by the Building Official. A separate offense shall be deemed committed each day upon which a violation occurs or continues.
2. No person, business or corporation shall construct, modify, alter, use or occupy any structure or property in violation of the North Bend Zoning Code. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

B. Penalties

1. Whosoever violates this section is guilty of a minor misdemeanor for each offense.
2. If within one year of the date of the offense the offender has been convicted of or pleads guilty to another violation of Section 23.0, the offender is guilty of a misdemeanor of the third degree.

C. Civil Remedies

The Village of North Bend, the Village Council on behalf of the Village of North Bend or any officer designated by the Village Council on behalf of the Village of North Bend may, in addition to the criminal remedies provided in this Zoning Code, file suit for injunction against any violation of this Zoning Code, or if the violation has caused damages to the Village of North Bend for a judgment for damages and any person, property owner or occupant of property who can show that the person, property owner or occupant of property has suffered harm or whose property has suffered harm as a result of violations of this Zoning Code may file suit for injunction or damages to the fullest extent provided by the law.

23.3 Fees

The fees for all applicant costs incurred in this Chapter shall be established by Village Council. Furthermore, no plan shall be accepted for filing and processing, as provided in this Chapter, unless and until a filing fee is paid to the Village.

The applicant shall be responsible for the expenses incurred by the Village in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional services including expenses and legal fees in

connection with reviewing the plan, prepared reports, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.