

# Village of Piketon

## Zoning Ordinance Update



April 2013

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# Chapter 1: General Provisions

## Section 1.01: Title

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This ordinance shall be known and may be cited and referred to as the "Village of Piketon Zoning Ordinance".

## Section 1.02: Purpose

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This ordinance is adopted to secure and provide for the Village of Piketon the following objectives:

- A. To promote the public health, safety, comfort, and welfare of the residents of the village;
- B. To establish and maintain zoning districts in order to protect the property rights of all individuals by assuring the compatibility and efficient relationships of uses and practices within districts;
- C. To facilitate the provision of public utilities and public services;
- D. To provide the proper arrangement of streets or highways in relation to existing or proposed streets and highways;
- E. To promote orderly, efficient, and appropriate development of land;
- F. To provide uniform procedures and standards for observance by both the approving authority and the development of land;
- G. To provide standards and guidelines for compatibility of designs, materials, layout, landscaping, and effective use of land for quality commercial development;
- H. To provide reasonable and appropriate visual identification of commercial establishments;
- I. To allow freedom of speech and expression in accordance with the laws of the state and nation;
- J. To ensure adequate provision of open space for light, air, and fire safety;
- K. To manage traffic via access points and other planning tools;
- L. To preserve and protect existing trees and vegetation, flood plains, stream corridors, and other areas of scenic and environmental significance from adverse impacts of land development;
- M. To require the adequate and safe provision of transportation, water, sewage, and drainage in the village; and
- N. To preserve the character and quality of residential neighborhoods.

## Section 1.03: Authority

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The authority for the preparation, adoption, and implementation of this ordinance is derived from Ohio Revised Code (ORC) Chapters 713, which permits the adoption of uniform rules and regulations governing the zoning of land.

## Section 1.04: Applicability

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This ordinance is applicable to all land located within the village, as now or hereafter established.

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## Section 1.05: Compliance Required

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- A. Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in compliance with the regulations herein specified for the applicable zoning district.
- B. Unless specifically exempted, it shall be unlawful for a property owner to use or to permit the use of any structure, building, or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning permit is issued by the zoning officer in accordance with Section 3.04: Zoning Permits.
- C. Uses, lots, buildings, and structures that do not comply with this zoning ordinance will be subject to the provisions of Chapter 8: Nonconformities.

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## Section 1.06: Interpretation and Conflicts

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- A. For purposes of interpretation and application, the provisions of this zoning ordinance shall be held to be the minimum requirements required to promote the purpose of this zoning ordinance.
- B. When provisions of this zoning ordinance are inconsistent with one another or with the provisions found in another adopted zoning ordinance, the more restrictive provisions shall govern.
- C. Where this zoning ordinance imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations, or ordinances, the provisions of this zoning ordinance shall control.

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## Section 1.07: Severability

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- A. If any court of competent jurisdiction invalidates any provision of this zoning ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this zoning ordinance.
- B. If any court of competent jurisdiction invalidates the application of any provision of this zoning ordinance to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.
- C. If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.
- D. Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this zoning ordinance, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

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## Section 1.08: Transitional Rules

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- A. **EFFECTIVE DATE**
  - 1. This zoning ordinance was adopted by village council and shall become effective 30 days after adoption.
  - 2. Any amendments to this zoning ordinance shall be in full force and effect as provided in Section 519.12 of the Ohio Revised Code.

**B. VIOLATIONS CONTINUE**

Any violation that existed at the time this revision became effective shall continue to be a violation under this zoning ordinance and is subject to penalties and enforcement under Chapter 9: Penalties and Enforcement, unless the use, development, construction, or other activity complies with the provisions of this zoning ordinance.

**C. NONCONFORMITIES CONTINUE**

1. Any legal nonconformity that existed at the time this revision became effective shall continue to be a legal nonconformity under this zoning ordinance, as long as the situation that resulted in the nonconforming status under the previous zoning ordinance continues to exist.
2. If a legal nonconformity that existed at the time this revision became effective becomes conforming because of the adoption of this zoning ordinance, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

**D. APPROVED PROJECTS**

1. Any building, structure, or development for which a zoning permit was issued prior to the effective date of this zoning ordinance may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this zoning ordinance. If such building, structure, or development does not comply fully with this zoning ordinance at the time of completion, it shall be considered a legal nonconformity upon the issuance of a certificate of occupancy from the zoning department or final zoning permit from the Village of Piketon.
2. If the building, structure, or development is not completed within the time allowed under the original zoning permit or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this zoning ordinance.
3. Any application for a project where the zoning permit has expired shall meet the standards in effect at the time the application is resubmitted.
4. Any lawful, permitted existing special exception use that existed prior to the adoption of this ordinance shall continue to be considered a legal special exception use without requiring further action by the village council, zoning officer or Zoning Board of Appeals.

**E. VESTED RIGHTS**

The transitional rule provisions of this section are subject to Ohio's vested rights laws.

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## **Section 1.09: Relationship to Other Laws and Agreements**

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**A. CONFLICT WITH OTHER PUBLIC LAWS, ORDINANCES, REGULATIONS, OR PERMITS**

This ordinance is intended to complement other village, state, and federal regulations that affect land use. This ordinance is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this ordinance are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of this ordinance shall govern.

**B. CONFLICT WITH PRIVATE THIRD-PARTY AGREEMENTS**

This zoning ordinance is not intended to interfere with or abrogate any third party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this zoning ordinance proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third party private agreements, the provisions of this zoning ordinance shall govern. In no case shall the village be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

**Section 1.10: Use of Graphics, Illustrations, Figures, and Cross-References**

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- A. Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- B. In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the reference in parenthesis. Where a conflict may occur between the given cross-reference number and name, the name shall control.



# Chapter 2: Administrative Roles and Authority

## Section 2.01: Purpose

The purpose of this chapter is to identify the roles and responsibilities of various elected and appointed boards, and the duties of village staff, in the administration of this zoning ordinance.

## Section 2.02: Summary of Review Bodies

- A. Table 2-1: Summary Table of Review Bodies summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in Chapter 3: Development Review Procedures. Other duties and responsibilities of the entities are set forth in subsequent sections of this chapter.
- B. Even though not referenced in this chapter, other boards, commissions, government agencies, and non-government agencies may be asked by the zoning officer, the Zoning Board of Appeals, or the Village Council, to review some applications, including, but not limited to, map amendments (rezonings), text amendments, appeals, variances, special exception uses, and planned developments.

**TABLE 2-1: SUMMARY TABLE OF REVIEW BODIES**

<b>H = HEARING (PUBLIC HEARING REQUIRED)</b> <b>M = MEETING (PUBLIC MEETING REQUIRED)</b> <b>R = REVIEW AND/OR RECOMMENDATION</b>		<b>D = DECISION (RESPONSIBLE FOR FINAL DECISION)</b> <b>A = APPEAL (AUTHORITY TO HEAR/DECIDE APPEALS)</b>		
PROCEDURE	SECTION	VILLAGE COUNCIL	ZONING BOARD OF APPEALS (ZBA)	ZONING OFFICER
Zoning Ordinance Text or Map Amendment	Section 3.06:	H-D		
Special Exception Uses	Section 3.05:	A	H-D	R
Appeals	Section 3.05:	A	H-D	[1]
Variance	Section 3.05:	A	H-D	R
Zoning Permit	Section 3.04:		A	R-D

NOTES:  
 [1] Staff shall forward all records of their decisions to the ZBA including any staff report or summary that provides a history of actions and decisions made in relation to the appealed action.

## Section 2.03: Village Council

In addition to any other authority granted by ordinance or state law to the Piketon Mayor or Village Council, hereafter referred to as the mayor and village council respectively, the mayor and village council shall have the following duties for the purpose of this zoning ordinance:

- A. Mayor shall appoint, and council shall approve, a zoning officer to administer and enforce the provisions of this zoning ordinance;
- B. Mayor shall appoint a five member Zoning Board of Appeals in accordance with the Ohio Revised Code Chapter 713;
- C. Council shall determine fees for permits, and mayor (or designee) shall determine fees for application review and violations;

- D. Council or mayor shall initiate proposed amendments to this zoning ordinance text and/or the official zoning map;
- E. Council shall review and decide on all proposed zoning text and map amendments to this zoning ordinance;
- F. Council shall review and decide appeals of decisions by the ZBA; and
- G. Mayor shall provide for maintaining and keeping current the permanent records required by this zoning ordinance, including but not limited to the zoning district map, zoning certificates, inspections, and all official zoning actions of the village council.

## **Section 2.04: Zoning Board of Appeals**

### **A. REFERENCE**

The Piketon Zoning Board of Appeals, established by council and appointed by the mayor, shall be known and hereafter referenced in this zoning ordinance as the ZBA.

### **B. APPOINTMENT AND ORGANIZATION**

1. The mayor shall appoint members of the ZBA. The ZBA shall be composed of five members who reside in the village.
2. Members shall serve five-year terms with the term of one member expiring each year.
3. Each member shall serve until their successor is appointed and qualified.
4. Members of the ZBA shall be removable for non-performance of duty, misconduct in office, or other cause, by the village council, upon written charges filed with the village council, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least 10 days prior to the hearing, by personal service, or by leaving the same at the member's usual place of residence. The member shall be given the opportunity to be heard and answer such charges.
5. Vacancies shall be filled by appointment by the mayor and shall be for the time remaining in the unexpired term.

### **C. ROLES AND POWERS**

The ZBA shall have the following roles and powers:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the zoning officer, other village official, or administrative body of the village in the interpretation or enforcement of the provisions of this zoning ordinance.
2. To hear and decide, in accordance with the provisions of this zoning ordinance, applications filed for special exception uses, for interpretation of the zoning map, or for decisions upon other special questions on which the ZBA is authorized by this zoning ordinance to pass.
3. The ZBA shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning ordinance as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning ordinance would cause practical difficulty for area/dimensional variances, and so that the spirit of the zoning ordinance shall be observed and substantial justice done.
4. To permit the substitution, enlargement or extension of nonconformities existing at the time of enactment of this zoning ordinance in compliance with Chapter 8: Nonconformities.

**D. BYLAWS**

The ZBA may organize and adopt bylaws for its own governance provided they are consistent with law or with any other ordinance of the village.

**E. MEETINGS**

1. Meetings of the ZBA shall be held at the call of the chair, or the acting chair, and at such other times as the ZBA may determine.
2. The chair, or in their absence, the acting chair, may administer oaths and the ZBA may compel the attendance of witnesses.
3. All meetings of the ZBA shall be open to the public, except as exempted by law.
4. The clerk/treasurer shall keep minutes of ZBA proceedings showing the vote, indicating such fact and shall keep records of ZBA examinations and official actions, all of which shall be filed in the office of the village clerk and shall be a public record, unless exempted by law.
5. The ZBA may call upon any village department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the ZBA as may reasonably be required.

**F. QUORUM AND DECISIONS**

1. Any combination of three members of the ZBA shall constitute a quorum.
2. The ZBA shall act by resolution when at least three members concur. Every decision shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application.
3. Non-decision items, such as continuance or approval of minutes, shall require a majority of the quorum to concur.

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## **Section 2.05: Zoning Officer**

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**A. ROLES AND POWERS**

1. The mayor shall appoint a zoning officer to be confirmed by village council who shall have the following roles and powers:
  - a. To enforce this zoning ordinance. All officials and employees of the village shall assist the zoning officer by reporting to him/her upon becoming aware of new construction, reconstruction, land uses, or upon seeing violations.
  - b. To review applications for zoning permits and to ensure compliance with this zoning ordinance in accordance with Section 3.04: Zoning Permits.
  - c. To issue a zoning permit, after written request from the owner or tenant, for any building or premises existing at the time of enactment of this zoning ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this zoning ordinance.
  - d. To keep adequate records of all applications and decisions on said applications.
  - e. To issue citations for any zoning violations and keep adequate records of all violations.
  - f. To conduct inspections of buildings and uses of land to determine compliance or non-compliance with this zoning ordinance.
  - g. To revoke a zoning permit or approval issued contrary to this zoning ordinance or based on a false statement or misrepresentation on the application.

- h.** The zoning officer is responsible to see that the village is complying with the Fair Housing Standards.
- 2.** The village council may also appoint additional zoning officer personnel to assist the zoning officer in such roles and powers.

**B. DECISIONS**

- 1.** A decision of the zoning officer may be appealed to the ZBA.
- 2.** A decision of the ZBA may be appealed to village council.
- 3.** The zoning officer shall have appropriate forms for appeal available at the time of denial.

# Chapter 3: Development Review Procedures

## Section 3.01: Purpose

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The purpose of this chapter is to identify the development review procedures used in the administration of this zoning ordinance.

## Section 3.02: Agricultural Exemption

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- A. Nothing contained within this ordinance shall prohibit the use of land, the primary use of which is for agricultural purposes, as defined herein, or the construction or use of any building or structure incidental to such agricultural use.
- B. Any tract of land less than five acres in area shall not be deemed to be primarily used for agricultural purposes for the purpose of this ordinance.
- C. Agricultural buildings shall comply with the applicable minimum yard requirements of the district in which they are located.

## Section 3.03: Common Review Requirements

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The requirements of this section shall apply to all applications and procedures subject to development review under this zoning ordinance, unless otherwise stated.

### A. AUTHORITY TO FILE APPLICATIONS

- 1. The person having legal authority to take action in accordance with the approval sought shall file an application for any review in accordance with this zoning ordinance. The person having legal authority shall be the record owner or the duly authorized agent of the record owner and may be required to provide proof of such authority at the time of application.
- 2. The village council may initiate zoning text and map amendments under this zoning ordinance with or without an application from the property owner who may be affected.

### B. APPLICATION CONTENTS

#### 1. Submittal Requirements

Applications required under this zoning ordinance shall be submitted in a form and in such numbers as established by the zoning officer and made available to the public.

#### 2. Submission of Fees

- a. Applications shall be accompanied by a fee as established by ordinance of village council and made available to the public.
- b. The village shall charge appropriate fees for the review or issuance of zoning permits, special exceptions, appeals, variances, zoning amendments, and other applicable permits and procedures to cover the costs of inspection, investigation, legal notices, and other expenses incidental to the enforcement of this zoning ordinance. Such fees shall be paid to the Village of Piketon, or its designee, and shall be paid in accordance to the Official Zoning Fee Schedule as established by village council.

**3. Complete Application Determination**

- a. The zoning officer shall only initiate the review and processing of applications submitted under this chapter if such application is determined to be complete.
- b. The zoning officer shall make a determination of application completeness within 10 business days of the application filing.
- c. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this zoning ordinance.
- d. If an application is determined to be incomplete, the zoning officer shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal application.
- e. If the applicant fails to re-submit a complete application within 60 days of the notice provided by the zoning officer pursuant to Section 3.03:B.3.d, unless an extension is granted by the zoning officer, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. No reconsideration of an incomplete application shall occur after expiration of the 60 day period, and an applicant in need of further development approval under the zoning ordinance shall, pursuant to all of the original requirements of Section 3.03:B. Application Contents, submit a new application and filing fee.
- f. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

**4. Refund of Fees**

Application or review fees are not refundable except where the zoning officer determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

**C. SIMULTANEOUS PROCESSING OF APPLICATIONS**

Whenever two or more forms of review and approval are required under this zoning ordinance, the zoning officer shall determine the order and timing of review. The zoning officer may authorize a simultaneous review of applications.

**D. PUBLIC NOTIFICATION FOR PUBLIC MEETINGS**

Applications for development approval that require public meetings shall comply with all applicable ORC requirements and the provisions of this chapter with regard to public notification.

**E. PUBLIC NOTIFICATION FOR PUBLIC HEARINGS**

Applications for development approval that require public hearings shall comply with all applicable ORC requirements and the provisions of this chapter with regard to public notification.

**1. Content**

Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

- a. Identify the address or location of the property subject to the application and the name, address, and telephone number of the applicant or the applicant's agent.
- b. Indicate the date, time, and place of the public hearing.
- c. Describe the land involved by street address, or by legal description and the nearest cross street, and project area (size).

- d.** Describe the nature, scope, and purpose of the application or proposal.
- e.** Identify the location (e.g., the village offices) where the public may view the application and related documents.
- f.** Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application.
- g.** Include a statement describing where written comments will be received prior to the public hearing.

**2. Notice Requirements**

Published and mailed notice for public hearings shall be provided as defined in Table 3-1: Notice Requirements.

**TABLE 3-1: NOTICE REQUIREMENTS**

DEVELOPMENT REVIEW PROCEDURE	AGENCY RESPONSIBLE FOR NOTIFICATION	PUBLISHED NOTICE	MAILED NOTICE
Zoning Ordinance Text or Map Amendment	Clerk of Council	Published notice required a minimum of 30 days before Village Council hearing	Written notice shall be required a minimum of 20 days before the Village Council hearing only if a zoning map amendment will affect 10 or fewer properties. Written notice shall be provided to the applicant and all property owners within, contiguous, and directly across the street of the subject property
Special Exception Uses	Zoning Officer, Clerk/Treasurer	Published notice required a minimum of 15 days before the ZBA hearing, but not more than 30 days prior to the hearing	Written notice to the applicant and all property owners within, contiguous, and directly across the street of the subject property shall be required a minimum of 15 days prior to the hearing, but not more than 30 days notice.
Appeals	Zoning Officer, Clerk/Treasurer		
Variance	Zoning Officer, Clerk/Treasurer		

**3. Published Notice**

When the provisions of this ordinance require that notice be published, the agency responsible for notification shall prepare the content of the notice and publish the notice in a newspaper of general circulation. The content and form of the published notice shall be consistent with the requirements of Section 3.03:E.1 Content and state law.

**4. Written Notice**

- a.** It shall be the duty of the applicant to furnish the village with the names and addresses of the owners of all properties contiguous and directly across the street of the subject property.
- b.** The village shall notify property owners contiguous and directly across the street of the subject property by regular mail, of information required in Section 3.03:E.1 Content and state law.
- c.** Written notice to property owners contiguous and directly across the street of the subject property owner shall be postmarked no later than the minimum number of days required in Section 3.03:E.2 Notice Requirements.
- d.** If more than 100 properties are located contiguous and directly across the street of the subject property, written notice shall not be required and only published notice shall be required.

**F. CONSTRUCTIVE NOTICE**

The following shall apply to all public notice requirements established in each development review procedure:

1. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the agency having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this zoning ordinance, and such finding shall be made available to the decision-making body prior to final action on the request.
2. When the records of the village document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

## **G. CONDUCT OF PUBLIC HEARING**

### **1. Rights of All Persons**

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

### **2. Continuance of a Public Hearing or Deferral of Application Review**

- a. An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the zoning officer prior to the publication of notice as may be required by this zoning ordinance. The zoning officer may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- b. A request for deferral of consideration of an application received by the zoning officer after publication of notice of the public hearing as required by this zoning ordinance shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
- c. The review body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place.

### **3. Withdrawal of Application**

Any request for withdrawal of an application shall be submitted in writing by the applicant prior to action by the review or decision-making body to any two of the following: the zoning officer, mayor, or village administrator.

- a. The zoning officer shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this zoning ordinance.
- b. If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this zoning ordinance, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.
- c. In all cases where the applicant has requested the withdrawal of an application, the application fee paid shall not be refunded.



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**H. EXAMINATION AND COPYING OF APPLICATION AND OTHER DOCUMENT**

Documents and/or records may be inspected and/or copied as provided for by state law.

**I. COMPUTATION OF TIME**

1. In computing any period of time prescribed or allowed by this zoning ordinance, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by the village where the village administrative offices are closed for the entire day.
2. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
3. When the village offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by the village in which the village administrative offices are closed for the entire day.

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**Section 3.04: Zoning Permits**

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**A. ZONING PERMIT APPLICABILITY**

A zoning permit shall be required for any of the following unless otherwise specifically exempted:

1. New construction or structural alteration of any building or structure, including accessory buildings and structures.
2. Change in use of an existing building (including tenant finishes), structure, accessory building, lot, or portion thereof, including nonconforming uses but excluding changing to any agricultural use.
3. Change in the use of land to a use of a different classification.
4. Occupancy and use of vacant land or buildings, excluding agricultural land or buildings.
5. Home occupations, accessory uses, and temporary uses.
6. Permanent or temporary signs unless exempted in Section 7.04: Signs Exempt from this Chapter.

**B. ZONING PERMIT REVIEW PROCEDURE**

**1. Preapplication Meeting**

- a. Applicants for multi-family residential and nonresidential developments are encouraged to meet with the zoning officer for a preapplication meeting prior to submitting a formal application for a zoning permit.
- b. The purpose of the preapplication meeting is to informally discuss application requirements, review procedures, and details of the proposed development.
- c. Applicants are encouraged to bring a preliminary site plan to the preapplication meeting.
- d. No formal application is required to facilitate a preapplication meeting. The applicant need only contact the zoning officer to set up a meeting date.
- e. Discussions that occur during a preapplication meeting with village staff are not binding on the village and do not constitute official assurances or representations by the village or its officials regarding any aspects of the plan or application discussed.

**2. Application**

The applicant shall submit the required number of copies of the following to the zoning officer prior to submitting for a building permit from the building department:

- a. Zoning permit application and applicable forms available from the village offices.
- b. All applications for a zoning permit shall be accompanied by a plot plan, drawn to scale, showing the actual dimensions of the zoning lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, its location on the lot or lots, intended location of utilities hookup, location of driveway, and such other information as may be necessary to provide for the enforcement of these regulations. The Village will inform the applicant if a culvert is needed, and if so, the size of such culvert. The zoning officer must consider the effect of the request on adjoining property owners.
- c. All such forms, plans, maps, and information as may be prescribed for that purpose by the zoning officer to assure the fullest practicable presentation of the facts for the permanent record.
- d. All required fees as established in the official village fee schedule.

**3. Review**

The zoning officer shall review the application for conformance with the provisions of this zoning ordinance.

**4. Decision**

- a. The zoning officer shall review each complete application and either approve and issue the zoning permit or deny the application within 30 days of the application.
- b. Upon approval, the zoning officer shall issue a signed zoning permit and maintain a copy of the application for village records.
- c. If the zoning officer denies an application, the officer shall state in writing the reasons for the action taken.
- d. If the application is denied, the applicant may submit a revised application and site plan for review in accordance with this review procedure, or the applicant may appeal the decision to the ZBA in accordance with Section 3.05: Appeals, Variances and Special Exceptions of this zoning ordinance.

**C. REVIEW CRITERIA**

1. All applications for a zoning permit shall demonstrate conformity with the provisions of this zoning ordinance.
2. No zoning permit shall be issued to any applicant or for any property that is in violation of any provision of this zoning ordinance until such violation is corrected or eliminated to the satisfaction of the zoning officer unless said application is being made to bring the property into conformance with this zoning ordinance.

**D. AMENDMENTS OR MODIFICATIONS**

1. Incidental changes from an approved zoning permit are permissible and the zoning officer may grant changes, provided such change has no discernible impact on neighboring properties or the general public. Amendments or modifications to an approved zoning permit may require the payment of a fee as established in the official village fee schedule.
2. All other requests for changes will be processed as a new application, which require the resubmittal of a new fee.

3. An applicant or property owner requesting changes shall submit a written request to the zoning officer, itemizing the proposed changes, unless waived by the zoning officer.

**E. EXPIRATION**

1. Construction shall commence within 12 months and shall be substantially completed within 36 months of the date upon which the zoning permit was issued unless the owner of the property has established a vested right under the laws of Ohio to the use for which the original zoning permit was issued.
2. Construction shall not be required to comply with the time limits established in Section 3.04:E.1. above if the zoning officer has authorized an alternative commencement or substantial completion date as part of the zoning permit application review process. If the zoning officer has authorized an alternative commencement or substantial completion date as part of the zoning permit application review process, construction shall commence and be substantially completed within those time limits established by the zoning officer.
3. For the purposes of Section 3.04:E.2. above, construction shall not be deemed to have commenced until the excavation necessary for placement of the structure's foundation is no less than 100% complete, as determined by the zoning officer.
4. Failure to commence construction within 12 months and substantially complete construction within 36 months or any alternative time limits approved by the zoning officer shall result in the expiration of the zoning permit unless the applicant requests and receives an extension from the zoning officer. Applications shall be required to apply for an extension no later than 30 days prior to the date of expiration of the original zoning permit, unless waived by the zoning officer. Factors to be considered by the zoning officer when determining whether to grant an extension shall include:
  - a. The length of additional time necessary to complete construction;
  - b. Additional time is needed for review by other agencies having jurisdiction on the project;
  - c. The reason for the delay;
  - d. Good faith on the part of the applicant;
  - e. The existence of or potential for any substantial detriment to adjoining property as a result of the extension; and
  - f. Conformance with this zoning ordinance.
5. Upon expiration of a zoning permit, a new zoning permit application, including all applicable fees, shall be required before construction or resumption of construction can begin.
6. Actions taken by the zoning officer on requests for extensions may be appealed to the ZBA.

**F. TEMPORARY ZONING PERMITS**

The zoning officer may issue a temporary zoning permit in accordance with the temporary use provisions of this zoning ordinance and the zoning permit review procedure established above.

**G. REVOCATION OF A ZONING PERMIT**

The zoning officer shall hereby have the authority to revoke an approved zoning permit if the information submitted as part of the application is found to be erroneous or fraudulent after the permit has been issued. Any revocation of an approved zoning permit by the zoning officer may be appealed to the ZBA.

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## **Section 3.05: Appeals, Variances and Special Exceptions**

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**A. REVIEW PROCEDURE**

The review procedure for appeals, variances, and special exceptions shall be as follows:

**1. Step 1 – Application**

An application for variances, special exceptions, or other review over which the ZBA has original jurisdiction under Section 2.04: Zoning Board of Appeals may be made by any property owner, including an authorized agent, or by a governmental officer, department, or board.

**a. Special Application Requirements for Appeals**

- i. An appeal to the ZBA may be taken by any person aggrieved by a decision of the zoning officer or by any administrative officer of the village in interpreting or applying the provisions of this zoning ordinance. Such appeal shall be taken within 30 days of receipt of notification of the decision in question, by filing with the zoning officer and with the ZBA, a notice of appeal specifying the grounds thereof including applicable sections of the zoning ordinance.
  - ii. The zoning officer shall transmit to the ZBA all the papers constituting the record upon which the action appealed from was taken.
  - iii. The filing of an appeal shall stay all proceedings unless the zoning officer or any affected person certifies to the ZBA that, by reason of facts pertaining to the matter in question, a stay, in their opinion, would cause imminent peril to life or property. When such certification is made, proceedings shall not be stayed except by order granted by the ZBA.
- b. The zoning officer shall transmit a copy of the application to the ZBA.
  - c. All applications shall be submitted with the required fees as established in the village fee schedule.

**2. Step 2 – Public Hearing with the Zoning Board of Appeals**

- a. Upon application (Step 1), the clerk of council shall fix a reasonable time for the public hearing on any application or appeal, give at least 15 days, but not more than 30 days, of notice in writing to the parties in interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least 15 days before the date of such hearing.
- b. Written notice shall be given by the zoning officer and the clerk of council to property owners adjacent and directly across the street of the subject property.
- c. Any party may appear in person or by an appointed representative at a hearing for an appeal or application.
- d. Upon the day for hearing any application or appeal, the ZBA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the ZBA so decides.

**3. Step 3 – Decision**

- a. Within 30 days after the hearing concludes (Step 2), the ZBA shall make a decision on the application or appeal.
- b. A certified copy of the ZBA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the ZBA and to the zoning officer. Such decision shall be binding upon the zoning officer and observed by her/him and she/he shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant, whenever the ZBA authorizes a zoning permit.

- c. For appeals, the ZBA may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the zoning officer from whom the appeal is taken.
- d. In authorizing a variance or special exception, the ZBA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the ZBA may deem necessary in the interest of the furtherance of the purposes of this zoning ordinance. In authorizing a variance or special exception with attached conditions, the ZBA may require such evidence and guarantee or bond as it may deem to be necessary, that the applicant is and will comply with the attached conditions.
- e. Failure to comply with the conditions of a decision shall be deemed a violation of this zoning ordinance.
- f. Any party adversely affected by a decision of the ZBA may appeal the decision to the full village council and then to Pike County Court of Common Pleas if need be.

**B. APPEAL REVIEW CRITERIA**

An order, decision, determination, or interpretation shall not be reversed or modified by the ZBA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this zoning ordinance, state law, or federal law.

**C. VARIANCE REVIEW CRITERIA**

1. The ZBA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this zoning ordinance as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this zoning ordinance will result in practical difficulty for an area/dimensional variance.

**2. Area/Dimensional Variance**

- a. The following factors shall be considered and weighed by the ZBA to determine practical difficulty:
  - i. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
  - ii. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - iii. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
  - iv. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  - v. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
  - vi. Whether special conditions or circumstances exist as a result of actions of the owner;
  - vii. Whether the property owner's predicament can feasibly be obviated through some method other than a variance;

- viii. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
  - ix. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- b. No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

**D. SPECIAL EXCEPTION REVIEW CRITERIA**

1. In reviewing special exceptions, the ZBA shall consider the following:
  - a. The use is a special exception, permitted with approval by the ZBA, in the district where the subject lot is located;
  - b. The use is in accordance with the objectives of adopted comprehensive plan for the village and zoning ordinance; and
  - c. The special exception will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
2. In order to approve a special exception, the ZBA shall use the following review criteria:
  - a. The use is in fact a special exception as established within the applicable zoning district;
  - b. The use will be harmonious with, and in accordance with, the purpose of this zoning ordinance and consistent with the policies of adopted comprehensive plan for the village;
  - c. The use will conform to the general character of the neighborhood in which it will be located;
  - d. The use be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and will not change the essential character of the same area;
  - e. The use will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community;
  - f. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community; and
  - g. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

**E. EXPIRATION**

1. For special exceptions, the applicant shall have one year from the date of approval to receive an approved zoning permit or the special exception shall be deemed null and void.
2. For variances, the applicant shall have one year from the date of approval to receive an approved zoning permit or the variance approval shall be deemed null and void.
3. Applicants may submit one request for an extension of six months to the zoning officer.

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**Section 3.06: Zoning Text and Map Amendments**

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**A. AMENDMENT INITIATION**

1. Amendments or supplements to the zoning ordinance may be initiated by:
  - a. Passage of a ordinance by village council; or
  - b. By the filing of an application by one or more of the owners (or their agents) of property within the area proposed to be changed or affected by the proposed amendment.

**B. REVIEW PROCEDURE**

**1. Step 1 – Preapplication Conference**

- a. If initiated by the property owners, the applicant is required to meet with the zoning officer to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning ordinance prior to the submission of the application.
- b. Discussions that occur during a preapplication conference or a preliminary meeting with village staff are not binding on the village and do not constitute official assurances or representations by Piketon or its officials regarding any aspects of the plan or application discussed.

**2. Step 2 – Application**

- a. Applications for any change of district boundaries, classifications of property as shown on the zoning map, or changes to the zoning ordinance text shall be submitted to the clerk of council at the village offices.
- b. The application shall include all such forms, maps, and information as may be prescribed for that purpose by the zoning officer to assure the fullest practicable presentation of the facts for the permanent record.
- c. Each application initiated by property owners shall be signed by at least one of the owners, or the owner's authorized agent, of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- d. Applications for amendments initiated by village council shall be accompanied by the initiating council's motion or ordinance pertaining to such proposed amendment.
- e. All applications shall be submitted with the required fees as established in the village fee schedule.

**3. Step 3 – Public Hearing and Decision by the Village Council**

- a. Within five days after the adoption of a motion, certification of an ordinance, or the filing of an application (Step 2), the village clerk shall transmit a copy thereof to the village council by the next regularly scheduled council meeting.
- b. Upon receipt of the application from the clerk, the village council shall set a time for a public hearing on such proposed amendment.
- c. Notice of the date of the public hearing shall be given not less than 30 days prior to the date of hearing in a newspaper of general circulation of the village indicating the time and place of the public hearing.
- d. For an amendment that intends to rezone or redistrict 10 or fewer parcels of land as listed on the county tax duplicate, written notice of the hearing shall be mailed by the clerk of council by first class mail at least 20 days prior to the date of the public hearing to all owners of property within, contiguous and directly across the street from the area of the proposed amendment. If the amendment alters the text of the zoning ordinance, or rezones or redistricts more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance.
- e. A copy of the text of the proposed amendment together with the maps or plans or copies thereof that are part of the amendment, and any reports on such application, shall be on file for public examination in the offices of the clerk of council during the 30 day notice period.
- f. Within 20 days after its public hearing, village council shall approve, modify or deny the proposed amendment.

**C. EFFECTIVE DATE AND REFERENDUM**

1. Any amendment adopted by the village council shall become effective 30 days after the date of such adoption.
2. A referendum of any amendments may be undertaken within the 30 days after the date of the village council's decision.

**D. REVIEW CRITERIA**

The following criteria shall be used in decisions regarding zoning amendments:

1. The amendment is in accordance with this zoning ordinance as adopted by the village;
2. The amendment is consistent with adopted comprehensive plan for the village; and
3. Where more than one zoning district is available to implement the land use designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the village.



# Chapter 4: Zoning Districts and Use Regulations

## Section 4.01: Purpose

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The purpose of this chapter is to establish zoning districts in order to realize the general purpose set forth in Chapter I: General Provisions of this zoning ordinance, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

## Section 4.02: Establishment of Zoning Districts

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For the purposes stated above, the village is hereby divided into the zoning districts established in Table 4-1: Zoning Districts.

**TABLE 4-1: ZONING DISTRICTS**

DISTRICT DESIGNATION	DISTRICT NAME
R-1	One-Family Residence District
R-2	One- and Two-Family Residence District
R-3	Multiple-Family Residence District
B-1	Business District
M-1	Manufacturing District
M-H	Mobile and Non-Permanently Sited Manufactured Home Park District

## Section 4.03: Official Zoning Map

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The boundaries of the zoning districts are shown upon the official zoning map of the village, which map and all notations thereon are incorporated herein and are made a part of this zoning ordinance. The zoning map and all notations, references, and other matters shown thereon constitute a part of this zoning ordinance and have the same force and effect as if fully described or illustrated herein. The official zoning map shall remain on file in the office of the zoning officer.

## Section 4.04: District Boundaries

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Where uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules apply:

- A. Where the districts designated on the zoning map are bounded approximately by street or alley pavement edges or right-of-way lines, such lines shall be construed to be the boundary of the districts.
- B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where the districts on the zoning map are bounded approximately by lot lines, such lines shall be construed to be the boundary of districts unless the boundaries are otherwise indicated on the zoning map.
- C. In unsubdivided property, the district boundary lines on the zoning map shall be determined by dimensions or the use of the scale appearing on the zoning map.
- D. The zoning officer shall make the determination with respect to measuring district boundary lines. The decision of the zoning officer may be appealed to the ZBA.

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## **Section 4.05: Zoning of Rights-of-way and Waterways**

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All streets, alleys, public way, waterways, railroad and other public rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public way, waterways or railroad rights-of-way. Where the center line of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas shall be deemed to be the same as that of the abutting property up to such center line, unless otherwise specifically designated.

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## **Section 4.06: Vacation of Streets and Public Ways**

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Whenever any street, alley or public way is vacated in the manner authorized by law, and where no zoning exists for the vacated right-of-way, the village council or property owner shall initiate a zoning map amendment (See Section 3.06: Zoning Text and Map Amendments) to establish a zoning district(s) for the vacated public way.

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## **Section 4.07: Compliance with District Standards**

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No development shall occur except in accordance with the zoning district regulations of this chapter, the site development standards of Chapter 5: Site Development Standards, and all other applicable regulations of this ordinance.

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## **Section 4.08: Flood Hazards**

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Any portion of land or a zoning lot that is within a designated floodplain, floodway or is subject to flooding shall comply with the standards and procedures established by the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program.

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## **Section 4.09: Zoning District Purpose Statements**

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The following are the statements of purpose for each of the zoning districts established in this zoning ordinance.

**A. R-1 ONE-FAMILY RESIDENCE DISTRICT**

It is the purpose of the R-1 One-Family District to establish and maintain an area for high quality one-family detached dwellings with a relatively low population density.

**B. R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT**

It is the purpose of the R-2 One-Family District to establish and maintain an area for high quality one-family detached dwellings with a medium population density.

**C. R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT**

It is the purpose of the R-3 Multiple-Family District to establish and maintain an area for a mixture of one-family, two-family and multiple-family dwellings with a higher population density.

**D. B-1 BUSINESS DISTRICT**

It is the purpose of the B-1 Business District to provide for the wide variety of needs for both convenience goods and the more common and often recurring shopping trips for goods, and personal and household services. The location and nature of commercial activity is intended to serve the greater community and/or region.

**E. M-1 MANUFACTURING DISTRICT**

It is the purpose of the M-1 Manufacturing District to accommodate and encourage the development of light industrial, manufacturing and warehouse uses operating primarily within enclosed structures and which are free of hazardous or objectionable elements such as: noise, odor, dust, smoke, glare and vibration.

**F. M-H MOBILE AND NON-PERMANENTLY SITED MANUFACTURED HOME PARK DISTRICT**

It is the purpose of the M-H Mobile and Non-Permanently Sited Manufactured Home Park District to provide for locations within the village for the use and placement of mobile homes and non-permanently site manufactured homes parks as a place for dwellings, and is primarily intended for such existing parks and not for the expansion or creation of new home parks.

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**Section 4.10: Permitted Uses**

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**A. TABLE OF PERMITTED USES**

Table 4-2: Permitted Use Table sets forth the permitted uses within the zoning districts. The abbreviations used in the table are described as follows.

**1. Permitted Use (P)**

A "P" in a cell indicates that a use category is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations. Uses permitted with conditions under this category are approved administratively by the zoning officer pursuant to the zoning permit review procedure.

**2. Permitted Use with Use-Specific Standards (PS)**

- a. A "PS" in a cell indicates that a use category is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with use-specific standards are subject to all other applicable regulations of this zoning ordinance.
- b. Uses permitted with use-specific standards under this category are approved administratively by the zoning officer pursuant to the zoning permit review procedure.

**3. Special Exception Use (S)**

An "S" in a cell indicates that a use category is allowed only if reviewed and approved as a special exception use by the ZBA in accordance with Section 3.05: Appeals, Variances and Special Exceptions. Special exception uses are subject to all other applicable regulations of this zoning ordinance including the use-specific standards referenced in the "Additional Regulations" column.

**4. Prohibited Uses (Blank Cells)**

A blank cell indicates that a use is prohibited in the respective zoning district. Additionally, any use that is not listed is considered prohibited unless the zoning officer makes a determination that the use is similar to an existing use in accordance with Section 4.11: Similar Use Determination.

**5. Additional Regulations**

Regardless of whether a use is permitted by-right or permitted as a special exception use, there may be additional regulations that are applicable to the use. The existence of these use-specific standards is noted through cross-reference in the last column of Table 4-2: Permitted Use Table. These standards apply in all districts unless otherwise specified.

Chapter 4: Zoning Districts and Use Regulations

Section 4.10: Permitted Uses

Subsection A: Table of Permitted Uses

**TABLE 4-2: PERMITTED USE TABLE**

USE P = Permitted Use PS=Permitted Use with Use-Specific Standards S = Special Exception Use	ZONING DISTRICTS						ADDITIONAL REGULATIONS See Subsection:
	R-1	R-2	R-3	M-H	B-1	M-1	
<b>AGRICULTURAL USES</b>							
Agriculture – Raising of Crops	P	P	P		P	P	
Agriculture – Raising of Livestock	S	S			S	S	Section 4.12:A.1
<b>RESIDENTIAL USES</b>							
Adult Family Home or Small Residential Facility	P	P	P				
Adult Group Home or Large Residential Facility			P				
Dwelling, Attached One-Family			P		PS		Section 4.12:B.1
Dwelling, Multiple-Family			P		PS		Section 4.12:B.2
Dwelling, One-Family	P	P	P		PS		Section 4.12:B.2
Dwelling, Two-Family		P	P		PS		Section 4.12:B.2
Institutional Housing	S	S	S		PS		Section 4.12:B.3
Non-Permanently Sited Manufactured Home Park				PS			Section 4.12:B.4
Permanently Sited Manufactured Home	PS	PS	PS				Section 4.12:B.5
<b>BUSINESS USES</b>							
Adult Entertainment Establishment						PS	Section 4.12:C.1
Ambulance Service					P	P	
Animal Hospital or Veterinary Clinic					PS	S	Section 4.12:C.2
Automotive Fuel Sales					PS	PS	Section 4.12:C.3
Automotive Repair					PS	PS	Section 4.12:C.4
Automotive Sales or Rental					P		
Automotive Service					PS	PS	Section 4.12:C.4
Automotive Washing Facility					P	P	
Bakery					P		
Bar or Tavern					P	P	
Building Material Sales					P		
Club, Lodge or Other Social Meeting Place					S	S	Section 4.12:C.5
Commercial Greenhouse					P	P	
Conference Center, Assembly Hall, or Banquet Facility						P	
Day Care Center	S	S	S		PS	S	Section 4.12:C.6
Financial Institution					P	P	
Funeral Home					PS	P	Section 4.12:C.7
Hotel or Motel					P	P	
Indoor Recreation or Entertainment Facility					P		
Internet Café					P		

Chapter 4: Zoning Districts and Use Regulations

Section 4.10: Permitted Uses

Subsection A: Table of Permitted Uses

USE P = Permitted Use PS=Permitted Use with Use-Specific Standards S = Special Exception Use	ZONING DISTRICTS						ADDITIONAL REGULATIONS See Subsection:
	R-1	R-2	R-3	M-H	B-1	M-1	
Internet Sweepstakes Establishment							
Kennel						PS	Section 4.12:C.8
Liquor Store					P		
Lumber Yard					S	P	
Medical and Dental Center or Outpatient Clinic					P	P	
Office					P	P	
Outdoor Commercial Recreation or Entertainment Facility					S	S	
Parking Facility					P	P	
Restaurant					P	P	
Retail and Service Commercial Use					P	S	
Riding and Boarding Stable						P	
Self-Storage Facility or Mini-Warehouse					S	PS	Section 4.12:C.9
Tattoo/Piercing Parlor or Studio					P		
Truck, Trailer, or Farm Implement Sales and Service					P	S	
Type-A Family Day Care Home	S	S	S				
Type-B Family Day Care Home	P	P	P				
Wholesale Business					P*	P	
<b>Industrial and Warehouse Uses</b>							
Contractor Offices and Storage					S	PS	Section 4.12:D.1 and Section 4.12:D.2
Heavy Manufacturing						S	Section 4.12:D.1
Light Manufacturing						P	Section 4.12:D.1
Office-Warehouse						P	Section 4.12:D.1
Research and Development Facility or Laboratory						P	Section 4.12:D.1
Warehousing, Distribution or Storage Facility						P	Section 4.12:D.1
<b>Public and Institutional Uses</b>							
Active Park or Recreation Facility	S	S	S		PS	PS	Section 4.12:E.1
Cemetery	S	S	S		PS	PS	Section 4.12:E.2
Community Garden	P	P	P		P	P	
Educational Facility	P	P	P		P	P	Section 4.12:E.3
Educational Facility, Higher					P	P	Section 4.12:E.3
Hospital					S	S	Section 4.12:E.4
Passive Park, Recreation Facility, or Open Space	P	P	P		P	P	
Public and Government Building or Use	S	S	S		P	P	
Religious Place of Worship	S	S	S		P	P	
Telecommunication Tower	S	S	S	S	P	P	Section 4.12:E.5

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## Section 4.11: Similar Use Determination

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- A. Where there is a proposed use that is not currently listed in the permitted use tables of this zoning ordinance, the zoning officer may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.
- B. The zoning officer should consider the nature, operation, and function of the use in its determination of an appropriate district.
- C. The zoning officer may find that the use is not compatible with any existing zoning district and not permit the use under the current zoning ordinance or, as an alternative, the zoning officer may make a recommendation to the village council that a new district and/or new provisions be adopted, through the zoning text and map amendment procedure, pursuant to Section 3.06: Zoning Text and Map Amendments.

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## Section 4.12: Use Specific Regulations

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The following section contains use-specific standards that shall apply to specific uses in accordance with Table 4-2: Permitted Use Table. In addition to meeting the following standards, all applicants for special exception uses shall be required to comply with any and all other applicable provisions of this zoning ordinance.

### A. AGRICULTURAL USES

#### 1. Agriculture – Raising of Livestock

The raising of livestock shall be prohibited on lots of less than one acre in lot area with the exception of the accessory keeping of chickens as regulated in Section 4.13:E.6.

### B. RESIDENTIAL USES

#### 1. Attached One-Family Dwellings

Not more than six dwellings may be attached in a single building.

#### 2. Dwellings in B-1 District

Dwellings shall not be permitted on the first floor of a building in the B-1 District.

#### 3. Institutional Housing

- a. A landscaped buffer of not less than 10 feet in width shall be provided along the side and rear lot lines. The buffer shall include nursery-grade evergreen trees of at least six feet in height planted not more than 10 feet apart, on center, or any alternative buffer of equal quality that is approved by the village.
- b. Except as otherwise required by this zoning ordinance, all buildings shall be set back a minimum of 50 feet from any abutting residential zoning lot line, residential district, or recorded subdivision.
- c. A minimum lot area of one acre and a minimum lot width of 100 feet are required.

#### 4. Mobile or Non-Permanently Sited Manufactured Home Park

Mobile or non-permanently sited manufactured homes shall meet the following requirements:

- a. Approval from the State of Ohio Public Health Council, or their duly assigned representative, is required for development a new park, or expansion of an existing park, as a condition of issuance of a zoning permit.

- b. Accessory buildings and uses for the manufactured home park includes a club house, administrative office, laundry and swimming pool, and other similar on-site facilities for the exclusive use of the park residents and their guests;
- c. The minimum site area for a new park is five acres.
- d. The configuration of the park shall not exceed a width-to-depth ratio of one to five (1:5).
- e. A 100 foot setback shall be provided around the perimeter of the zoning lot. No structures are permitted in the perimeter setback.
- f. Sanitary sewer, water supply and trash disposal provisions shall be designed, installed, operated and maintained for each home in accordance with the State of Ohio Public Health Council rules, as administered by the Ohio Board of Health or local delegated authority.
- g. No individual home site in the park shall be subdivided from or sold as an individual lot or buildable lot independent of the overall home park property.
- h. The location and design of the private driveway and its entrance to the public road shall be in accordance with the subdivision regulations of the village.
- i. Stormwater drainage design shall be designed per the requirements adopted by the village and the Pike County Soil and Water Conservation District.
- j. All aspects of development internal to a site are subject to plan approval and subsequent licensing of the developed use in accordance with the Ohio Public Health Council rules, as administered by the Ohio Board of Health and local delegated authority.
- k. Use provisions are subject to the review and approval of the local fire and emergency service provider as to all applicable aspects of site development and use complying with related accessibility requirements and other concerns.
- l. Outdoor lighting shall comply with Section 5.09: Outdoor Lighting.

**5. Permanently Sited Manufactured Home**

Permanently sited manufactured homes shall meet the following requirements:

- a. The structure shall be affixed to a permanent foundation and be connected to appropriate facilities;
- b. The structure, excluding any addition, shall have a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 900 square feet;
- c. The structure shall have a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch minimum eave overhang, including appropriate guttering;
- d. The structure shall be manufactured after January 1, 1995; and
- e. The structure shall not be located in a manufactured home park as defined in Section 3733.01 of the Ohio Revised Code.

**C. BUSINESS USES**

**1. Adult Entertainment Establishment**

- a. The purpose of these regulations is to regulate the potential secondary effects that are often caused by adult entertainment establishments, and not to regulate the content of the message promoted by the business.
- b. No adult entertainment establishment shall be established within 250 feet of any land with a residential zoning district.

- c. No adult entertainment establishment shall be established within a radius of 1,000 feet of any school, library, or educational facility, whether public or private, governmental or commercial, which school, library, or educational facility is attended by persons under 18 years of age.
  - d. No adult entertainment establishment shall be established within a radius of 1,000 feet of any other adult entertainment establishment or within a radius of 2,000 feet of any two of the following establishments:
    - i. Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
    - ii. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
    - iii. Pawn shops.
    - iv. Pool or billiard halls.
    - v. Pinball palaces, halls, or arcades.
    - vi. Dance halls or dance clubs.
  - e. No adult entertainment establishment shall be established within a radius of 1,000 feet of any religious institution that is attended by persons under 18 years of age.
  - f. Distances shall be measured in a straight line from the nearest wall of the proposed adult entertainment establishment to the property line of the potentially restrictive structure.
  - g. All building openings, entries, windows, etc. for adult entertainment establishments 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.
- 2. Animal Hospital/Veterinary Clinics**
- a. All soundproofed structures shall be set back a minimum of 50 feet from any abutting residential zoning lot line, residential district, or recorded subdivision.
  - b. All non-soundproofed structures shall be set back a minimum of 100 feet from any abutting residential zoning lot line, residential district, or recorded subdivision.
  - c. If the animal hospital or veterinary clinic includes a kennel use for the temporary boarding of animals for purposes other than medical or dental treatment, such use shall also be subject to the standards set out in Section 4.12:C.8. Kennel.
- 3. Automotive Fuel Sales**
- Canopies may be erected over fuel pump islands provided that the edge of a canopy shall be set back a minimum of 35 feet from the right-of-way. Such canopy shall not exceed 22 feet in height and shall provide a minimum clearance of 14 feet from ground level to the bottom of the canopy ceiling.
- 4. Automotive Repair and Automotive Service**
- a. Automotive service or automotive repair shall be performed and conducted inside of the building.
  - b. In a B-I District, repair of heavy trucks is not permitted.
- 5. Clubs, Lodges, or Other Social Meeting Place**
- a. All structures shall be set back a minimum of 50 feet from any abutting residential lot line, residential district, or recorded subdivision.



- b. There shall be a minimum lot area requirement of one acre and a minimum lot width of 100 feet.

**6. Day Care Center**

- a. All structures shall be set back a minimum of 50 feet from any abutting residential zoning lot line, residential district, or recorded subdivision.
- b. All exterior activity areas and play lots shall be fenced and screened with appropriate landscape materials.
- c. Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.
- d. Day care centers shall only be permitted in the M-I District when it is accessory to a principally permitted use in the M-I District and located within the same building as such principal use.

**7. Funeral Home**

Crematoria facilities shall only be permitted in the M-I District.

**8. Kennel**

- a. All structures and activities related to the kennel use shall be set back a minimum of 100 feet from side and rear lot lines, except that when located adjacent to a residential district, the following additional restrictions shall apply:
  - i. All non-soundproofed structures or areas where animals are confined shall be set back a minimum of 500 feet from any residential zoning district.
  - ii. Soundproofed buildings shall be set back a minimum of 100 feet from any residential zoning district.
- b. All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall a minimum of six feet in height located within 50 feet of the proposed structure.
- c. Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- d. There shall be no burial or incineration of animals on the premises.

**9. Self-Storage Facility or Mini-Warehouse**

- a. There shall be a minimum lot area requirement of two acres.
- b. There shall be a minimum setback of 100 feet between all residential property lines and all buildings related to the use.
- c. The only commercial uses permitted on-site shall be the rental of storage space and the pick-up and/or deposit of goods on the property in storage. Storage spaces, including outdoor storage areas, shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment, or to conduct similar activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on-site.
- d. A commercial accessory dwelling unit may be permitted in connection with office/watchman purposes.
- e. A wall or opaque fence shall be required around the perimeter of the storage area. All storage units with access from the exterior of the building shall be located behind the screen wall or fence unless otherwise approved by the village. However, ornamental gates may be used for ingress and egress.
- f. Outdoor storage is permitted with the exception of inoperative vehicles.

- g. All required landscaping shall be located outside of any wall or fencing area.

**D. INDUSTRIAL AND WAREHOUSE USES**

**1. All Industrial or Warehouse Uses**

- a. All uses and activities shall conform to the standards in Section 5.08: Performance Standards.
- b. All business, production, servicing and processing shall take place within a completely enclosed building unless otherwise specified.
- c. All storage shall be within a structure, except that outdoor storage may be permitted provided that such storage complies with the following standards:
  - i. All storage is located a minimum of 150 feet from a residential district.
  - ii. All storage shall be enclosed by a solid wall or fence a minimum of eight feet high, but in no case shall the storage exceed the height of the fence.

**2. Contractor Offices and Storage**

- a. All outdoor storage of equipment, supplies, and materials shall be subject to the outdoor storage requirements of Section 4.13:E.8 Outdoor Storage.
- b. The following shall apply to contract offices and storage uses in the B-1 District:
  - i. All storage areas shall be located behind the principal building.
  - ii. The storage of equipment, supplies, and materials shall not occupy more than 50% of the lot.

**E. PUBLIC AND INSTITUTIONAL USES**

**1. Active Park or Recreation Facility**

- a. In residential zoning districts, a landscape buffer shall be provided along the side and rear lot lines at a height appropriate to the intensity of use as determined by the ZBA. The front lot line may be required to include buffering if the ZBA makes such a determination based on the adjacent uses.
- b. All structures, public swimming pools, and ball fields shall be set back a minimum of 100 feet from any abutting residential zoning lot line, residential district, or recorded subdivision. Areas devoted to a golf course including tee areas and greens shall not be subject to this setback.

**2. Cemetery**

- a. Cemeteries shall have primary access on an arterial or collector street.
- b. In residential zoning districts, a landscape buffer shall be provided along the side and rear lot lines at a height appropriate to the intensity of use as determined by the ZBA. The front lot line may be required to include buffering if the ZBA makes such a determination based on the adjacent uses.
- c. All structures, except for grave markers, shall be set back a minimum of 100 feet from any abutting residential zoning lot line, residential district, or recorded subdivision.

**3. Educational Facility and Higher Educational Facility**

- a. Both educational facilities and higher educational facilities shall be located on a site with a minimum lot area of one acre and a minimum lot width of 100 feet.
- b. All structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.

**4. Hospital**

All buildings shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.

**5. Telecommunication Tower**

**a. Purpose**

The purpose of this section is to regulate the placement, construction, and modification of telecommunication facilities and their support structures in order to protect the public health, safety, welfare, and morals, while at the same time not unreasonably interfering with the competitiveness in the wireless telecommunications industry in the region.

**b. Applicability**

This section shall only apply to the review of wireless telecommunication facilities the village.

**c. Procedure for Telecommunication Towers In Residential Zoning Districts**

Any person who plans to construct a telecommunications tower in a residential zoning district shall file an application for a special exception and shall be subject to review pursuant to Section 3.05: Appeals, Variances and Special Exceptions.

**d. Review Standards for Conditional Use Towers**

The BZA shall approve a telecommunications tower as a special exception if the BZA finds that the applicant has satisfied all of the following standards:

- i. The proposed site meets the minimum site development standards for the applicable zoning district.
- ii. The maximum height of the tower shall be 200 feet.
- iii. The lot on which the tower is to be located shall be owned or leased by the telecommunications tower company, and the parcel shall be of sufficient size to allow the minimum setback from this parcel's lot line to the base of the telecommunication tower. The minimum setback shall be a 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet of distance from the tower base to the nearest lot line and/or closest unrelated structure). The equipment shelter shall comply with minimum setback requirements for the established zoning district. New structures not related to the telecommunication facility cannot be added within the area of the tower's parcel. If the parcel on which the tower is located has road frontage, the tower must be located 300 feet from the right-of-way.
- iv. The application shall comply with the general standards for a special exception as established in Section 3.05: Appeals, Variances and Special Exceptions.
- v. Proof shall be provided by the applicant in a form satisfactory to the BZA that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to the Ohio Department of Transportation, the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC), or the successors to their respective functions.

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- vi.** In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing towers. This shall include, but not be limited to, a certified mail announcement to all other tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on a tower, unless available space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of co-location versus new construction and any FCC limitations on tower sharing preclude co-location.
  - vii.** The BZA shall require a bond to cover tower removal and full site restoration after discontinued use.
  - viii.** The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Monopole installations are recommended.
  - ix.** No telecommunication facility shall be located within a "wetland" as defined by federal law.
  - x.** A telecommunication facility shall not be located upon a property listed on a federal, state, or local historic register, or be mounted on a building or structure listed on a federal, state, or local historic register.
  - xi.** A balloon test, if requested by the BZA, shall be conducted at the height of the application request. Photographs shall be taken up to one-half mile away from the site from a minimum of four opposing directions.
  - xii.** No advertising sign(s) shall be permitted anywhere on a telecommunication tower, equipment building, and appurtenances or on the site.
  - xiii.** There shall be no outdoor storage of equipment or other items on the site except during the facility construction period or to supply emergency power to the facility only during a power outage.
  - xiv.** The owner/operator of the telecommunication facility shall, by January 15th of every year from the date of issuance of the zoning permit, file a declaration with the zoning inspector, including verification that the radio frequency (electromagnetic) emissions are in compliance with the current FCC regulations. The appropriate fee(s) will be included to permit the continuing operation of every facility, which is subject to these regulations.
  - xv.** The maximum cumulative total size of all equipment buildings accessory to a telecommunication tower or antenna on a parcel shall be 800 square feet. All telecommunication equipment shelters shall be configured to appear as one building on any one parcel.
  - xvi.** The applicant shall demonstrate to the village that it is licensed by the FCC, and shall notify the village of any special conditions conveyed by the license.
  - xvii.** A fence not less than six feet in height, shall fully enclose all parts of the facility, including but not limited to, the base of the tower, guy wires, base of guy wires, and building. Gates shall be locked at all times when the facility is unattended by an agent of the telecommunication provider.
  - xviii.** A landscaped buffer area of not less than 15 feet in depth shall be placed between the fence surrounding the telecommunication facilities and the public right-of-way and any adjacent properties with a direct view of the facilities, other than the tower itself. The 15 feet landscaped buffer shall be of hardy evergreen shrubbery not less than six feet in height and of a density to obstruct the view. The landscaping shall be continuously maintained and promptly restored, if necessary.

- xix. Telecommunication towers shall not be artificially lighted unless required by the FAA or other applicable federal or state authority. When so required, it shall be oriented inward, so as not to project onto surrounding residential properties. In any case, overall site illumination shall be such that measurements along the perimeter of the site shall not exceed 0.20 footcandles.
- xx. The applicant (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give notice of such ceasing of operation to the BZA. Facilities shall be removed from the site within 12 months of ceasing operations. Resale or renting of facilities is permissible only to other cellular communications systems subject to obtaining a zoning permit.

**e. Permitted Accessory Uses Associated with Telecommunication Towers**

An antenna for a telecommunication facility may be attached to an existing residential building two and one-half (2 1/2) stories in height or to an existing nonresidential structure, excluding residential accessory structures, subject to the following conditions:

- i. The antenna shall not extend more than 10 feet above the roof of the existing building or top of the existing structure.
- ii. If the applicant proposes to locate the telecommunications equipment in a separate telecommunications equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district.
- iii. Vehicular access to the equipment shelter shall be via the existing road circulation system and subject to Chapter 6: Off-Street Parking and Loading.

## Section 4.13: Accessory Uses

**A. PURPOSE**

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

**B. GENERAL PROVISIONS**

The following general provisions apply to all accessory uses or structures.

1. The structure or use shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
2. The structure or use shall be located on the same zoning lot as the principal use for which it serves.
3. Unless otherwise stated in this section, a zoning permit shall be required prior to construction or establishment of an accessory use or structure.
4. An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of this zoning ordinance.
5. Accessory structures used for agricultural purposes shall be exempt from these regulations. To be exempt, the building should be one which is necessary for, or customarily used in conjunction with, the specific agricultural use that is active on the property. Such structures include, but are not limited to, barns, greenhouses, and other buildings that are specifically designed for agricultural uses. Although such a structure may have some incidental use for other than agricultural activities, the principal use of the structure must be agricultural.

6. No more than two accessory structures shall be permitted on a single zoning lot in a residential zoning district. Accessory structures that shall be included in this calculation of the number of accessory uses on a lot are identified in Table 4-3: Permitted Accessory Uses.

**C. PERMITTED ACCESSORY USES**

Table 4-3: Permitted Accessory Uses lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in Table 4-3: Permitted Accessory Uses.

**1. Permitted Use (P)**

A “P” in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted accessory uses and structures are subject to all other applicable regulations of this zoning ordinance, including the additional standards set forth in this section.

**2. Permitted Use with Use-Specific Standards (PS)**

- a. A “PS” in a cell indicates that an accessory use or structure is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections in the last column. Permitted uses and structures with use-specific standards are subject to all other applicable regulations of this section and zoning ordinance.
- b. Accessory uses and structures permitted with use-specific standards under this category are approved administratively by the zoning officer pursuant to the zoning permit review procedure (where required).

**3. Special Exception Use (S)**

An “S” in a cell indicates that, in the respective zoning district, an accessory use or structure is permitted if reviewed and approved as a special exception use pursuant to Section 3.05: Appeals, Variances and Special Exceptions. Special exception uses are subject to all other applicable regulations of this zoning ordinance, including the additional standards set forth in this section.

**4. Prohibited Uses (Blank Cells)**

- a. A blank cell indicates that the listed accessory use or structure is prohibited in the applicable zoning district.
- b. The outdoor storage of junk, wood, lumber, building materials, parking of inoperative or unlicensed motor vehicles, or similar items of property shall be prohibited on all lots where the principal use is residential. Outdoor storage on all other lots shall be classified as “outdoor storage” as regulated in Table 4-3: Permitted Accessory Uses.

**5. Zoning Permit Required**

The “Zoning Permit Required” column identifies if a zoning permit is required for the applicable accessory use or structure.

**6. # of Accessory Structures**

This column identifies if the listed accessory use or structure counts towards the maximum number of permitted accessory structures allowed on a single lot as established in Section 4.13:B General Provisions above.

**7. Yards Permitted**

The “Yards Permitted” column identifies in which yards the applicable accessory use or structure is permitted. See also Section 4.13:D Setback, Yard Coverage and Height Requirements.

**8. Numerical References (Last Column)**

The numbers contained in the “Use-Specific Standards” column are referenced to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated and may apply to a special exception use and/or a permitted use with use-specific standards.

**TABLE 4-3: PERMITTED ACCESSORY USES**

USE OR STRUCTURE	ZONING DISTRICTS			ZONING PERMIT REQUIRED	# OF ACCESSORY STRUCTURES	YARDS PERMITTED F = FRONT S = SIDE R = REAR [1]	USE-SPECIFIC STANDARDS SEE SUBSECTION:
	R-1, R-2, R-3	B-1	M-1				
<b>P = PERMITTED</b>	<b>PS= PERMITTED WITH USE-SPECIFIC STANDARDS</b>			<b>S=SPECIAL EXCEPTION USE</b>		<b>BLANK CELLS = PROHIBITED</b>	
Amateur Radio Transmitter or Antenna	PS		PS	Yes	No	R	Section 4.13:E.1
Automated Teller Machine (ATM)		P	P	Yes [2]	No	S or R	
Beekeeping	P	P	P	No	No	S or R	
Community Garden	P	P	P	Yes	No	F, S, or R	
Detached Accessory Building	P	P	P	Yes	Yes	R	
Drive-Through Facility		PS	PS	Yes [2]	No	S or R	Section 4.13:E.2
Dumpster or Refuse Container	PS	PS	PS	No	No	S or R	Section 4.13:E.3
Fence	PS	PS	PS	Yes	No	S or R	
Home Occupation	PS			Yes	No	Inside principal building	Section 4.13:E.5
Keeping of Chickens	PS			No	No	S or R	Section 4.13:E.6
Outdoor Sales and Display		PS	PS	No	No	F, S or R	Section 4.13:E.7
Outdoor Storage		PS	PS	Yes	No	S or R	Section 4.13:E.8
Porch or Deck	PS	PS	PS	Yes	No	F, S, or R	Section 4.13:E.9
Private Stable	PS			Yes	Yes	S or R	Section 4.13:E.10
Private or Public Swimming Pool	P	P		Yes	No	S or R	Section 4.13:E.11
Roadside Stand	PS	PS	PS	Yes	No	F, S, or R	Section 4.13:E.12
Satellite Dish	P	P	P	See Section 4.13:E.13		F, S, or R [3]	Section 4.13:E.13
Small Wind Energy Conservation System	PS	PS	PS	Yes	Yes	R	Section 4.13:E.14
Solar Panels	PS	PS	PS	See Section 4.13:E.15		On roof of structure or rear yard	Section 4.13:E.15
Tree House, Play Set, or Trampoline	P			No	No	R	
Unenclosed Patio	P			No	No	R	
Other Accessory Uses	S	S	PS	See Section 4.13:E.16			

NOTES:

[1] For the purposes of the placement of accessory uses or structures on a corner lot, the street side yard shall be considered a front yard; and for through lots, the front yard located to the rear of the structure shall be considered the rear yard.

[2] ATMs and drive-through facilities shall be permitted in the stated zoning district when they are accessory and attached to the building containing the principal use. The zoning permit approval may be part of the zoning permit application for the principal use.

[3] Satellite dishes one meter or less in diameter shall not require a zoning permit.

**D. SETBACK, YARD COVERAGE AND HEIGHT REQUIREMENTS**

1. No accessory building shall exceed a height of 15 feet.
2. Accessory uses or structures shall be set back a minimum of seven feet from any side lot line and five feet from any rear lot line unless otherwise specified.
3. No detached accessory structure shall be closer than 10 feet to the principal building in a residential district.
4. Table 4-3: Permitted Accessory Uses identifies the yards in which accessory uses are permitted to be located as it relates to a standard interior lot. See Section 5.01: Measurements, Computations and Exceptions for standards related to corner lots and double frontage lots.
5. The total square footage of the detached accessory uses shall not occupy more than 40% of the area of the rear yard.

**E. USE-SPECIFIC STANDARDS**

**1. Amateur Radio Transmitter or Antenna**

Noncommercial amateur radio antenna structures for use by licensed amateur radio operators shall be authorized for use by licensed amateur radio operators in all residential districts, provided that:

- a. The height of the structure does not exceed the lesser of the width or depth of the property as determined by a line bisecting such structure and measured from one side of the property line to the other, or from the front property line to the rear at the shortest distance there between. However, such height shall not exceed 100 feet or be restricted to less than 60 feet.
- b. The setback for the central vertical portion of the antenna structure shall be a minimum of 10 feet from all property lines for structures up to 45 feet in height and shall increase by one foot for every three feet of increased height. All rigid radiating elements of the antenna structure shall be set back a minimum of 10 feet from all property lines.
- c. The construction shall be of such type as may be required by the American National Standards Institute (ANSI) and the Electronics Industry Association (EIA) to form a safe and durable structure.

**2. Drive-Through Facility**

The following standards shall apply to businesses that contain a drive-through facility, regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

**a. General Standards**

- i. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 200 feet of any residential dwelling unit.
- ii. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area, shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- iii. An opaque fence or screen between four and six feet in height shall be constructed along any property line abutting a residential district.



**b. Stacking Space and Lane Requirements**

- i. The number of required stacking spaces shall be as provided for in Table 4-4: Stacking Space Requirements. See Figure 4-1 for illustration of stacking spaces. Stacking spaces do not count towards the parking spaces required in accordance with Section 6.05: Off-Street Parking Requirements.

**TABLE 4-4: STACKING SPACE REQUIREMENTS**

ACTIVITY	MINIMUM STACKING SPACES (PER LANE)	MEASURED FROM
Financial Institution or Automated Teller Machine (ATM)	5	Teller or Window
Restaurant	6	Pick-Up Window
Full Service Automotive Washing Establishment	6	Outside of Washing Bay
Self-Service or Automotive Washing Establishment	2	Outside of Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	As determined by the zoning officer	

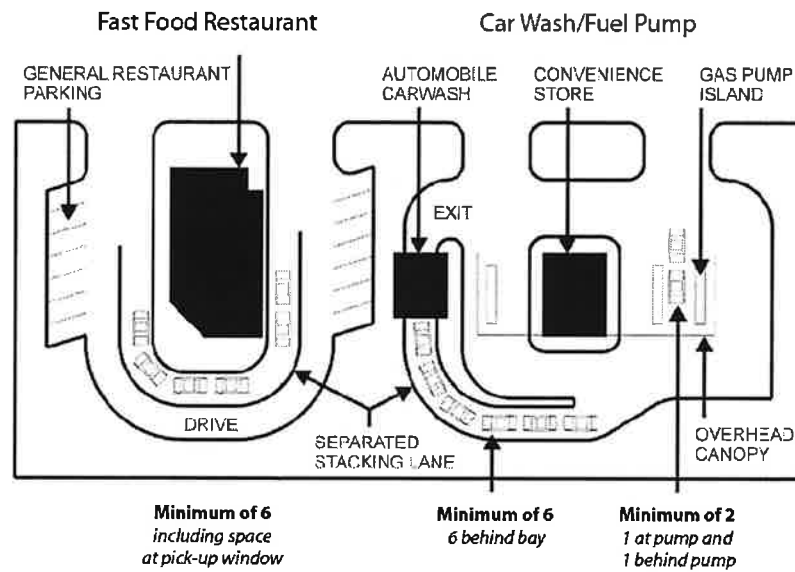


Figure 4-1: Location of Stacking Spaces and Lanes. Note that the stacking lanes are oriented toward the side and rear yards rather than the front yard.

- ii. Stacking lanes shall be provided for any use having a drive-through facility and shall comply with the following standards:
  - A) Drive-through stacking lanes shall have a minimum width of 10 feet.
  - B) Stacking lanes shall be set back 25 feet from rights-of-way.
  - C) Stacking spaces shall be a minimum of nine feet by 18 feet in size.

**c. Menu Board Signs**

- i. One menu board sign for each stacking lane shall be allowed.
- ii. Menu board signage shall not be included in the total calculated allowed signage for a property under Section 7.06: Permitted Signs.

- iii. Illuminated menu board signs shall be internally illuminated.
- iv. Menu boards shall be reviewed and approved as part of the zoning permit for the drive-through facility or, when a menu board is to be added, as part of a separate zoning permit application.

**3. Dumpster and Refuse Container**

- a. Screening shall be provided in accordance with the standards of Section 5.07: Screening Requirements.
- b. Dumpster and refuse containers are permitted in the R-1 and R-2 Districts only during home construction or home remodeling or repair, or as accessory use to a permitted nonresidential use in the R-1 and R-2 Districts.

**4. Fence**

- a. In a residential district, fences shall not exceed six feet in height.
- b. In a business or manufacturing district, a fence used for screening of outdoor storage shall be a minimum of eight feet in height, and shall be of adequate opacity to screen the proposed outdoor storage.

**5. Home Occupation**

Home occupations shall be subject to the following conditions in addition to any other applicable use standards of the applicable zoning district:

- a. A person whose principal employment is outside of the home but who temporarily works out of a home office shall not be considered as operating a home occupation subject to these standards.
- b. Home occupations shall be clearly incidental and subordinate to the use of the property for residential purposes and shall be completely conducted within the dwelling.
- c. The external appearance and/or use of the structure or lot in which the home occupation is conducted shall not be altered to indicate the presence of the home occupation.
- d. There shall be no outside storage of any kind related to the home occupation and only commodities made on the premises may be sold on the premises. No display of the products shall be visible from the street.
- e. No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupation, shall be created.
- f. No equipment, process, materials, or chemicals which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances shall be utilized in the home occupation.
- g. Not more than one person, who is not a resident of the premises, may participate in the home occupation as an employee or volunteer.
- h. No more than one home occupation shall be permitted within any single dwelling unit.
- i. No building or structure shall be used to operate a business, store equipment used for a business, or serve as a location where multiple employees meet or park prior to going to work off-site.
- j. Hours of operation for a home occupation that entails client visits or incoming deliveries is restricted to no earlier than 8:00 a.m. and no later than 8:00 p.m. each day of the week.

- 
- k.** No sign, other than one non-illuminated nameplate, two square feet in area and mounted flat on the front face of the dwelling or on a driveway lamppost, shall be erected or maintained on the premises.
  - l.** In those instances when the zoning officer denies an application, or if the zoning officer is uncertain of the appropriateness of a proposed home occupation, the matter may be appealed or taken to the ZBA for interpretation.
  - m.** The following are examples of permitted home occupations:
    - i.** Clerical and other similar business services;
    - ii.** Instruction in music, dance or other type of teaching that does not require an expansion in parking;
    - iii.** The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office oriented occupations;
    - iv.** Artists, sculptors, photographers, and other providers of home crafts;
    - v.** Barber shop/beauty salon with a maximum of one chair;
    - vi.** A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
    - vii.** Any similar use as determined by the zoning officer.

**6. Keeping of Chickens**

The keeping of up to four chickens is permitted provided that:

- a.** The principal use is a one-family dwelling;
- b.** No person shall keep any rooster;
- c.** No person shall slaughter any chickens for commercial sales;
- d.** The chickens shall be provided with a covered enclosure for protection from the elements;
- e.** Chickens must always be confined within a fenced area of the yard at all times; and
- f.** A covered enclosure or fenced area shall be located no closer than 25 feet to any residential structure on an adjacent zoning lot, or shall comply with the setbacks of the applicable zoning district, whichever is greater.

**7. Outdoor Sales and Displays**

Temporary and permanent facilities for outdoor sales and displays (e.g., garden supply sales, news and flower stands, and similar uses) may be permitted upon compliance with the following standards:

- a.** Outdoor sale and display areas are prohibited on vacant lots with the exception of temporary seasonal agricultural sales (See Section 4.14:C.3 Temporary Farm Markets or Garden Sales ).
- b.** Outdoor sale and display areas may be permitted provided that the merchandise is displayed along the sidewalk, the walkway adjacent to the building, or in the side yard.
- c.** The placement of the merchandise shall not interfere with customer movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
- d.** The outdoor display and sale of bulk or large products that exceed 20 pounds, including, but not limited to, mulch (bag or bulk), concrete, salt, or other similar products that cannot be easily carried into the store for purchase, shall be required to meet the requirements of Section 4.13:E.8: Outdoor Storage.

- e. Temporary outdoor sales and display areas may be authorized in a parking lot under the following provisions:
  - i. The maximum time the temporary outdoor sales and display areas shall be authorized is for 90 days per year; and
  - ii. In no case shall the outdoor sales or display area reduce the amount of off-street parking spaces to a number below the minimum number of required spaces.

**8. Outdoor Storage**

Outdoor storage areas may be permitted where such storage areas comply with the following standards:

- a. Outdoor storage of goods shall be prohibited on vacant lots.
- b. Outdoor storage shall comply with all applicable state and federal regulations.
- c. Outdoor storage of goods may be permitted provided that the storage areas are located in the side or rear yard. In no cases shall the outdoor storage of goods be permitted between a principal building and a street.

**9. Porch or Deck**

- a. Porches or decks that are enclosed (with screening or other materials), have a roof, or that are physically attached to the principal structure shall meet the setback requirements for principal buildings in the applicable zoning district. See Section 5.01: Measurements, Computations and Exceptions.
- b. Unenclosed porches and decks may encroach into required setbacks in accordance with Section 4.13:D Setback, Yard Coverage and Height Requirements.

**10. Private Stable**

Private stables are only permitted in the R-1 One-Family District.

**11. Private Swimming Pool or Public Swimming Pool**

- a. The swimming pool shall be set back 10 feet from the required side lot line and rear lot line. This setback shall be measured from the edge of the pool water.
- b. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four feet in height and maintained in good condition with a self-closing, self-latching gate that can be locked. Above grade pool walls may be counted toward the height of the required fence.
- c. Any swimming pool for the use of occupants of multi-family dwellings containing over three apartments or those that are accessory to a nonresidential use shall meet the structural and sanitary requirements of the Ohio Department of Health.
- d. The swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- e. Outdoor public swimming pools shall be set back a minimum of 50 feet from interior lots within the development and 150 feet from any lot outside of the development as measured from the edge of the water.

**12. Roadside Stand**

- a. A roadside stand shall only be permitted where 50% or more of the gross income received from the stand is derived from produce raised on the property where the roadside stand is located.
- b. The structure shall not exceed 800 square feet.
- c. The structure and any related parking areas shall be set back a minimum of 20 feet from the right-of-way and all zoning lot lines.
- d. One ground-mounted sign may be permitted provided it does not exceed 12 square feet in sign area, six feet in height, and only external illumination is used.

**13. Satellite Dish**

- a. Satellite dishes that are one meter in diameter or less shall be subject to the following standards:
  - i. Such dishes shall not require a zoning permit.
  - ii. To the maximum extent feasible, such dishes should be located to the side or rear of a structure. However, the village shall not have the authority to prevent the location of these satellite dishes in the front yard.
- b. Satellite dishes that exceed one meter in diameter shall be subject to the following standards:
  - i. Satellite dishes may be erected or installed on the ground of any property.
  - ii. Roof mounting of dishes is only permitted in the B-1 or M-1 Districts.
  - iii. Ground mounted satellite dishes shall be set back a minimum five feet from all zoning lot lines.
  - iv. Satellite dishes shall be prohibited in the front yards of any property on which it is located.
  - v. Installation of a these satellite dishes shall require a zoning permit.
  - vi. The maximum height of the satellite dish shall be 15 feet as measured from the average grade.
  - vii. The maximum diameter of the satellite dish shall be 12 feet.

**14. Small Wind Energy System**

- a. Small wind energy systems that are attached to a roof or structure are permitted provided that the measurement from the average grade to the tip of the blade of the system does not exceed the maximum height of buildings permitted in the applicable zoning district.
- b. Stand-alone small wind energy systems may be permitted on lots with a minimum lot area of one acre. The pole or supporting structure shall be set back a minimum of 50 feet from any zoning lot line.
- c. The maximum height of a stand-alone small wind energy system shall be 75 feet measured from the average grade to the highest point on the blade.
- d. The height and location of a stand-alone small wind energy system shall be such that if the system were to collapse it would fall within the boundaries of the subject lot.

**15. Solar Panels**

- a. Roof-mounted solar panels that are visible from a public right-of-way shall be flush-mounted to the roof or may be elevated on one side of the panel to a distance that does not exceed six inches as measured from the roof surface to the top of the panel.

- b. Roof-mounted solar panels that are not visible from a public right-of-way shall not be elevated from the roof surface more than two feet.
- c. Roof-mounted solar panels shall not count toward the maximum number of accessory structures permitted on the property and shall not require a zoning permit.
- d. Freestanding solar panels shall be limited to a maximum height of five feet and shall be located in the rear yard. Such freestanding solar panels shall count toward the maximum number of accessory structures permitted on the property and shall require a zoning permit.

**16. Other Accessory Uses**

- a. Other accessory uses in a residential zoning district shall be subject to a special exception use review. See Section 3.05: Appeals, Variances and Special Exceptions.
- b. Other accessory uses in a nonresidential zoning district may be permitted by the zoning officer if they are customarily found in conjunction with and required for the full utilization and economic viability of the principal business use. The zoning officer shall have the authority to determine that a proposed accessory use (not otherwise defined in Table 4-3: Permitted Accessory Uses) shall be subject to special exception use review. See Section 3.05: Appeals, Variances and Special Exceptions.

**Section 4.14: Temporary Uses**

**A. PURPOSE**

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

**B. PERMITTED TEMPORARY USES AND STRUCTURES**

Table 4-5: Temporary Uses and Structures summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

**TABLE 4-5: TEMPORARY USES AND STRUCTURES**

TEMPORARY USE OR STRUCTURE	ALLOWABLE DURATION (PER SITE)	ZONING PERMIT REQUIRED	ADDITIONAL REQUIREMENTS
Construction Dumpster	For construction use – Until issuance of an occupancy permit; For use during temporary cleaning, clearing, or renovations, for 30 days per calendar year	No	Section 4.14:C.2
Construction Trailer	Until issuance of an occupancy permit	Yes	
Garage or Yard Sale	3 days per event with a maximum of 1 event per month	No[1]	
Gravel Surface Parking Lots	Until issuance of an occupancy permit	No	
Temporary Farm Markets or Garden Sales	Up to 120 days per calendar year	Yes	Section 4.14:C.3
Temporary Sales on Private Property	Up to 15 days per event with a maximum of 60 days per calendar year	Yes	Section 4.14:C.4

TEMPORARY USE OR STRUCTURE	ALLOWABLE DURATION (PER SITE)	ZONING PERMIT REQUIRED	ADDITIONAL REQUIREMENTS
Temporary Special Events on Private Property	14 calendar days per year	Yes	Section 4.14:C.5
Temporary Storage in a Portable Container	60 days per site	No	Section 4.14:C.6
Temporary Structure for Public or Institutional Uses	3 years	Yes	Section 4.14:C.7
<p>NOTES:</p> <p>[1] A temporary zoning permit shall be required if the proposed garage or yard sale exceeds the permitted days of operation.</p>			

**C. TEMPORARY USE AND STRUCTURE STANDARDS**

**1. General Standards**

- a. All temporary uses or structures shall be reviewed in accordance with this section and all other applicable sections of this zoning ordinance.
- b. All temporary uses or structures shall:
  - i. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
  - ii. Be compatible with the principal uses taking place on the site;
  - iii. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
  - iv. Not include permanent alterations to the site;
  - v. Not maintain temporary signs associated with the use or structure after the activity ends;
  - vi. Not violate the applicable conditions of approval that apply to a site or use on the site;
  - vii. Not interfere with the normal operations of any permanent use located on the property; and
  - viii. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.
- c. Temporary events on public property, such as park land or fairgrounds, are exempt from the provisions of this section.

**2. Construction Dumpsters**

Temporary trash receptacles or dumpsters shall be located outside public rights-of-way and shall comply with the following standards:

- a. Not be located within a floodplain or otherwise obstruct drainage flow; and
- b. Not be placed within five feet of a fire hydrant or within a required landscaping area that has already been constructed.

**3. Temporary Farm Markets or Garden Sales**

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

**a. Location**

- i. The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking space availability.
- ii. The display or storage of goods for sale shall not occur within the public right-of-way, or within 100 feet of a dwelling.

**b. Range of Goods Limited**

The range of goods or products available for sale shall be limited to non-processed products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, and firewood; bees and beekeeping products; seafood; and dairy products.

**c. Hours of Operation**

The hours of operation of the seasonal sale of agricultural products shall be from 7:30 a.m. to 10:00 p.m., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

**4. Temporary Sales on Private Property**

- a. Temporary sales must take place on a zoning lot containing an existing or vacated building.
- b. The temporary zoning permit application must include a written statement from the property owner authorizing such sales.

**5. Temporary Special Events on Private Property**

A temporary zoning permit for special events such as festivals, circuses, concerts, and similar uses shall only be required if tents or structures are required on the applicable lot where the event will occur.

**6. Temporary Storage in a Portable Shipping Container**

Temporary storage in a portable shipping container shall be allowed to serve a permitted use provided it is placed on a paved surface.

**7. Temporary Structures for Public or Institutional Uses**

Temporary structures serving public or institutional uses shall comply with the following standards:

**a. Location**

- i. The use shall be located to the side or rear of the principal structure(s) and at least five feet from any other structure.
- ii. The use shall not be permitted within required off-street parking or required landscaping areas.

**b. Standards**

- i. Under skirting or other materials shall be used to prevent unauthorized access underneath the structure.
- ii. Parking shall be provided for the temporary structure in conformance with Chapter 6: Off-Street Parking and Loading.



**c. Approval and Duration**

This use is permitted if approved by the zoning officer, and may remain on the site for no more than three years. This period may be renewed for two additional years, for good cause shown, upon approval of a written request.

# Chapter 5: Site Development Standards

## Section 5.01: Measurements, Computations and Exceptions

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### A. GENERAL PROVISIONS

#### 1. Percentages and Fractions

When a calculation or ratio established in this chapter results in a fractional number or percentage, any fraction of  $\frac{1}{2}$  or less shall be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  shall be rounded up to the next higher whole number.

#### 2. Distance Measurements

Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.

#### 3. Designation of Zoning Lot

Unless otherwise expressly stated, measurement and computation of compliance with the standards of this chapter shall be based on a zoning lot as defined in Section 10.02: Definitions. The use of the term "lot" in this chapter, such as in lot area or lot width, shall mean zoning lot, unless otherwise expressly stated.

### B. ZONING LOT AREA MEASUREMENTS

The area of a zoning lot is the horizontal area contained within the zoning lot lines. Right-of-way is not included in the zoning lot area measurements.

### C. SETBACKS AND YARDS

#### 1. Measurements

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the zoning lot on which the structure is located, excluding rights-of-way.

#### 2. Permitted Obstructions in Required Yards

Setbacks shall be unobstructed from the ground to the sky except that the following obstructions are permitted in required yards:

- a. Open terraces not over four feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch.
- b. Awnings and canopies.
- c. Steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
- d. Chimneys projecting 18 inches or less into the yard.
- e. Recreational equipment.
- f. Laundry-drying equipment.
- g. Arbors and trellises.
- h. Flag poles.
- i. One-story bay windows projecting three feet or less into the yard.

- J. Overhanging eaves and gutters projecting three feet or less into the yard.
- k. Balconies.
- l. Breezeways and open porches in the rear yard.

**3. Front Yard Setback**

- a. The yard fronting a street shall be considered to be a front yard and shall meet the minimum front yard setback. See Figure 5-1.
- b. The front yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line.

**4. Side Yard Setback**

The side yard setback shall extend from the front yard to the rear yard and shall be measured from the side lot line. See Figure 5-1.

**5. Rear Yard Setback**

The rear yard setback shall extend the full width of the lot and shall be measured from the rear lot line. See Figure 5-1.

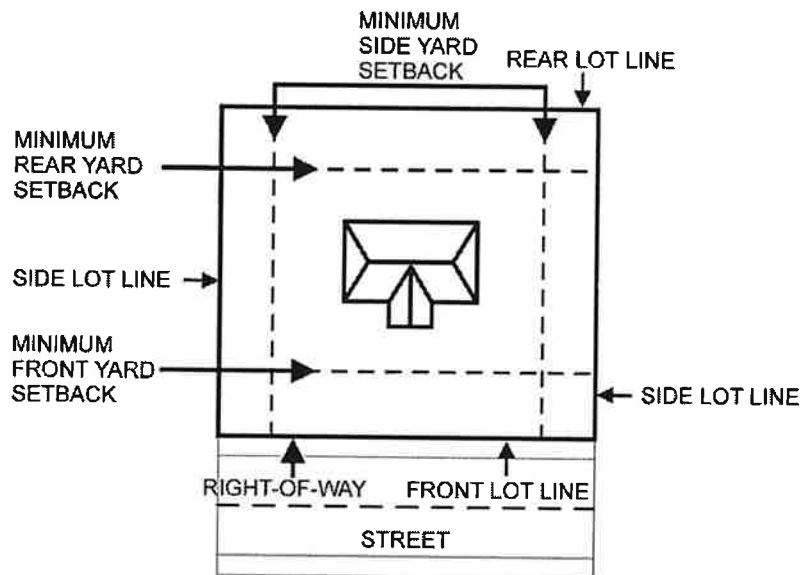


Figure 5-1: Typical setback measurements on an interior lot.

**6. Corner Lots**

- a. Where a lot is considered a corner lot, the required minimum front yard setback shall be provided on the street that the primary building entrance faces. See Figure 5-2.
- b. Where there is no building or primary building entrance, the front yard shall be the yard adjacent to the street where the property address is assigned.
- c. The yard along a street frontage that is not the front yard shall be designated a street side yard.
- d. The yard opposite the front yard shall be the rear yard.
- e. The yard opposite the street side yard shall be the side yard.

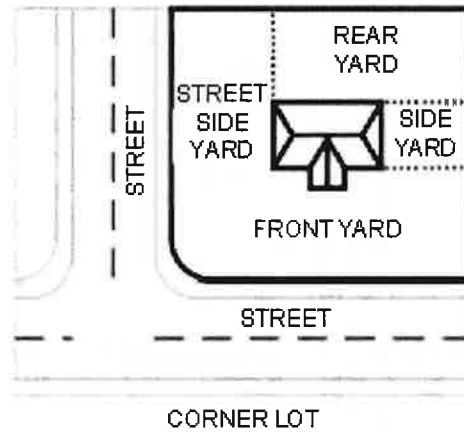


Figure 5-2: Yard locations on a corner lot.

**7. Double Frontage Lots**

- a. Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided from both streets. See Figure 5-3.
- b. The remaining lot lines shall be considered side lot lines and the side yard setback shall be applied to those lot lines. See Figure 5-3.

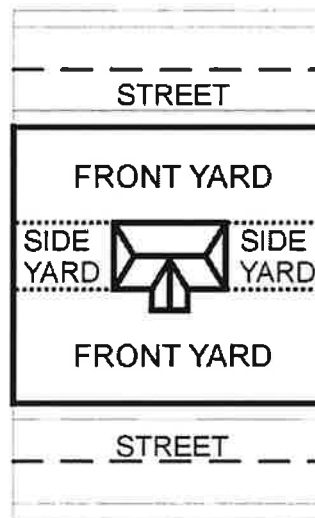


Figure 5-3: Yard locations on double frontage lots.

**8. Panhandle Lots**

Panhandle lots are permitted subject to the following regulations:

- a. Panhandle lots shall not be stacked one behind the other with relation to a street or road. See Figure 5-4.

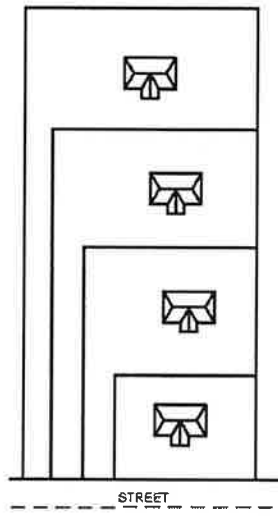


Figure 5-4: Stacking of panhandle lots is not permitted.

- b. The panhandle portion of the lot shall have a minimum frontage and continuous width of 20 feet and a maximum frontage and continuous width of 40 feet.
- c. Panhandle lots shall not be used to avoid the construction of a street.
- d. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in Figure 5-5.
- e. The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.

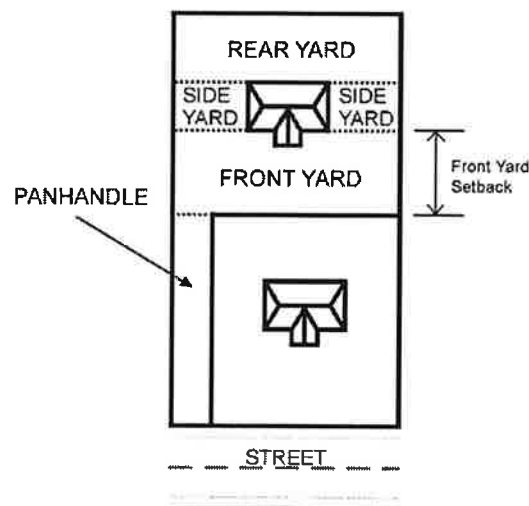


Figure 5-5: Yard and front yard setback locations on a panhandle lot.

**9. Cul-de-Sac or Curved-Street Lot**

For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line. See Figure 5-6.

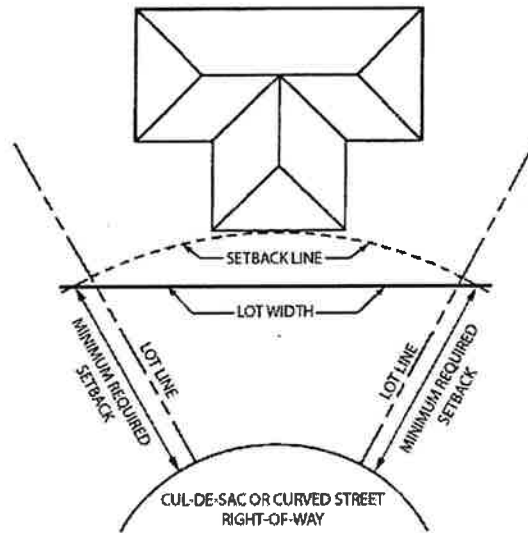


Figure 5-6: Setback line of a lot with frontage on a curved street or cul-de-sac.

**10. Other Lot Types**

For any type of irregular lot not addressed in this section, the zoning officer shall determine the location of the front, side, and rear yard taking into consideration the effect on adjoining properties.

**D. LOT WIDTH**

Lot width is the distance between the side lot lines measured at the point of the front setback line. See Figure 5-7 and Figure 5-6 for cul-de-sac or lots on a curved street.

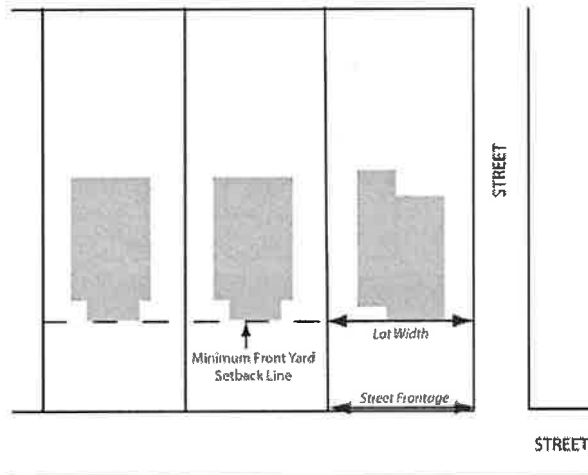


Figure 5-7: Measurement location of lot width and street frontage

**E. LOT COVERAGE**

Lot coverage is the portion of a zoning lot that is covered by principal and accessory buildings and structures, calculated as a percentage of the overall zoning lot.

**F. STREET FRONTAGE**

The street frontage is the distance between the side lot lines measured at the point of the street right-of-way. See Figure 5-7.

**G. HEIGHT MEASUREMENT AND EXCEPTIONS**

**1. Height Measurement**

- a. Where specified in stories, building height shall be measured in number of complete stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are greater than one-half story or completely below grade, such as basements, cellars, crawl spaces, subbasements, and underground parking structures.
- b. Where specified in feet, building height shall be measured as the vertical distance from grade at the base of the structure to (See Figure 5-8):
  - i. The highest point of a flat roof;
  - ii. The deck line of a mansard roof; or
  - iii. The mean height between the eaves and ridge on gable, hip, or gambrel roofs.

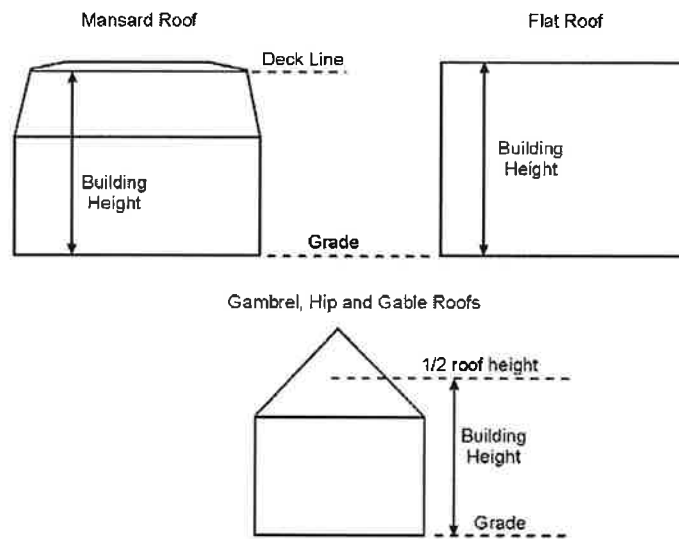


Figure 5-8: Building height measurement.

**2. Exceptions to Height Limits**

The height limitations of this ordinance shall not apply to: church spires, domes, smoke stacks, elevator towers, radio and television towers, necessary mechanical appurtenances, and the like provided their construction is in accordance with existing or hereafter adopted regulations of the village, and is acceptable to the Federal Aviation Agency (FAA) and the Federal Communication Commission (FCC).

**Section 5.02: General Site Development Standards**

- A. All buildings and zoning lots shall meet the minimum site development standards set forth in this chapter unless otherwise specified in use-specific regulations Section 4.12: Use Specific Regulations.

- B.** Yards provided for existing buildings prior to the adoption of this ordinance shall not be reduced below, or further reduced below if already less than, the minimum yard requirements of the ordinance for the district where the property is located.
- C.** A yard or other open space required about a building shall not be included as part of a yard or other open space for another building.
- D.** Unless otherwise expressly stated, every building shall be constructed or erected upon a zoning lot which abuts upon a public street, unless a permanent easement of access to a public street was of record prior to the adoption of this ordinance.
- E. REDUCTIONS IN ZONING LOT AREA PROHIBITED**
  - 1.** No existing lot of record shall be reduced in area so that zoning lot area, zoning lot width, yards, building area, or other requirements of this ordinance are not maintained except where such reduction has been brought about by the expansion or acquiring of public rights-of-way.
  - 2.** In the event that the uses and structures cannot comply in such circumstances, the property owner shall seek relief from the ZBA, as provided for in Section 3.05: Appeals, Variances and Special Exceptions.
  - 3.** No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each such division shall conform to all the applicable development standards of the zoning district in which the property is located.

## Section 5.03: Residential Site Development Standards

Table 5-1: Site Development Standards for Residential Zoning Districts establishes the minimum site development standards for the residential zoning districts.

**TABLE 5-1: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS**

	MINIMUM REQUIRED:		MINIMUM SETBACKS:				MAXIMUM LOT COVERAGE (% OF LOT)	MAXIMUM BUILDING HEIGHT (FEET)
	LOT AREA (SQUARE FEET)	LOT WIDTH (FEET)	FRONT YARD (FEET)	STREET SIDE YARD (FEET)	SIDE YARD (FEET)	REAR YARD (FEET)		
<b>R-1 ONE-FAMILY RESIDENCE DISTRICT</b>								
One-Family Dwellings	10,000	80	30	15	8	30	30	35
All Other Principally Permitted Uses	20,000	100	30	15	8	30	30	35
<b>R-2 ONE-FAMILY RESIDENCE DISTRICT</b>								
One-Family Dwellings	7,000	60	25	10	8	30	35	35
All Other Principally Permitted Uses	20,000	100	25	10	8	30	35	35
<b>R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT</b>								
One-Family Dwellings	6,000	60	20	15	10	30	40	35
Two-Family Dwellings	8,000	70	20	15	10	30	40	35
Multiple-Family Dwellings	8,000 + 2,500 for each dwelling over two	70	20 [1]	15	10	30	40	50
All Other Principally Permitted Uses	10,000	75	20	15	10	30	40	35
NOTES:								
[1] The minimum front yard setback shall be increased one foot for each three feet of building height over 35 feet.								



## Section 5.04: Nonresidential Site Development Standards

- A. Table 5-2: Site Development Standards for Nonresidential Zoning Districts establishes the minimum site development standards for nonresidential zoning districts.
- B. There are no minimum zoning lot area, zoning lot width, or minimum street frontage requirements in a nonresidential zoning district, except as required by Section 4.12: Use Specific Regulations.

**TABLE 5-2: SITE DEVELOPMENT STANDARDS FOR NONRESIDENTIAL ZONING DISTRICTS**

DISTRICT	MINIMUM FRONT YARD SETBACK (FEET)		MINIMUM SIDE YARD SETBACK (FEET)		MINIMUM REAR YARD SETBACK (FEET)		MAXIMUM BUILDING HEIGHT (FEET)
	ADJACENT TO OR ACROSS FROM A NONRESIDENTIAL DISTRICT	ADJACENT TO OR ACROSS FROM A RESIDENTIAL DISTRICT	ADJACENT TO A NONRESIDENTIAL DISTRICT	ADJACENT TO A RESIDENTIAL DISTRICT	ADJACENT TO A NONRESIDENTIAL DISTRICT	ADJACENT TO A RESIDENTIAL DISTRICT	
B-1 Business District	0 [1]	30	0	15	0	30	None [2]
M-1 Manufacturing District	30 [3]	30	10% of the lot width, not to exceed 20 feet	30	0	30	None [2]

**NOTE:**

- [1] No side yard is required in the B-1 District, however, if a side yard is provided, then it shall be a minimum of five feet.
- [2] All the required setbacks shall be increased by one additional foot for each foot in height of building or structure over 35 feet.
- [3] Where lots within the same block and comprising 40% of the frontage on the same street are already developed with front yards with an average setback of less than 30 feet, then such average depth shall be the required front yard setback.

## Section 5.05: Traffic Safety Visibility Triangle

Development proposed adjacent to any public or private street, or alley intersection, in every district shall be designed to provide a clear visibility area for pedestrian and traffic safety.

- A. A traffic safety visibility triangle area, which may include private property and/or public right-of-way, is a triangle area defined by measuring 30 feet from the intersection of the extension of the front and side street curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property. See Figure 5-9.

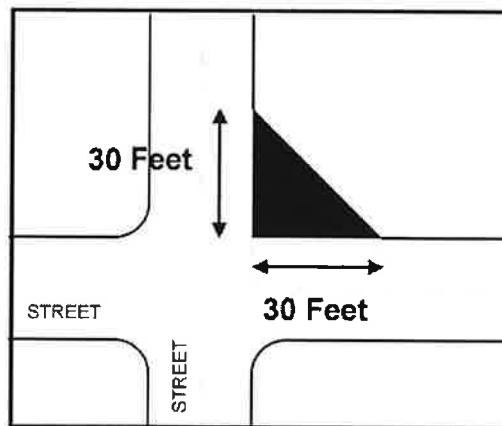


Figure 5-9: Traffic safety visibility triangle for intersecting streets.

- B. For intersections of streets and driveways, the traffic safety visibility area shall be created by measuring 25 feet from the edge of the driveway along the street and 20 feet along the driveway, perpendicular from the street. See Figure 5-10.

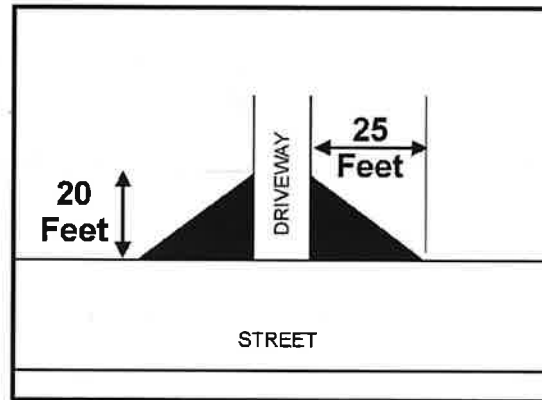


Figure 5-10: Traffic safety visibility triangle for driveway and street intersections.

- C. No structure, sign, or landscape element shall exceed three feet in height, measured from the top of the curb, within the traffic safety visibility area, unless approved by the zoning officer.
- D. An exception to this requirement shall be that trees with at least eight feet of limbless trunk may be permitted in the visibility triangle.

## Section 5.06: Landscape Buffer Requirements

### A. MINIMUM BUFFER YARD

A buffer yard shall be required between zoning lots based on the zoning district of the adjacent zoning lot, and between nonresidential uses and other zoning lots in a residential district.

1. Buffer yards shall be provided on side and rear yards of nonresidential uses that are adjacent to the zoning lot in the residential district.
2. A buffer yard with a minimum width of 15 feet shall be provided when a nonresidential use in the B-1 District abuts a zoning lot in a residential district.
3. A buffer yard with a minimum width of 25 feet shall be provided when a use in the M-1 District abuts a zoning lot in a residential district.
4. A buffer yard with a minimum width of 10 feet shall be provided when a nonresidential use in a residential district abuts a zoning lot in a residential district.

### B. PLANTING REQUIREMENTS FOR REQUIRED BUFFERS

#### 1. Buffer Requirements for B-1 Districts

The buffer yards required in Section 5.06:A Minimum Buffer Yard above in the B-1 District shall incorporate landscaping and screening materials under one of the following options:

- a. A six foot high fence, wall or an earth mound and three deciduous trees per 100 feet of required buffer yard planted a maximum of 30 feet on center the length of the required buffer yard.

- b. Four deciduous trees per 100 feet of required buffer yard planted a maximum of 30 feet on center, and 10 evergreen shrubs a minimum of six feet high per 100 feet of required buffer yard planted a maximum of every 10 feet the length of the required buffer yard.

**2. Buffer Requirement for M-1 District**

The buffer yards required in Section 5.06:A Minimum Buffer Yard above in the M-1 District shall provide a six foot high fence, wall or an earth mound and a double row of staggered evergreen trees planted a maximum of 15 feet on center the length of the required buffer yard.

**3. Buffer Requirements for Nonresidential Uses In Residential Districts**

The buffer yards required in Section 5.06:A Minimum Buffer Yard above for nonresidential uses permitted in residential districts shall incorporate landscaping and screening materials under one of the following options:

- a. A six foot high fence, wall or an earth mound the length of the required buffer yard.
- b. Three deciduous trees per 100 feet of required buffer yard planted a maximum of 30 feet on center, and eight evergreen shrubs a minimum of six feet high per 100 feet of required buffer yard planted a maximum of every 12 feet the length of the required buffer yard.

**C. BUFFER DESIGN STANDARDS**

- 1. Buffers shall not be located on any portion of an existing, dedicated, or reserved public right-of-way or private ingress/egress easement.
- 2. The buffer shall be provided on the zoning lot that is being developed.
- 3. On sloped areas the buffer shall be located to maximize its effectiveness.
- 4. No construction shall be permitted within a required buffer other than a wall, fence, or mound, or a driveway in the front yard connecting a parking area on the lot to a street or to a parking area on an abutting lot. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the buffer area.
- 5. Subsurface constructions are permitted provided the required buffer is placed above said subsurface constructions.
- 6. Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

**D. LANDSCAPING AND BUFFER PLAN REQUIREMENT**

Any property to which this section applies shall illustrate all proposed landscaping and buffers, including the proposed landscaping material, on a site plan or on a separate landscape plan as part of the application for a zoning permit.

**E. LANDSCAPING MATERIALS AND STANDARDS**

**1. Responsibility for Installation of Landscaping Materials**

The buffer area requirements shall be provided by the person in charge of or in control of developing the property, whether as owner, lessee, tenant, occupant or otherwise.

**2. Existing Landscape Material**

Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this chapter in whole or in part provided they meet all requirements of this chapter.

**3. Easements and Clear Vision**

- a. Required landscaping may be placed wholly or partially in utility or other easements providing all requirements can be fulfilled and approval is granted by the holder of the easements.
- b. Landscaping must be placed in the required area between the property line and the front, rear and side yard setbacks.
- c. In no case shall landscaping be established so as to block the sight distance at street or drive intersections in accordance with Section 5.05: Traffic Safety Visibility Triangle.

**4. Landscaping Materials**

Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards. The following items are suitable for landscaping materials used individually or in combination with each other, subject to review and approval by the zoning officer.

**a. Walls and Fences**

When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be constructed of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the buffer requirements of this chapter. Walls and fences shall be designed to orient the finished side away from the subject zoning lot so the finished side faces the adjacent lots.

**b. Plants**

Plant materials used in conformance with these provisions shall conform to the American Nursery and Landscape Association and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or from containers.

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## Section 5.07: Screening Requirements

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**A. INTENT AND APPLICABILITY**

Screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from both on-site and off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

**B. ITEMS TO BE SCREENED**

The following areas shall be screened in accordance with this section:

1. Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers), but not including recycling containers for use by the public.
2. Loading and service areas, including any areas where tractor-trailers will be stored.
3. Outdoor storage areas (including storage tanks) not subject to the outdoor storage requirements of Section 4.13:E.8 Outdoor Storage.
4. Mechanical equipment and utility meters not located on, and screened by, the building or structure.

**C. GENERAL PROVISIONS**

1. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of the 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 condition to the satisfaction of the village.
2. Required screening areas shall be provided by the owner and/or developer as a condition of development. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner. Failure to maintain the required screening areas to accomplish their intended purpose shall constitute a violation of this ordinance under Chapter 9: Penalties and Enforcement.
3. Screening areas shall be identified on the plans required for zoning permit review.

**D. SCREENING REQUIREMENTS**

1. All screening shall be approved during the zoning permit review.
2. All items to be screened shall be shielded from view from public roads and adjoining property.
3. All items to be screened shall be provided with a visual screen consisting of fences, walls, mounds or plant materials or a combination thereof. The screening shall be at least one foot higher than the item to be screened but not less than six feet in height, but shall not exceed 10 feet in height, and shall extend along three sides of the service area.
4. For dumpsters, a gate shall be required on the fourth side where access is provided to the dumpster. The gates shall be opaque enough to shield from view the interior of the service area.
5. All plant materials used for required screens around service areas shall be of an evergreen variety.
6. If an adjacent building provides screening on one side of the service area, only two sides need to be screened, mounded, or walled, with a gate required in front of the service area. The gate shall be opaque enough to shield from view the interior of the service area.
7. Roof mounted mechanical equipment shall be screened by parapet walls or other screening device with a height not lower than six inches below the height of mechanical equipment.

**E. FENCE OR WALL SCREENS**

1. Fences or walls shall be compatible with the architectural materials and patterns of the principal structure.
2. Under no circumstances shall a wall be constructed of unfinished concrete or cinder block.

**F. MOUND SCREENS**

1. Mounds shall be a minimum of three feet in height if other screening materials are used (fences or plant materials). If no other screening materials are used, the mounds shall be a minimum of six feet in height.
2. When mounds are to be used in conjunction with planting materials to screen residential uses, the mound plus any trees shall be of sufficient height to screen the first story of the residential uses.

**G. CURBING OR BOLLARDS**

Whenever screening material is placed around any large waste receptacle (dumpster) or waste collection unit which is emptied or removed mechanically on a regular basis, a curb or bollards to contain the placement of the container shall be provided within the screening material. The curbing or bollards shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

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## Section 5.08: Performance Standards

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The minimum standards of this section shall apply to all uses in the business and industrial districts.

### A. COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

All uses shall comply with all applicable state and federal Environmental Protection Agency, Occupational Safety and Health Administration (OSHA) and all other state and federal regulations that pertain to the operation of business and industrial uses.

### B. FIRE AND EXPLOSION HAZARDS

1. All activities, including storage, involving flammable or explosive materials, shall include the provision of adequate safety devices against the hazard of fire and explosion. Such activities and storage shall adhere to all standards enforced by OSHA. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
2. Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted in the village.

### C. AIR POLLUTION

1. The emission of smoke, soot, fly ash, fumes and dust shall be controlled by precipitation devices, height of stack, rate of emission or other manner so that the quantity deposited at any residential or business district shall not be detrimental to or endanger the public safety, comfort, welfare or adversely affect property values.
2. Dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas or yards shall be kept to a minimum by appropriate landscaping, paving, and other acceptable treatment.
3. No use or stack shall emit more than 10 smoke units during any one hour, nor shall smoke of a density in excess of Ringelmann No. 2 be emitted, provided that during a single one hour period in each 24 hour day, each use or stack may emit up to 20 smoke units when blowing soot or cleaning fires, and during such cleaning fires, smoke of a density of Ringelmann No. 3 may be emitted, but not longer than four minutes each period.
4. No emission of smoke or particulate matter shall exceed a density of Ringelmann No. 3, except for a plume consisting entirely of condensed steam.
5. The rate of emission of particulate matter from all sources within the boundaries of any zoning lot shall not exceed a net figure of one pound per acre of lot area during any one hour.
6. 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.

### D. NOISE

1. For the purposes of enforcing the provisions of this section, noise shall be measured in dBA using a sound level meter, with the measurements taken at the noisiest point within the receiving property.
2. **Exemptions from Noise Regulations**
  - a. The following shall be exempt from the provisions of Table 5-3 between the hours of 7:00 A.M. and 10:00 P.M.:
    - i. Sounds created by the discharge of firearms on authorized shooting ranges.
    - ii. Sounds created by blasting.
    - iii. Sounds created by the installations of utility services.
    - iv. Sounds originating from temporary construction sites as a result of construction activity.

- v. Sounds created by firearms in the course of hunting.
- b. The following shall be exempt from the provisions of Table 5-3 and Table 5-4 at all times:
  - i. Sounds created by motor vehicles operated on public roads and highways.
  - ii. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.
  - iii. Sounds created by surface carriers engaged in interstate commerce by railroad.
  - iv. Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.
  - v. Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.
  - vi. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety or welfare of the community.
  - vii. Sounds created by the repair of essential utility services.
  - viii. Sounds originating from officially sanctioned parades and other public events.
  - ix. Sounds emitted from venting at industrial process facilities during startup only, provided that the startup operation is performed during daytime hours whenever possible.
- c. Nothing in these regulations shall be construed as preventing the village from regulating noise from any source as a nuisance. Village resolutions, ordinances, rules, or regulations shall not be deemed inconsistent with these regulations.

**3. Maximum Permissible Noise Levels**

- a. No person shall cause or permit noise to intrude into the property of another person that exceeds the levels listed in:
  - i. Table 5-3 between the hours of 7:00 A.M. and 10:00 P.M.
  - ii. Table 5-4 between the hours of 10:00 P.M. and 7:00 A.M.
- b. Between the hours of 7:00 A.M. and 10:00 P.M., the noise in Table 5-3 may be exceeded by no more than:
  - i. Five dBA for a total of 15 minutes in any one hour period;
  - ii. 10 dBA for a total of five minutes in any one hour period; or
  - iii. 15 dBA for a total of 30 seconds in any one hour period.
- c. Between the hours of 10:00 P.M. and 7:00 A.M., the noise limits in Table 5-4 may be exceeded by no more than:
  - i. Five dBA for a total of 10 minutes in any one hour period; or
  - ii. 10 dBA for a total of three minutes in any one hour period.
- d. Impulsive sound (such as sounds with a duration of less than one second, such as from gunfire or punch presses) shall not exceed the levels of Table 5-3 or Table 5-4 by more than five dBA, as measured with the sound level meter on the slow response setting.

**TABLE 5-3: DAYTIME NOISE LEVELS – 7:00 AM TO 10:00 PM**

NOISE SOURCE	RECEIVING PROPERTY		
	RESIDENTIAL	BUSINESS	INDUSTRIAL
Business	60 dBA	65 dBA	65 dBA
Industrial	60 dBA	65 dBA	70 dBA

**TABLE 5-4: NIGHTTIME NOISE LIMITS - 10:00 PM TO 7:00 AM**

NOISE SOURCE	RECEIVING PROPERTY		
	RESIDENTIAL	BUSINESS	INDUSTRIAL
Business	50 dBA	65 dBA	65 dBA
Industrial	50 dBA	65 dBA	70 dBA

**E. GLARE AND HEAT**

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 zoning lot line bounding the property where the use is conducted.

**F. 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.

**G. 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.

**H. VIBRATIONS**

No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property lines of the subject premises.

**I. 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 zoning lot line of the property on which the use is located. Operations shall adhere to the applicable standards of the Ohio Environmental Protection Agency.

**J. TOXIC OR NOXIOUS MATERIAL**

No use on any property shall discharge noxious, toxic or corrosive fumes or gasses which shall be injurious to the property, vegetation or health of people residing or doing business on any adjacent property.

**Section 5.09: Outdoor Lighting**

**A. PURPOSE**

1. The purpose of this section is to regulate the placement, orientation, and distribution patterns of outdoor lighting in order to preserve, protect and enhance the character of the village and the lawful nighttime use and enjoyment of property located within the village.
2. All outdoor lighting fixtures located on the applicable site (including lighting for signs and on buildings) shall be arranged so as to:
  - a. Provide safety, utility and security;
  - b. Control light trespass and glare on adjacent properties and public roadways; and
  - c. Reduce atmospheric light pollution.



**B. APPLICABILITY**

1. The regulations of this section shall apply to all uses except for one-family and two-family dwellings.
2. Lighting plans shall be submitted for approval with all applications for zoning permits in the nonresidential districts and for all nonresidential and multiple-family uses in residential districts unless specifically exempted below.
3. The regulations of this section shall not apply to public utility street lighting.

**C. EXEMPTIONS**

1. Lighting plans shall not be required for one-family and two-family dwellings, regardless of where the use is located.
2. Decorative outdoor lighting fixtures with bulbs that do not exceed 25 watts, installed seasonally, are exempt from the requirements of this section.
3. Temporary construction or emergency lighting is exempt from the requirements of this section. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
4. All outdoor lighting fixtures existing and legally installed prior to the effective date of this ordinance shall be exempt from the requirements of this section. When existing lighting fixtures become inoperative, their replacements are subject to the provisions of this section.
5. Nothing in this section shall apply to lighting required by the Federal Aviation Agency (FAA) or any other federal regulatory authority.

**D. OUTDOOR LIGHTING STANDARDS**

**1. Height**

All outdoor lighting structures that are not attached to a building shall be designed, located, and mounted so as to not exceed a maximum height of 10 feet above grade for non-cutoff lights and 24 feet above grade for cutoff lights.

**2. Lighting Types**

- a. Non-cutoff lights are to be used for decorative purposes only.
- b. All luminaries shall be high-pressure sodium or metal halide. The design shall be refractive or opaque.
- c. Lighting of parking and loading areas shall be accomplished by using cutoff lights. See Figure 5-11.

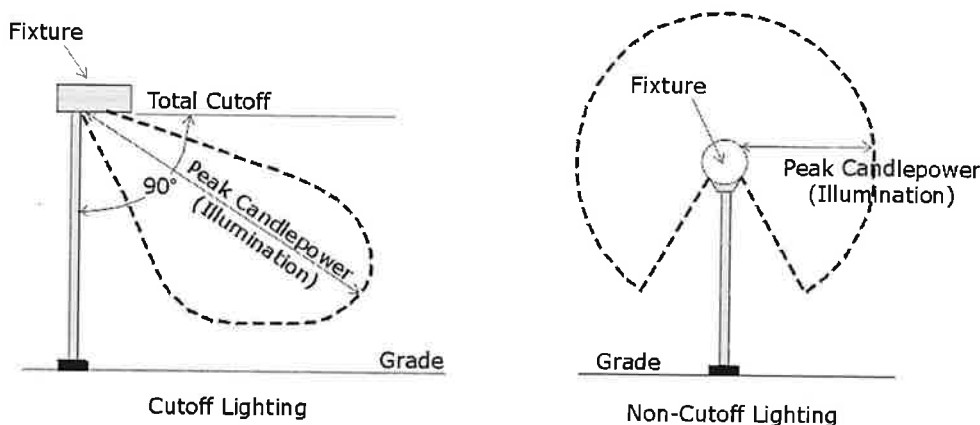


Figure 5-11: Lighting types – cutoff and non-cutoff.

**E. ILLUMINATION LEVELS**

1. A minimum illumination of 0.5 footcandles shall be maintained when measured at grade in all vehicular use areas and pedestrian pathways. A minimum illumination of 0.2 footcandles shall be maintained when measured at grade at the right-of-way. Actual site measurement compliance shall not drop below this minimum stated. For design purposes, the light loss factor (LLF) shall be calculated to 0.8 LLF.
2. Light originating on a site shall not trespass beyond the site to exceed the values in Table 5-5: Illumination Levels for the following adjacent property types:

**TABLE 5-5: ILLUMINATION LEVELS**

LAND USE	ILLUMINATION LEVEL
One-Family or Two-Family Residential	0.3 Footcandles
Multiple-Family Residential	0.5 Footcandles
Non-Residential	1.0 Footcandles

**F. SHIELDING**

1. All outdoor lighting for nonresidential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.
2. Wall-mounted lights shall be screened by the building's architectural features, or contain a cutoff shield to direct lighting onto the building and not into adjacent residential lots.

**G. COLOR AND GLARE**

1. 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.
2. Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area.

**H. GENERAL STANDARDS**

1. Lighting attached to a canopy or awning (e.g., for uses such as gasoline stations, service stations, and drive-through facilities) shall be recessed fixtures.
2. The placement of light poles within raised curb planter areas or landscaped islands is encouraged, but conflicts with parking lot trees that can obscure the lighting shall be avoided through alternative lighting locations.
3. For statues, monuments, fountains, flags, or other objects for which it may not be possible to reliably and consistently illuminate with full cutoff lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the object of interest.
4. The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.

**I. MEASUREMENT**

1. Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
2. Measurements shall be taken at the property line, along a horizontal plane at a height of three and one-half (3.5) feet above the ground.

# Chapter 6: Off-Street Parking and Loading

## Section 6.01: Purpose

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The purpose of this chapter is to:

- A. Relieve congestion on the streets by requiring that parking, loading, and associated circulation be provided on property and off streets in relation to the parking demand generated by the property user; and
- B. Promote safety and convenience for people by requiring that vehicular use areas and driveways be located and constructed according to good standards for visibility and accessibility.

## Section 6.02: Applicability

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All vehicular use areas (e.g., parking spaces, loading spaces, stacking spaces, driveways, etc.) shall be provided in conformance with the provisions of this chapter prior to occupying or using any building, structure, land, or portion thereof.

### A. NEW AND EXPANDED USES

The requirements of this chapter shall apply to the following:

- 1. A zoning permit application for the construction of a new building;
- 2. For an alteration, addition, or change of use of an existing building that, based on the requirements of this chapter, an increase of more than 15% of additional parking, loading, or stacking spaces would be required for such alteration, addition or change in use; or
- 3. Where an expansion of a vehicular use area is proposed.

### B. EXISTING USES

The requirements of this chapter shall not apply to buildings and uses legally in existence on the effective date of this zoning ordinance unless modified in the manner stated in Section 6.02:A New and Expanded Uses. Furthermore, any vehicular use areas now serving such existing buildings or uses shall not be reduced below the requirements established in this chapter in the future.

### C. MAINTENANCE

The duty to provide and maintain all parking, loading, or other vehicular use areas shall be the responsibility of the property owner where the vehicular areas are required.

### D. PLAN REVIEW

For any off-street parking, loading, or vehicular use area required under this chapter with five or more parking spaces, a plan shall be submitted with the application for a zoning permit. The required contents of the plan shall be as established by the zoning officer.

## Section 6.03: General Standards

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### A. MAINTENANCE

- 1. All vehicular use areas shall be maintained and kept free from debris, litter, junk, or rubbish.
- 2. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition.
- 3. The owner shall, at his own expense, maintain all paved surfaces and repair any disintegration of the surface by patching or resealing when such disintegration takes place.

**B. STORAGE**

Vehicular use areas for nonresidential uses shall not be used for the continuous storage of a vehicle for more than 48 hours, except where expressly permitted in this ordinance as accessory to the principal use of the zoning lot.

**C. LANDSCAPING**

Landscaping for vehicular use areas shall be as required for all vehicular use areas containing 10 or more parking spaces.

1. Required landscaping shall be located within curbed landscape islands within the vehicular use area or on the perimeter of the vehicular use area.
2. There shall be a minimum of two deciduous trees and four shrubs provided for every 10 parking spaces, or fraction thereof.

**D. SCREENING**

1. Vehicular use areas containing five or more parking spaces shall be effectively screened on each side adjoining a zoning lot in a residential district or an institutional use by a fence, wall, or densely planted compact hedge not less than five feet nor more than seven feet high.
2. All vehicular use areas containing five or more parking spaces that abut a public right-of-way shall be screened by a landscape hedge that provides a continuous screen a minimum of three feet in height. The zoning officer may approve the use of a decorative wall or fence.

**E. FIRE CODE**

All parking and loading plans shall conform to all requirements set forth in the fire code as adopted by the Piketon Seal Township Fire Department.

**F. DRAINAGE**

All vehicular use areas shall provide for the proper drainage of surface water in accordance with all applicable federal, state, and county runoff control and sediment abatement regulations, to prevent the drainage of such water onto adjacent properties and onto sidewalks.

**G. OTHER USES WITHIN REQUIRED VEHICULAR USE AREAS**

No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any vehicular use area. Outdoor display, sales, or storage of any merchandise within any required vehicular use area shall not be permitted unless otherwise specifically permitted as regulated in Section 4.12: Use Specific Regulations.

**H. SURFACING**

1. All vehicular use areas shall be graded and paved with an asphalt or concrete surface unless otherwise provided in this article.
2. Pavers or porous pavement systems that allow for stormwater drainage to pass through or grass to grow through them may be permitted for use in up to 50% of the parking areas and aisles in nonresidential districts, and up to 100% in residential districts.

**I. LIGHTING**

All lighting within a vehicular use area shall be subject to the standards in Section 5.09: Outdoor Lighting.

**J. STRIPING**

The individual parking spaces and loading spaces shall be striped according to the approved layout of the vehicular use area.

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## Section 6.04: Rules for Computation

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### A. UNITS OF MEASURE

The following rules shall apply when computing parking spaces:

#### 1. On-Street Parking

On-street parking spaces shall not be counted toward off-street parking space requirements.

#### 2. Multiple Uses

Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.

#### 3. Area Measurements

a. Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building, except areas used for storage, restrooms, loading, unloading or for mechanical equipment may be excluded from the gross floor area calculations.

b. When a measurement of the number of required spaces results in a fractional number, any fraction of  $\frac{1}{2}$  or less shall be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  shall be rounded up to the next higher whole number.

#### 4. Occupancy- or Capacity- Based Standards

a. For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on a single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable, and whichever results in a greater number of parking spaces.

b. In hospitals, bassinets shall not be counted as beds.

c. In the case of benches, pews and similar seating accommodations, each 24 inches thereof shall be counted as one seat for the purpose of determining the parking requirements.

#### 5. Stacking Spaces

Vehicle stacking spaces that are required for drive-through facilities shall not count toward the off-street parking requirements of this section, and shall be in accordance with Section 4.13:E.2 Drive-Through Facility.

#### 6. Unlisted Uses

a. Upon receiving an application for a use not specifically listed in the parking schedule below, the zoning officer shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size and intensity of use.

b. If the zoning officer determines that there is no listed use similar to the proposed use, intensity, or size, the zoning officer may refer to the estimates of parking demand based on recommendations from parking studies prepared by the Institute of Traffic Engineers (ITE), Urban Land Institute (ULI), and/or the American Planning Association (APA).

## Section 6.05: Off-Street Parking Requirements

### A. REQUIRED NUMBER OF PARKING SPACES

Table 6-1: Minimum Off-Street Parking Standards defines the number of parking spaces required for each use within the village.

**TABLE 6-1: MINIMUM OFF-STREET PARKING STANDARDS**

USE	REQUIRED NUMBER OF PARKING SPACES
<b>AGRICULTURAL USES</b>	
Agricultural use	No parking spaces required
<b>RESIDENTIAL USES</b>	
Adult family home or small residential facility	1.5 spaces per bedroom
Adult group home or large residential facility	1.5 spaces per bedroom
Dwelling, attached one-family	2.0 spaces per dwelling unit
Dwelling, multiple-family	1.5 spaces per dwelling unit
Dwelling, one-family	2.0 spaces per dwelling unit
Dwelling, two-family	2.0 spaces per dwelling unit
Institutional housing	1.0 space per 3 beds
Permanently sited manufactured housing	2.0 spaces per dwelling unit
<b>BUSINESS USES</b>	
Adult entertainment establishment	1.0 space per 200 square feet
Animal hospital or veterinarian clinic	1.0 space per 250 square feet
Automotive fuel sales	1.0 space per 250 square feet
Automotive repair	1.0 space per 300 square feet for facilities under 5,000 square feet or 1.0 space per 500 square feet for facilities of 5,000 square feet or larger.
Automotive sale or rental	1.0 space per 300 square feet of indoor display area and 1.0 space per 3,000 square feet of outdoor display area; this does not include spaces for display of vehicles for sale, lease or rent.
Automotive service use	1.0 space per 300 square feet for facilities under 5,000 square feet or 1.0 space per 500 square feet for facilities of 5,000 square feet or larger.
Automotive washing facility	2.0 spaces plus stacking spaces as required per Section 4.13:E.2.b.
Bakery	1.0 space per 250 square feet
Bar or tavern	1.0 space per 300 square feet
Club, lodge or other social meeting place	1.0 space per 125 square feet
Commercial greenhouse	1.0 space per 500 square feet of sales area
Conference center, assembly hall, or banquet facility	1.0 space per 125 square feet
Day care center	1.0 space per 350 square feet
Financial institution	1.0 space per 300 square feet
Funeral home	1.0 space per 50 square feet
Furniture and appliance store	1.0 space per 600 square feet
Hotel and motel	1.0 space per room or suite, plus 1.0 space per 200 square feet of commercial or public meeting space
Indoor commercial entertainment or recreation facility	1.0 space per 200 square feet or 1.0 space per five persons at maximum capacity, whichever is greater

**Chapter 6: Off-Street Parking and Loading**  
 Section 6.05: Off-Street Parking Requirements  
 Subsection A: Required Number of Parking Spaces

USE	REQUIRED NUMBER OF PARKING SPACES	
Internet café	1.0 space per 300 square feet	
Kennel	1.0 space per 400 square feet	
Liquor store	1.0 space per 250 square feet	
Lumber yard	1.0 space per 400 square feet	
Medical or dental center or outpatient clinic	1.0 space per 200 square feet	
Office	1.0 space per 400 square feet	
Outdoor commercial entertainment or recreation facility	1.0 space per 5,000 square feet of land area or 1.0 space per three persons at maximum capacity, whichever is greater	
Outdoor sale and display	1.0 space per 400 square feet	
Outdoor storage	1.0 space per 1,000 square feet	
Restaurant	1.0 space per 125 square feet	
Retail and service commercial use	1.0 space per 200 square feet	
Self-storage facility/mini-warehouse	3.0 spaces plus 1.0 space per 50 units	
Tattooing/piercing parlor	2.0 spaces per station or service chair	
Truck, trailer or farm implement sale and service	1.0 space per 1,000 square feet of indoor display area and 1.0 space per 3,000 square feet of outdoor display area	
Type-A day care home (7-12 children)	2.0 spaces in addition to that required for the dwelling unit	
Type-B day care home (1-6 children)	No additional parking spaces required	
Wholesale business	1.0 space, plus 1.0 space per 600 square feet in excess of 4,000 square feet	
<b>INDUSTRIAL AND WAREHOUSE USES</b>		
Contractor office and storage use	1.0 space per 200 square feet plus 1.0 space per 5,000 square feet of storage area	
Heavy manufacturing use	1.0 space per 1,000 square feet	
Light manufacturing use	1.0 space per 1,000 square feet	
Office-warehouse	1.0 space per 300 square feet	
Research and development facility or laboratory	1.0 space per 500 square feet	
Warehousing, distribution or storage facility	1.0 space per 2,000 square feet	
<b>PUBLIC AND INSTITUTIONAL USES</b>		
Active park or recreation facility	Ball field	30.0 spaces per field
	Golf course	8.0 spaces per hole
	Golf driving range	2.0 spaces per tee
	Miniature golf course	2.0 spaces per hole
	Racquetball, handball and tennis court	5.0 spaces per court
	Swimming pool (not associated with a residence)	1.0 space per 50 square feet of swimming area including water, lawn, deck, and bathhouse
	Park or playground not otherwise specified	1.0 space per 10,000 square feet of park or playground area
Cemetery	1.0 space per four seats in a chapel or place of assembly	
Community garden	No parking spaces required	
Educational facility	1.5 spaces per classroom, library, lecture hall, and cafeteria plus 1.0 space per 10 fixed seats of public assembly areas. High schools shall have an additional 1.0 space per 10 students at maximum capacity.	
Educational facility, higher	5.0 spaces per each classroom and 1.0 space per 300 square feet of administrative office space	

USE	REQUIRED NUMBER OF PARKING SPACES
Hospital	1.0 space for every three patient beds plus outpatient clinics, laboratories, pharmacies and other similar uses shall have 4.0 spaces per 1,000 square feet.
Passive park, recreation, and open space	1.0 space per 10,000 square feet of park, recreation, or open space
Public and government building or use	1.0 space per 250 square feet
Religious place of worship	1.0 space per three fixed seats in the main assembly room or 1.0 space per three persons, whichever is greater
Telecommunication tower	1.0 space per provider

**B. BICYCLE PARKING SPACES**

1. All nonresidential uses shall contain two bicycle parking spaces for each 50 parking spaces provided, or fraction thereof.
2. Bicycle racks or other accommodations to allow locking of bicycles shall be provided and shall be placed within reasonable access to the main entrance.
3. The space shall be at least two feet wide by six feet long in size.
4. The location of bicycle racks should not obstruct access to building entrances.

**C. PARKING REQUIREMENTS FOR PHYSICALLY DISABLED**

Applicants shall provide parking spaces for the physically disabled as required by the Ohio Basic Building Code and shall include all necessary markings, striping, and signage.

**Section 6.06: Alternate Parking Options**

The following are methods of accommodating parking as an alternative to constructing the required number of parking spaces on a zoning lot.

**A. SHADOW PARKING**

A portion of the required parking spaces may remain landscaped and unpaved or paved with porous pavement provided that the parking and unpaved areas comply with the following standards. See Figure 6-1: Shadow parking.

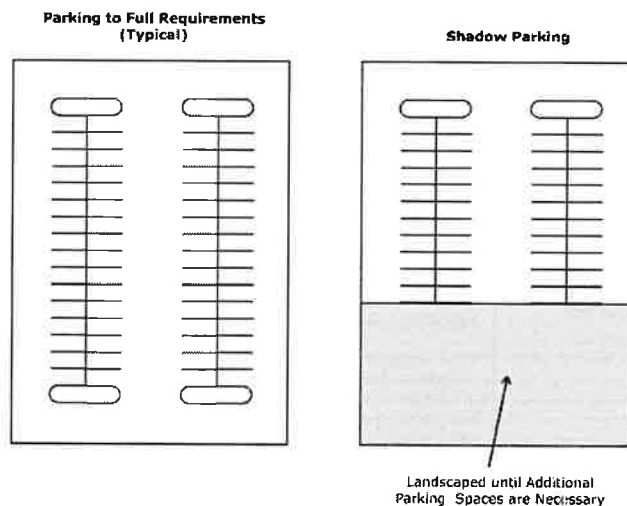


Figure 6-1: Shadow parking

1. No more than 30% of the required number of parking spaces may be designated for shadow parking.



2. The plans submitted with the zoning permit application shall denote the location and layout of that portion of the parking area that is deemed currently not required. The plan shall indicate that the "shadow" parking spaces will be constructed according to this ordinance in the event that the zoning officer makes a finding, at any time, that all or any portion of this parking is necessary.
3. At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that grass pavers or reinforced turf may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
4. At no time shall any portion of the required parking or loading that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this chapter.
5. The owner shall initiate construction of the approved "future" parking area, as identified on the approved plan, within three months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the zoning officer, identifying that such parking is determined to be necessary.
6. When the designated shadow parking area is constructed, such parking shall be constructed in a manner to meet the parking lot landscaping requirements of Section 6.03:C Landscaping.

**B. SHARED PARKING**

A portion of the required parking spaces may be located on an adjacent property if the parking area complies with the following.

1. Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
2. The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:
  - a. A sufficient number of spaces are provided to meet the highest demand of the participating uses.
  - b. The uses are located adjacent to each other.
  - c. Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the zoning officer, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.
  - d. The shared parking space shall be located not more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
  - e. A legal shared parking agreement is submitted and approved by the village solicitor, that provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity use the spaces during evening hours). This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
  - f. The approved shared parking agreement shall be filed with the application for a zoning permit and shall be filed with the county recorder and recorded in a manner as to encumber all properties involved in the shared parking agreement.
  - g. No zoning permit will be issued until proof of recordation of the agreement is provided to the zoning officer.

- h. Shared parking shall not account for more than 50% of the required parking spaces as established in Section 6.05: Off-Street Parking Requirements.

**C. OFF-SITE PARKING**

A portion of the required parking spaces may be located on a separate zoning lot from the lot on which the principal use is located if the off-site parking complies with the following standards.

1. Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, hospitals, bars (if not incidental to a restaurant), or convenience stores and other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.
2. No off-site parking space shall be located more than 1,000 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
3. Off-site parking shall not be permitted on a zoning lot in a residential zoning district, except parking facilities approved by the ZBA as a special exception in accordance with Section 3.05: Appeals, Variances and Special Exceptions.
4. Off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
5. In the event that an off-site parking area is not under the same ownership as the principal use served, a written off-site parking agreement shall be required.
6. An off-site parking agreement shall be submitted and approved as to form by the village solicitor. This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
7. The off-site parking agreement approved by the village solicitor shall be filed with the application for a zoning permit and shall be recorded as a deed restriction or covenant in a manner as to encumber all properties involved in the off-site parking agreement.
8. A zoning permit shall not be granted until proof of recordation of the agreement is provided to the zoning officer.
9. Off-site parking shall be used and maintained solely for parking as long as the use, as recorded and approved, exists. The off-site parking agreement may be terminated when the additional site is no longer necessary, there is a change of use, or the approved conditions are no longer applicable.

**Section 6.07: Design Standards for Parking**

**A. DESIGN STANDARDS FOR PARKING LOTS**

Unless otherwise specified, the standards of this section shall apply to all parking lots or areas that can accommodate five or more parking spaces.

**1. Location**

All driveways and open off-street parking areas shall comply with the following:

- a. All vehicles shall be parked in an open off-street parking space or garage.
- b. All parking spaces shall be connected to a public street or alley by a driveway.
- c. Parking spaces shall be located on the same lot as the principal use they serve unless the spaces meet the requirements of Section 6.06:B. Shared Parking or Section 6.06:C Off-Site Parking.
- d. Parking for business, office, industrial, or warehouse uses shall not be permitted in residential districts.

- e. All required off-street parking spaces shall have direct access to an aisle or driveway without the need to move any other vehicle.
- f. Parking lots may be located in any yard except required front yard.
- g. Parking areas shall be set back subject to the requirements of Section 8.06: Nonconforming Structures or Sites.
- h. On side and rear lot lines, all parking areas shall be set back a minimum of five feet from the lot line unless adjacent to a residential district in which case the parking areas shall be set back a minimum of 10 feet from the lot line. The five foot setback shall not be required when vehicular use areas are shared between properties and the installation of the five foot setback would interfere with use or cross access between properties.

**2. Access**

- a. Driveways shall be located so loading and unloading activities will not hinder vehicular ingress and egress.
- b. No driveway across a public property nor curb cut shall exceed a width of 30 feet.

**3. Dimensional Requirements**

- a. Parking stalls shall conform to the minimum standards set forth in Table 6-2: Parking Area Dimensions and Figure 6-2.
- b. Any parking space adjoining a landscaped area of the parking lot may include a two-foot overhang into the landscaped area as part of the required parking stall length, provided curbing or well maintained wheel stops are used to prevent damage to landscaped areas.

**TABLE 6-2: PARKING AREA DIMENSIONS**

ANGLE OF PARKING (DEGREES)	ONE-WAY MANEUVERING AISLE WIDTH (FEET) "A"	TWO-WAY MANEUVERING AISLE WIDTH (FEET) "A"	PARKING STALL WIDTH (FEET) "B"	PARKING STALL LENGTH (FEET) "C"
0 (Parallel)	12	21	10	23
30 – 53	14	21	10	20
54 – 75	19	22	10	20
76 – 90	22	24	9	18

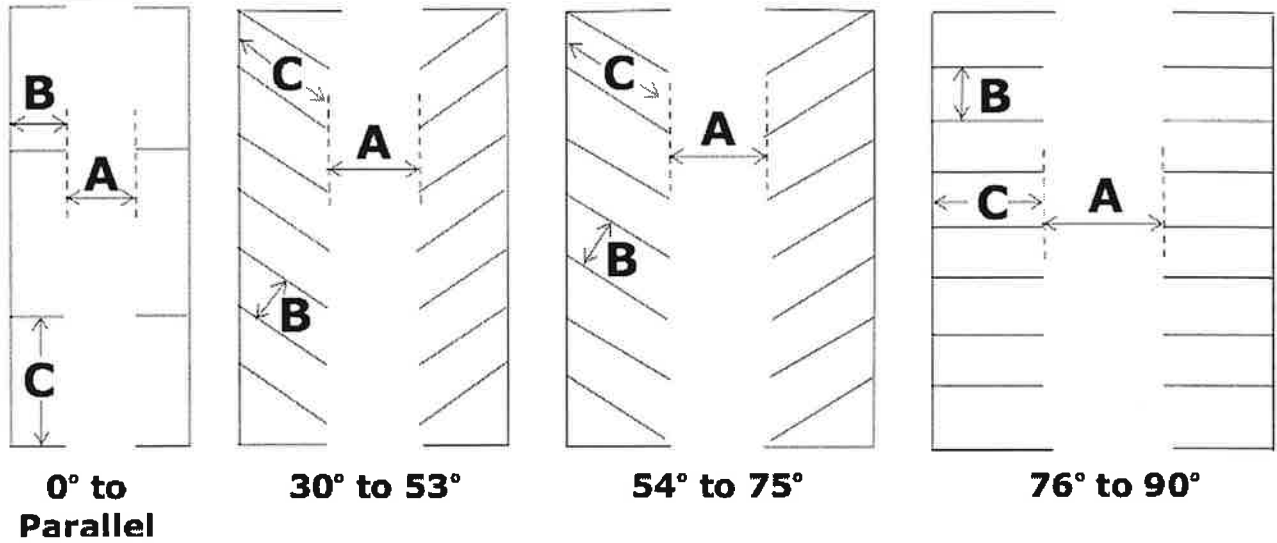


Figure 6-2: Parking Area Dimensions

**B. WHEEL STOPS AND CURBING**

1. Continuous curbs of concrete, asphalt, stone or other similar material at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures, unless the elimination of this curbing is required to adhere to stormwater management requirements.
2. Continuous curbs shall be located a minimum of four feet from any structures, buildings, or walls to prevent a vehicle from hitting any structure at the edge of a parking area. See Figure 6-3.
3. Individual wheel stops may be provided in lieu of continuous curbing only when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area.
4. When provided, wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space.

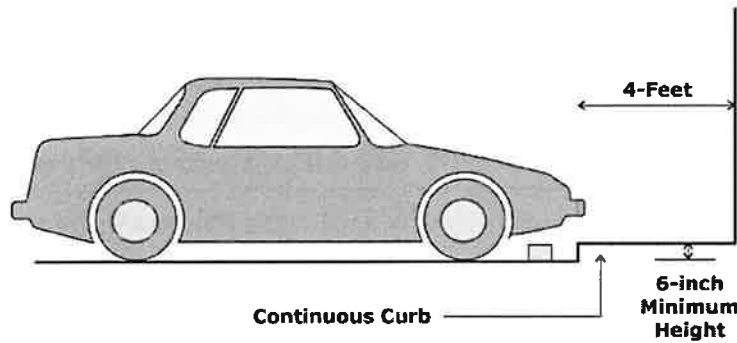


Figure 6-3: Continuous Curbs

## Section 6.08: Off-Street Loading Requirements

### A. APPLICABILITY

On the same premises with every building, structure, or part thereof, erected and occupied for commerce, industry, public assembly, or other uses involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys in conformance with this section.

### B. NUMBER OF LOADING SPACES REQUIRED

1. Table 6-3: Off-Street Loading Space Requirements establishes the number of loading spaces required.

**TABLE 6-3: OFF-STREET LOADING SPACE REQUIREMENTS**

GROSS FLOOR AREA	REQUIRED NUMBER OF SPACES
Up to 10,000 sq. ft.	0
10,001 to 25,000 sq. ft.	1
25,001 to 50,000 sq. ft.	2
50,001 to 100,000 sq. ft.	3
100,001 to 200,000 sq. ft.	4
Over 200,000 Square Feet	4 plus 1 additional space for every 50,000 square feet over 200,000 square feet

2. Off-street loading spaces shall not count toward any minimum parking space requirements.

### C. LOADING SPACE DESIGN STANDARDS

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:

#### 1. Location of Required Loading Spaces

- a. Loading spaces shall be located on the same zoning lot as the building or structure to which they are accessory.
- b. No loading space shall be located in any front yard, nor shall it permit any vehicle to extend into any front yard or across any lot lines of a more restrictive district while the vehicle is being loaded or unloaded.
- c. No part of any loading space shall be located closer than 50 feet from any zoning lot in a residential district, nor less than 25 feet from the intersection of two or more streets.

#### 2. Dimensions

Loading spaces shall have a minimum width of 12 feet, a minimum length of 40 feet and a minimum vertical clearance of 15 feet.

#### 3. Access

- a. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The zoning officer shall approve access to and from loading spaces.
- b. No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.
- c. Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

**4. Screening**

- a. All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.
- b. The screening material shall be at least six feet in height and 100% opaque and shall satisfy the buffer requirements of the most restrictive adjacent district.
- c. Screening areas shall also be subject to applicable requirements and standards in Section 5.07: Screening Requirements.

**5. Surfacing**

All loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials.

**6. Drainage**

All loading space areas shall provide for the proper drainage of surface water in accordance with all applicable federal, state, and county runoff control and sediment abatement regulations, to prevent the drainage of such water onto adjacent properties and onto sidewalks.

**7. Repair and Service**

No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential or business districts.

**8. Lighting**

The lighting of off-street loading areas shall be regulated by Section 5.07: Screening Requirements and shall only consist of full cut off lighting fixtures.

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## **Section 6.09: Parking and Storage of Recreational Vehicles and Other Equipment**

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The parking of recreational vehicles and trailers in residential districts shall be subject to the following regulations:

- A. A parked or stored recreational vehicle or trailer shall not be connected to water, gas, or sanitary sewer facilities and at no time shall this equipment be used for living or housekeeping purposes.
- B. If the recreational vehicle or trailer is parked or stored outside of a garage, it shall be parked or stored no closer to the street than the nearest foundation line of the house.
- C. Notwithstanding the provisions of this section, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for a period of not more than 48 hours.
- D. One recreational vehicle, one boat, and one trailer may be placed on a zoning lot in accordance with this section.

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## **Section 6.10: Parking and Storage of Tractor Trailers**

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The parking of tractor trailers in residential districts shall be subject to the following regulations:

- A. Tractor trailer parking and the outdoor storage of tractor trailers shall not be permitted in residential districts. The temporary parking for the delivery of goods and/or services is exempted from this provision.
- B. Except as otherwise stated, parking of trucks over 7,500 pounds gross vehicle weight and eight feet in height, buses, mobile homes and semi-tractor and/or trailers shall not be permitted as an accessory use other than those utilized for daily business or manufacturing use.

# Chapter 7: Signs

## Section 7.01: Purpose

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The purpose of this chapter is 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.

- A.** The purpose as stated above is based on the following findings concerning signs as upheld by case law:
- 1.** That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and manmade beauty of the village, and as such are detrimental to the public health, safety and general welfare of the village.
  - 2.** 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.
  - 3.** That the intent of signs and outdoor advertising signs is to attract the attention of drivers, thus distracting them from their driving task and creating an increased risk of accidents.
  - 4.** That there is a relationship between traffic safety and the regulation of signs and a particular relationship between traffic safety and large outdoor signs such as outdoor advertising signs.
- B.** More specifically, this chapter is intended to:
- 1.** Promote and protect public health, safety and welfare by regulating existing and proposed outdoor signage and associated illumination in a manner that will provide for the minimal amount demonstrated absolutely necessary for identification, informational and directional purposes in order to sufficiently serve the public and private concerns.
  - 2.** Protect property values from detrimental visual impacts that could otherwise result from an over proliferation of unrestricted signage.
  - 3.** Create an attractive and effective business environment by providing design specifications and restrictions as to the types, sizes and locations of outdoor signage permitted, inclusive of lighting and landscaping, as applicable.
  - 4.** Enhance and protect the developed appearance of Piketon, by causing signage to be well organized, helpful and informative in directing the viewing public and identifying signage dependant uses, without being visually distractive, overwhelming and unsafe in doing so.
  - 5.** Preserve and promote the scenic beauty of natural and developing areas in Piketon by preventing or restricting the size, type, number and location of signage and lighting devices in and around them.
  - 6.** Minimize signage and related lighting to prevent visual distractions and sight obstructions which would pose an accident hazard to viewing pedestrians and/or motorists.
  - 7.** Reduce hazards which might be caused by signs hanging over, projecting into or abutting public rights-of-way and/or erected in a structurally overwhelming or visually intrusive or obstructive manner.
  - 8.** Enhance community development and prevent visual deterioration of its natural environment and open space by regulating against objectionable types, sizes, numbers and locations of signage and lighting.
  - 9.** Protect first amendment rights to allow freedom of speech and expression.

## Section 7.02: Applicability

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- A.** The regulations contained within this chapter shall apply to all signs and to all zoning districts.

- B. No sign shall be erected, established, modified, created, or maintained in Piketon without the issuance of a zoning permit and the payment of fees unless otherwise exempted in this chapter. The zoning permit review procedures are provided for in Section 3.04: Zoning Permits.
- C. No zoning permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.
- D. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electrical code in effect.
- E. **NONCOMMERCIAL SIGN AND MESSAGE SUBSTITUTION**
  - 1. Wherever a commercial sign is allowed or permitted under this chapter, an owner may place a noncommercial sign, subject to the time, place and manner provisions of this chapter, without applying for a permit and/or paying a fee that otherwise would be required for the placement of a commercial sign on the lot.
  - 2. The owner of any sign which is otherwise allowed by this chapter may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary.
  - 3. Message substitution under this section does not:
    - a. Create a right to increase the total amount of signage on a parcel, lot or land use;
    - b. Affect the requirement that a sign structure or mounting device be properly permitted under this chapter;
    - c. Allow a change in the physical structure of a sign or its mounting device; or
    - d. Authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

## Section 7.03: Rules of Measurement and Computation

The following principles shall control the computations of sign area and sign height.

### A. SIGN FACE OR AREA

- 1. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color that is an integral part of the background of the display or used to differentiate the sign from backdrop or structure against which it is placed.
- 2. The calculation for the sign face area does not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined by the zoning officer to constitute an integral part of the sign design or is determined to be designed to attract attention. See Figure 7-1.



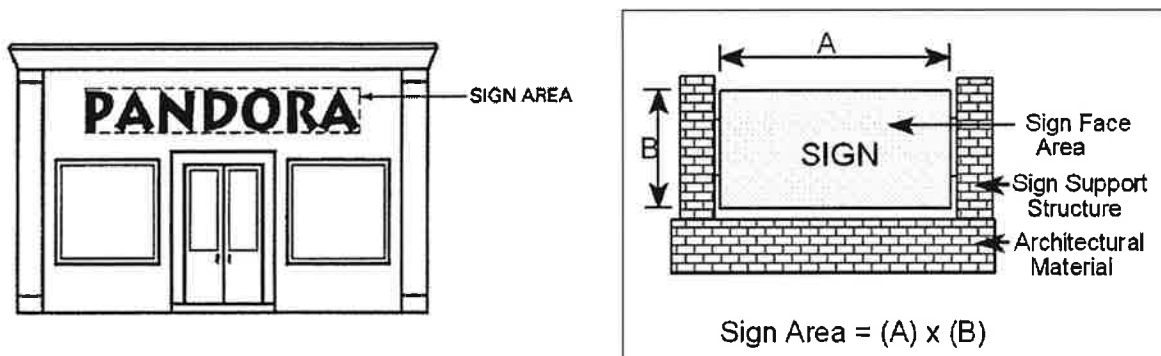


Figure 7-1: Illustration of sign area calculation for a wall sign (left) and a ground sign (right).

3. The sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces visible from any one point.
4. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces.
5. In the case of irregularly shaped three dimensional signs, the area of the display surface shall be measured on the plane of the largest vertical cross section.

**B. STREET AND BUILDING FRONTAGE**

1. When calculating street frontage, only the street frontage that lies in the village shall be used in the calculation.
2. For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
3. The building frontage is the length of an outside building wall facing a public or private street.

**C. WINDOW AREA**

Where the sign area is based on the total window area, the window area shall be calculated as the total area of glass windows on the building frontage.

**D. SIGN HEIGHT**

1. The height of a sign shall be computed as the distance from the average natural grade at the base of the sign or support structure to the top of the highest attached component of the sign.
2. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the average natural grade, where the sign is to be located, prior to the addition of the sign.

**E. SIGN SETBACKS**

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

**Section 7.04: Signs Exempt from this Chapter**

The following signs and messages are exempt from the regulations of this chapter:

- A. TEMPORARY NONCOMMERCIAL SPEECH SIGNS**
- 1.** Temporary noncommercial speech signs shall not be posted in any place or in any manner that is destructive to public property upon posting or removal.
  - 2.** Temporary noncommercial speech signs shall be set back a minimum of 10 feet from the street right-of-way line.
  - 3.** The maximum height of temporary noncommercial speech signs shall be eight feet.
- B.** Signs bearing no commercial message and installed by employees or officials of a village, city, county, state or federal agency in the course of their governmental duties.
- C.** Other signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message.
- D.** Reflectors and safety signs or devices used to mark driveways, towers and potentially dangerous structures or situations provided such signs and devices do not display commercial messages.
- E.** Signs required by a state or federal statute.
- F.** Signs required by an order of a court of competent jurisdiction.
- G.** Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message necessary to identify the use.
- H.** Signs installed by a transit company with a franchise or other right to operate in Pike County, where such signs are installed along its routes.
- I.** The flag or insignia of any nation, state, city or other political unit and/or any organization, whether for-profit or not-for-profit. Such flags may contain any noncommercial message but shall contain no commercial message other than the name and/or symbol of an entity. Where applicable, flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes (Public Law 829, "The Flag Code"). Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.
- J.** Commemorative plaques placed on a structure by recognized historical agencies; such a sign shall bear no commercial message unless it meets all of the standards for a sign bearing a commercial message at that location. Such signs shall not exceed six square feet in area and shall not be illuminated.
- K.** Name and/or address descriptions mounted to the front wall of a building or to a lamppost in the front yard not to exceed two square feet in sign area (e.g., street numbers).
- L.** Window signs. The window signs shall be so located as to allow clear visibility into the building for the purposes of fire and police protection.
- M.** Interior signs within a building, stadium, open-air theater, shopping center, arena or other use of which signs can be viewed only by persons within such building, stadium, open-air theater, shopping center, arena or other use.
- N.** Directional ground monument signs, with no commercial message, not-to-exceed two signs per driveway indicating entrance and exit locations with a maximum permitted sign area of three square feet and a maximum height of four feet.
- O.** Any work of art that does not display a commercial message provided that the work of art meets all other applicable standards of this ordinance.
- P.** Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. Architectural features include any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms that enhance the site in general.

- Q.** Lights and decorations containing no commercial message, and displayed during the winter holiday season. Such decorations may blink, flash, or move. No such decorations shall interfere with traffic, present any hazard, or be detrimental to public health, safety, or morals.
- R.** Routine maintenance of any sign, not involving structural changes to the sign.
- S.** Changes of message, either manually or electronically, on a message board or reader board, subject to limitations in this chapter.

## **Section 7.05: Prohibited Signs**

The following signs are specifically prohibited in the village:

- A.** Signs in the right-of way unless specifically permitted in this chapter. (See also Section 7.04: Signs Exempt from this Chapter.)
- B.** Roof signs and signs that extend above or beyond the building façade, except as otherwise specifically permitted in this chapter.
- C.** Signs emitting sounds.
- D.** All portable advertising signs (mobile signs on wheels, etc.) and signs mounted, attached, painted, etc. on trailers, boats or motor vehicles except those on licensed commercial delivery and service vehicles (See Figure 7-2.).
- E.** Beacons and searchlights, except for emergency purposes.
- F.** Off-premise signs unless permitted as an outdoor advertising sign (billboard) in accordance with Section 7.06:C. Outdoor Advertising Signs (Billboard).
- G.** Flashing, moving, blinking, racer type, intermittent, rotating, or revolving signs, whirligig devices, inflatable signs and tethered balloons, ribbons, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices.
- H.** Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention-getting, identification or advertising purposes.



Figure 7-2: Examples of prohibited sign types.

## Section 7.06: Permitted Signs

The following are provisions for permitted, permanent signs that require a zoning permit.

### A. SIGNS IN RESIDENTIAL DISTRICTS

The following permanent signs may be permitted in the residential districts and shall require a permit.

#### 1. Ground Signs

Permanent ground signs for each subdivision, multi-family development, or nonresidential use permitted in a residential district are permitted provided that the sign meets the following requirements:

- a. One entrance monument sign may be permitted at each residential development entrance along a public road.
- b. One ground sign may be permitted for any permitted nonresidential use.
- c. The sign shall be set back a minimum of five feet from the public right-of-way line, or any side or rear lot line of a zoning lot.
- d. The maximum sign area shall be 32 square feet per side (two sides maximum).
- e. The maximum height of the entrance monument sign shall be five feet.
- f. The maximum height for a ground sign for any permitted nonresidential use shall be 15 feet.
- g. The sign shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area.
- h. For nonresidential uses, the ground sign may include a changeable copy sign that meets the following requirements:
  - i. The sign may include a changeable copy sign provided that it does not comprise more than 75% of the total sign area. See Figure 7-3.
  - ii. The changeable copy sign may be manually changed or may be an electronic message sign but electronic message areas shall not comprise more than 25% of the total sign area.
  - iii. The electronic message changeable copy shall not change more than one time per 30-second period.
  - iv. The electronic message changeable copy sign shall have an automatic dimming capability that adjusts the brightness to the ambient light at all times of day and night.



Figure 7-3: Illustration of a sign for an institutional use with manual changeable copy on a brick base with foundation plantings.

**2. Wall Signs**

Wall or individual letter signs for each nonresidential use permitted in a residential district are permitted provided that the sign meets the following requirements:

- a. One wall sign may be permitted.
- b. Signs may be single-faced only.
- c. The maximum sign area shall be one square foot of sign area for each one lineal foot of building frontage not to exceed 50 square feet.
- d. The sign shall not include any changeable copy.

**B. SIGNS IN NONRESIDENTIAL DISTRICTS**

The following regulations apply to permanent signs in nonresidential districts that require a zoning permit.

**1. Freestanding Signs**

- a. One freestanding sign is permitted per zoning lot, except as otherwise permitted in this subsection.
- b. The maximum sign area shall be 100 square feet.
- c. The maximum sign height shall be 30 feet.
- d. All signs shall be set back a minimum of five feet from the right-of-way, or any side or rear lot line of a zoning lot.

**e. Signs for Large Floor Area Structures**

- i. An office building, office park or campus, retail shopping center, multi-tenant building or other property with at least 40,000 square feet of retail, office, or industrial floor area is permitted one freestanding sign.
- ii. The maximum sign area of the freestanding sign is 150 square feet.
- iii. The maximum height of the freestanding sign is 20 feet.
- iv. When a freestanding sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.
- v. Such sign shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area.
- vi. In addition to the freestanding sign, one ground sign with a maximum sign area of 50 square feet and a maximum height of seven feet is permitted.

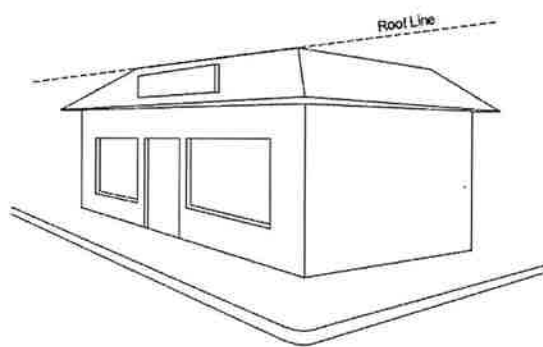
**f. Changeable Copy**

- i. Freestanding signs may include changeable copy that is manually changed or an electronic message sign provided that it does not comprise more than 50% of the total sign area.
- ii. The electronic message changeable copy shall not change more than one time per 60-second period.
- iii. The electronic message changeable copy sign shall have an automatic dimming capability that adjusts the brightness to the ambient light at all times of day and night.

**2. Wall, Projecting, Canopy, or Awning Signs**

Wall signs (integral or attached to a building), projecting, canopy, or awning signs are permitted in accordance with the following:

- a. The maximum square feet of any combination of wall, projecting, canopy, or awning signs on a single structure shall not exceed two square foot per lineal foot of building frontage. The allowable sign area may be allocated to more than one sign.
- b. The above ratio shall apply separately to each building frontage that faces a public or private street.
- c. Allowable sign area may be allocated to a wall that is not building frontage, but the combined sign area shall not exceed the maximum square feet allowed.
- d. No wall sign shall project more than 18 inches beyond any building façade, canopy façade, or wall.
- e. No sign shall project above the roof line. See Figure 7-4.



*Figure 7-4: Illustration of roof line.*

- f. Painted wall signs shall be prohibited.
- g. Signs located on canopies for the sale of automotive fuel shall be considered canopy signs. Such canopies shall be considered a separate structure for the purpose of determining allowable sign area. The maximum square feet of signs on such structure shall not exceed one square foot per lineal foot of canopy building frontage. The allowable sign area may be allocated to more than one sign.

### 3. Fuel Price Displays

Digital fuel price signs are permitted for automotive fuel sales. Such price signs shall be included in the allowable sign area for the use.

### 4. Menu Boards

Menu boards are permitted accessory to uses that are permitted to have a drive-through facility in accordance with the following:

- a. One menu board sign for each stacking lane shall be allowed provided it does not exceed 35 square feet in sign area. Any additional attachments such as pictures or photographs of food and other items shall be included within the maximum signage area.
- b. Menu board signage shall not be included in the total calculated allowed signage for a property.
- c. No menu board sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.
- d. Illuminated menu board signs shall be internally illuminated.
- e. Menu boards shall be reviewed and approved as part of the zoning permit for the drive-through facility or, when a menu board is to be added, as part of a separate zoning permit application.

**C. OUTDOOR ADVERTISING SIGNS (BILLBOARDS)**

1. Outdoor advertising signs are only permitted in the M-I District.
2. No outdoor advertising sign shall be located on a zoning lot that contains another principal structure or use.
3. All outdoor advertising signs shall meet the minimum setback requirements of the M-I District and all properties where such signs are located shall meet the M-I District minimum lot area.
4. The maximum sign area shall be 275 square feet per side with no more than two sides.
5. The height of an outdoor advertising sign shall not exceed 45 feet.
6. Outdoor advertising signs shall be located a minimum of 100 feet from any land zoned for any residential district.
7. Outdoor advertising signs shall be located a minimum of 500 feet from any educational facility, hospital, day care center, park or recreation facility, religious place of worship, or other similar public uses.
8. No outdoor advertising signs shall be located within 500 feet of any other outdoor advertising sign.
9. Outdoor advertising signs located along any federal or state route shall comply with all applicable federal and state regulations including Sections 5516.06 and 5516.061 of the ORC.
10. The illumination of outdoor advertising signs shall comply with the following:
  - a. Outdoor advertising signs located within 1,000 feet of a residential district shall not be illuminated.
  - b. Outdoor advertising signs located in a nonresidential district may be externally illuminated through fixtures located external to the sign face and no internal light sources or light producing elements in the sign face or message media shall be permitted.
  - c. Such illumination shall be concentrated upon the area of the sign face so as to prevent glare upon the roadway or adjacent properties.
11. Electronic changeable messages boards are not permitted on outdoor advertising signs.

## **Section 7.07: Temporary Signs**

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**A. GENERAL DEFINITIONS RELATED TO TEMPORARY SIGNS**

1. Temporary signs shall be as defined in this ordinance and may include, but are not limited to, political signs, real estate signs, and event signs.
2. Temporary signs with a commercial message include, but are not limited to, real estate signs, signs that reference the sale of items or other business related activities, or signs that include text classified as a commercial message.
3. Temporary signs that do not contain a commercial message include, but are not limited to, political signs and any other sign with text that is not classified as a commercial message. See Section 7.04:A Temporary Noncommercial Speech Signs.

**B. STANDARDS THAT APPLY TO ALL TEMPORARY SIGNS**

1. No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured by any permanent means to any building, permanent sign, other structure, or improvement, or to the ground upon which it is erected.
2. No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roof of a structure.

3. No temporary sign shall be illuminated by anything other than non-reflected daylight, except by variance issued by the ZBA.
4. No temporary sign shall be located in a right-of-way.

**C. TEMPORARY SIGNS FOR DEVELOPMENT/CONSTRUCTION**

1. One temporary, on-premise sign may be posted on the site where a development project or subdivision is under construction.
2. The sign may be posted 60 days prior to, and throughout the duration of, construction.
3. Such sign shall not exceed 64 square feet in area per side (two sides maximum).
4. The maximum height of the sign shall be 10 feet.
5. The sign shall be set back a minimum of 15 feet from the right-of-way line.
6. The applicant must submit a request to renew the applicable zoning permit every six months.

**D. TEMPORARY SIGNS FOR EVENTS**

1. One temporary, on-premise sign may be used announcing events on-site and may be erected 30 days prior to the event and must be removed one week after the event with the occurrence of no more than twice a year or as approved by the zoning officer.
2. Such signs shall not exceed 32 square feet in area per side (two sides maximum).
3. The maximum height of the sign shall be seven feet.
4. The sign shall be set back a minimum of five feet from the right-of-way line.

**E. TEMPORARY SIGNS ON PROPERTIES FOR LEASE OR SALE**

**1. Temporary Signs on Properties for Lease or Sale in Residential Districts**

Up to two temporary signs that contain a commercial message may be permitted on an individual lot (without a zoning permit). Such signs shall be limited to six square feet or less in sign area and five feet in height.

**2. Temporary Signs on Properties for Lease or Sale in Nonresidential Districts**

- a. Up to two temporary signs that contain a commercial message may be permitted on an individual lot (without a zoning permit). Such signs shall be limited to six square feet or less in sign area and five feet in height.
- b. In addition to the above two temporary signs, a larger temporary sign is allowed in a nonresidential district provided it complies with the following requirements:
  - i. The owner of the property where the sign will be located shall apply for and receive a zoning permit for the sign;
  - ii. There shall be a limit of one sign per zoning lot and such sign shall not exceed 32 square feet per side with a maximum of two sides;
  - iii. The maximum height shall be seven feet; and
  - iv. The applicant must submit a request to renew the applicable zoning permit every six months.



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## Section 7.08: Enforcement and Maintenance

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### A. REMOVAL OF SIGNS BY THE ZONING OFFICER

1. The zoning officer shall have the authority to have any temporary or permanent sign removed that constitutes a public nuisance in that it endangers the public health or safety. This may include situations such as a sign which has been abandoned or is illegal as defined in this ordinance, dangerous, materially, electrically, or structurally defective as may be identified by the zoning officer. The zoning officer shall keep the sign at the village offices until such time the sign may be lawfully disposed of or returned pursuant to Section 7.08:A.6.
2. The zoning officer shall also have the authority to have any sign (except a valid nonconforming sign) removed that does not have a zoning permit or a sign that is not in compliance with the zoning permit issued.
3. Before removing any such sign, the zoning officer shall first make all reasonable efforts to prepare and serve upon the property owner or occupant a notice which describes the sign and specifies the violation involved. This notice shall require that a permanent sign be removed or the violation corrected within the next 10 days. If no emergency exists and the notice is not complied with, the zoning officer will institute legal proceedings for removal of the sign and for a possible violation of the zoning ordinance as required by law.
4. All notices issued by a zoning officer may be served by certified mail or delivery to the property owner, current occupant, or to a person temporarily or permanently in charge of the establishment or the sign owner in the case of temporary signs. Any time periods provided in this section shall be deemed to commence on the date of the service of the notice.
5. The property owner and current occupant shall be jointly and severally obligated to reimburse the village immediately for all third party and administrative expenses incurred in removing any sign including, but not limited to, costs to village of time of village employees. If the violations are corrected and removal obligations paid, the property owner, the occupant or the sign owner of temporary sign may reclaim the sign from the village.
6. The sign shall become the property of the Village of Piketon after 30 days if removal costs are not paid or if violations are not corrected. Thereafter, the sign shall be disposed of in any manner deemed appropriate by the village council. This possible result shall also be explained by the served notice.

### B. REMOVAL OF UNLAWFUL SIGN IN THE PUBLIC RIGHTS-OF-WAY

Signs, other than those installed by the village, county, city, state, or federal government, are specifically prohibited in the public right-of-way. The village shall remove or cause to be removed from the public right-of-way any sign other than governmental signs as referenced above. Such removal authority must be exercised in a nondiscriminatory manner.

### C. MAINTENANCE OF SIGNS

1. All signs as herein permitted shall be constructed and maintained and illuminated in a safe manner, comply with applicable codes and be kept in good repair.
  - a. Signs shall be free from rust, dust, dirt, and other such debris.
  - b. Exposed surfaces shall be clean and painted if paint is required.
  - c. Defective parts shall be replaced.
  - d. The zoning officer shall have the right to order the repair or removal of any sign that is defective, damaged, or substantially deteriorated. Such sign shall be repaired or removed by the owner, agent, or person having the beneficial use of the sign within 30 days after notification to the owner from the zoning officer.

2. Signs shall not be constructed, maintained, and/or illuminated in such a manner as to create or allow the obstruction of vision or drivers, pedestrians, or the general public, or create a fire or safety hazard. Signs shall be subject to the vision clearance regulations of Section 5.05: Traffic Safety Visibility Triangle.

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## **Section 7.09: Nonconforming Sign Regulations**

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Notwithstanding any provision of this subsection to the contrary, all signs erected following the effective date of these regulations shall comply with all the provisions of this chapter. All signs that are in existence on the effective date of these regulations, that do not conform with the standards of this chapter, shall be considered nonconforming uses and shall be subject to the following provisions:

- A. Changes in words, symbols, or messages shall not be made on nonconforming signs unless the sign is specifically designed for periodic change of message.
- B. Nonconforming signs shall not be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated without complying with the standards of this chapter, except that the ZBA may grant a change that will result in a decrease in the nonconformity of the sign.
- C. Nonconforming signs shall be subject to the provisions of Section 8.06: Nonconforming Structures or Sites.
- D. Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs, and neon tubing repair shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this chapter.

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## **Section 7.10: Illegal Signs**

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- A. Any sign which is contrary to the requirements of this ordinance and which does not satisfy the nonconforming specifications stated in this ordinance shall be deemed an illegal sign.
- B. Signs that were illegally erected, established, or maintained with respect to the applicable requirements of prior ordinances shall be removed or brought into compliance with this zoning ordinance per the requirements and procedures of Chapter 9: Penalties and Enforcement.

# Chapter 8: Nonconformities

## Section 8.01: Purpose

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Within the districts established by this zoning ordinance, some lots, uses of land or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this zoning ordinance, but that are prohibited, regulated, or restricted under the terms of this amended zoning ordinance. The purpose of this chapter is to outline provisions related to the continuance of those existing uses, lands, and structures.

## Section 8.02: General Provisions

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- A. Any lawfully established use of a building, structure, or land, on the effective date of this ordinance or of amendments hereto, that does not conform to the use regulations for the district in which it is located may be continued although such use does not conform with the provisions of this zoning ordinance, except as otherwise provided herein.
- B. Any legal nonconforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- C. Passage of this zoning ordinance in no way legalizes any illegal uses existing at the time of its adoption.
- D. Any building, structure, land or use which hereafter becomes nonconforming due to any reclassification of districts under this ordinance, or any subsequent change in the regulations of this ordinance, shall be considered nonconforming. Any time periods specified for discontinuance of nonconforming uses shall be measured from the date of such reclassification or change.

## Section 8.03: Nonconformities and Variances

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- A. Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use.
- B. The granting of a variance for a lot, site, structure, or use that would otherwise comply with this ordinance shall not create a nonconformity upon the approval of the variance.
- C. When a property owner or authorized agent is granted a variance for a nonconforming lot, site, or structure that addresses the nonconformity, the lot, site, or structure shall no longer be considered nonconforming.
- D. If a property owner or authorized agent is granted a variance for a nonconforming lot, site, or structure that addresses some nonconformities but additional nonconformities continue, the lot, site, or structure shall still be considered a legal nonconformity.

## Section 8.04: Nonconforming Uses

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- A. An existing building or premises devoted to a use that is not permitted by this zoning ordinance in the applicable zoning district, except when required to do so by law or order, shall not be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the applicable zoning district.

- B.** Whenever a nonconforming use of a building or structure or part thereof, has been discontinued for a period of six months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformance with the regulations of the district, except, whenever a nonconforming use dependent on seasonal trade has been discontinued for a period of one year, such use shall not thereafter be established and any future use shall be in conformity with the provisions herein.
- C.** Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six months shall constitute abandonment, and the premises shall not thereafter be used in a nonconforming manner.
- D.** Normal maintenance and incidental repair of a building or other structure containing a nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- E.** No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:

  - 1.** When the alteration is required by law;
  - 2.** When the alteration will actually result in eliminating the nonconforming use;
  - 3.** A building in a residence district containing residential nonconforming uses may be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.
- F. DAMAGE AND DESTRUCTION**

  - 1.** If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of 50% or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located.
  - 2.** In the event the damage or destruction is less than 50% of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction.
  - 3.** In either event, restoration or repair of the building or other structure must be started within a period of six months from the date of damage or destruction, and diligently prosecuted to completion.
- G. ADDITIONS AND ENLARGEMENTS**

  - 1.** A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located.
  - 2.** No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
  - 3.** No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this ordinance, or to displace any conforming use in the same building or on the same parcel of land.
  - 4.** A building or structure which is nonconforming with respect to yards, floor area ratio, or any other element of bulk shall not be altered or expanded in any manner which would increase the degree or extent of the non-conformity with respect to the regulations for the district in which it is located.

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## **Section 8.05: Nonconforming Lots of Record**

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Where any lot or lots of record exist, as of the effective date of this zoning ordinance, that do not conform to the area and/or frontage requirements of this zoning ordinance, development in accordance with the use and other regulations of the district in which it is located may be permitted on any such lot provided that the lot was subdivided or platted as a separate tax parcel and regardless of whether contiguous parcels are in separate ownership. Where a dimensional variance from any minimum yard or setback requirement is necessary to develop on said lot, an application for dimensional variance shall meet the criteria of this section.

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## **Section 8.06: Nonconforming Structures or Sites**

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Whenever a lawfully existing building or other structure otherwise conforms to the use regulations of this ordinance, but is nonconforming only in the particular manner specified below, the building and use shall be exempt from the requirements of Section 8.04: Nonconforming Uses:

- A. In any residential district, where a dwelling is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.
- B. In any residential district, where a use permitted in the B-1 District occupies ground floor space within a multiple-family dwelling located on a corner lot.
- C. In any nonresidential district, where the use is less distant from a residence district than that specified in the regulations for the district in which it is located.
- D. In any district, where an established building, structure or use is nonconforming with respect to the standards prescribed in this ordinance for any of the following:
  - 1. Front, side, rear or transitional yards.
  - 2. Off-street parking or loading.
  - 3. Lot area.
  - 4. Building height.

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## **Section 8.07: Burden of Proof**

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An applicant for any development review procedure that deals with a nonconforming use shall bear the burden of proof in demonstrating that the use was a legal nonconforming use on the effective date of this zoning ordinance.

# Chapter 9: Penalties and Enforcement

## Section 9.01: Enforcing Officer

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The zoning officer is hereby designated as the enforcing officer of this ordinance. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations, and administer the provisions of this ordinance. The zoning officer may be assisted by other personnel as the village council may authorize.

## Section 9.02: Remedies

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If any building or land is used, altered, constructed, enlarged or any such action proposed in violation of the provisions of this ordinance or any amendment or supplement thereto, the village solicitor, the enforcing officer, any person or any property owner damaged by or subject to damage by such violation in addition to remedies provided by law is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alterations, enlargement, change, maintenance or use.

## Section 9.03: Notice of Violation

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The notice of any violation of the zoning ordinance shall be as follows:

- A. Whenever the zoning officer determines that there is a violation of any provision of this zoning ordinance, 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 ordinance 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 16 years or older; or
  - 2. By certified mail, and first class simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when a certified mail receipt is received or first class mail is not returned after 10 days of mailing; or
  - 3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

## Section 9.04: Penalties

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Any person, firm or corporation violating any regulation, provision, amendment or supplement to this ordinance, or failing to obey any lawful order of the zoning officer issued pursuant thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$250.00 or the maximum amount allowed by the law. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

### **Section 9.05: Affected Dates**

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The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

### **Section 9.06: Other Actions**

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Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation including issuing a misdemeanor citation for a continuing zoning ordinance violation.

# Chapter 10: Definitions

## Section 10.01: Rules of Construction and Interpretation

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### A. INTENT

All provisions, terms, phrases, and expressions contained in this zoning ordinance shall be construed according to stated purpose and intent of this zoning ordinance.

### B. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

### C. REFERENCES TO OTHER REGULATIONS, PUBLICATIONS AND DOCUMENTS

Whenever reference is made to an ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), ordinance, statute, or document, or to the relevant successor document, unless otherwise expressly stated.

### D. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the Village of Piketon, unless otherwise expressly stated.

### E. DELEGATION OF AUTHORITY

Whenever a provision appears requiring the head of a department or another officer or employee of the village to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

### F. TECHNICAL WORDS

Technical words and phrases not otherwise defined in this zoning ordinance that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### G. MANDATORY AND DISCRETIONARY TERMS

The word "shall" is always mandatory, and the words "may" or "should" are always permissive.

### H. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events shall apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

### I. TENSE AND USAGE

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

### J. GENDER

The masculine shall include the feminine, and vice versa.

### K. MEANING

For the purpose of this zoning ordinance, words and phrases shall have the meanings set forth in this chapter.



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**L. OTHER TERMS NOT DEFINED**

Words and phrases not otherwise defined in this zoning ordinance shall be construed according to the common and approved usage of American English.

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**Section 10.02: Definitions**

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**Abutting or Adjacent**

The land, zoning lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

**Accessory Building, Structure, or Use**

See definitions under “building, accessory”, “structure, accessory”, or “use, accessory.”

**Accessory Retail Sales**

The sale of products manufactured, produced, stored, or marketed on-site at an office, office-warehouse, or industrial use.

**Active Park or Recreation Facility**

Any park or recreational facility that requires grading of the land (beyond minor grading or revegetation), construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, golf courses, and other similar outdoor facilities with the exception of bike and hike trails.

**Adult Entertainment Establishment**

An establishment having a significant portion of its function as presenting adult material or entertainment. The following are categorized as adult entertainment establishments:

- **Adult Arcade** – Any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing of “specified sexual activities” or “specified anatomical areas.”
- **Adult Book Store, Adult Novelty Store or Adult Video Store** – A commercial establishment that has as a significant or substantial portion of its stock in trade or inventory in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.
- **Adult Entertainment** – The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.
- **Adult Entertainment Establishment** – An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or semi-nude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Section 4731.15 of the Revised Code, is not an “adult entertainment establishment”.
- **Adult Materials** – Any book, novelty, sexual paraphernalia, sex toy, sexual devise, magazine, periodical, newspaper, pamphlet, poster, print picture, slide, transparency, figure, image, description, motion picture film, video, phonographic record or tape, compact disc (CD), digital video disc (DVD), computer hardware or software, or other tangible thing that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- **Adult Mini Motion Picture Theater** – A facility with a capacity for less than 50 persons, which in exchange for any form of consideration, presents adult material for observation by patrons therein.

- **Adult Motel or Hotel** – An establishment offering 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, characterized by the depiction of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this type of material by means of a sign visible from the public right-of-way, or by means of off-premises advertising; or offers a sleeping room for rent for a period of time less than 10 hours; or allows a tenant or occupant to sub-rent the sleeping room for a period of time less than 10 hours.
- **Adult Motion Picture Theater** – A commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five individuals for any form of consideration.
- **Adult Theater** – A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.
- **Escort Agency** – A person or business association that, for any form of consideration, furnishes, or offers to furnish an escort(s), guide(s), date(s), or companion(s) for another person.
- **Massage** – A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.
- **Massage Establishments** – Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder, or recreation centers and sports complexes.
- **Nude Model Studio** – Any place where a person, who regularly appears in a state of nudity, semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons. A modeling class or studio is not a nude or semi-nude model studio and is not subject to this chapter if it is operated in any of the following ways: (i) By a college or university supported entirely or partly by taxation; (ii) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation; (iii) In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or semi-nude model is on the premises at any one time.
- **Sexual Device** – Any three-dimensional object designed and marketed for stimulation of the male or female human genitals or anus or female breasts or for sadomasochistic use or abuse of oneself or others, including, but not limited to, dildos, vibrators, penis pumps, and physical representations of the human genital organs, but not including devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
- **Sexual Device Shop** – A commercial establishment that regularly features sexual devices, but not including any pharmacy, drug store, medical clinic, or establishment primarily dedicated to providing medical or healthcare products or services, and not including any commercial establishment that does not restrict access to its premises by reason of age.
- **Sexual Encounter Center** – A business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between individuals of the opposite sex when one or more of the individuals is nude or semi-nude.
- **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 congregate, associate or consort, for the purpose of specified sexual activities, or the exposure of specified anatomical areas, or activities when one or more of the persons is in a state of nudity or semi-nude (not including an establishment where a medical practitioner, psychologist, psychiatrist or similar person licensed in the State of Ohio, engages in medically approved and recognized sexual therapy).
- **Specified Anatomical Areas** – Anatomical areas that include human genitals, pubic region, or buttocks or human female breast below a point immediately above the top of the areola.
- **Specified Sexual Activities** – Real or simulated sexual intercourse, oral copulation, masturbation, or sodomy, or excretory functions as a part of or in connection with any of these activities.

**Adult Family Home**

A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

**Adult Group Home**

A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for six to 16 unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

**Agriculture - Raising of Crops**

The use of land for field and orchard uses including production of field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree nuts, trees and sod, vegetables. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

**Agriculture - Raising of Livestock**

The use of land for dairying, animal raising, breeding, and pasturage of livestock and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities. The raising of livestock shall not include the commercial feeding of garbage or offal to swine or other animals.

**Alley**

Any public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**Alteration**

Any change, addition, or modification in construction, type of occupancy, increase in floor space, the consummated act of which may be referred to herein as "altered" or "reconstructed."

**Amateur Radio Transmitter or Antenna**

An antenna, related supporting mast or tower, and transmitter used in amateur radio (a.k.a., ham radio) for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

**Ambulance Service**

A facility for the dispatch, storage and maintenance of emergency medical care vehicles.

**Animal Hospital or Veterinary Clinic**

A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of a kennel shall be limited to short-term boarding and shall be related and incidental to the hospital use.

**Appeal**

An appeal of an administrative decision made by the zoning officer, considered by the ZBA, in accordance with Section 3.05: Appeals, Variances and Special Exceptions.

**Applicant**

Unless otherwise specified, an owner of a property or an agent for the owner, including a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to Section 3.04: Zoning Permits.

**Application**

The process by which the applicant submits a request for any type of development review or approval identified in Section 3.04: Zoning Permits of this zoning ordinance. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the village.

**Authorized Agent**

A person with express written consent to act upon another person's behalf.

**Automated Teller Machines (ATM)**

An automated device that performs banking or financial functions.

**Automotive Fuel Sales**

Any building or land 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.

**Automotive Repair**

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of parts to motor vehicles. See also definition for "truck, trailer, and farm implement sales and service."

**Automotive Sales or Rental**

Any building or land used for the display, sale or rental of new or used motor vehicles or trailers in operable condition. See also definition for "truck, trailer, and farm implement sales and service."

**Automotive Service**

Any business that derives or expects to derive more than 50% of its gross revenue from the maintenance of automobiles and trucks. Examples of maintenance include but are not limited to: oil changes, tire replacement, light suspension work, coolant system repair, air conditioning system maintenance and repair, audio, or exhaust system repair. See also definition for "truck, trailer, and farm implement sales and service."

**Automotive Washing Facility**

Any building or land used for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**Awning**

A roof like cover that is temporary or permanent in nature, and that projects from the wall of a building for the purpose of shielding an area of a structure and constructed of a rigid supporting framework with a canvas, vinyl or fabric covering.

**Banner**

Any sign of lightweight fabric or similar material that is mounted to a building or other structure at one or more edges.

**Bar or Tavern**

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises. A tavern shall be this type of establishment where food may also be available for consumption on the premises.

**Basement**

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, except as provided for in the definition of "story" and "story, half."

**Billboard**

See definition for "sign, outdoor advertising".

**Billiard Parlor**

A business establishment containing more than two pool or billiard tables that is the principal use of the business.

**Block**

A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or corporate boundary lines or municipalities.

**Buffer**

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use, no part of which buffer is used for active recreation or parking, or interior access drives. A buffer may include a wall, fence, or mound as provided in accordance with the provisions of Section 5.06: Landscape Buffer Requirements.

**Building**

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.

**Building, Accessory**

A subordinate building, the use of which is incidental to that of the main building or to the principal use of the premises.

**Building Frontage**

See definition of "frontage, building."

**Building Height**

The vertical distance of a building as measured pursuant to Section 5.01: Measurements, Computations and Exceptions.

**Building Material Sales**

An establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures.

**Building, Nonconforming**

A building that lawfully occupied a lot at the effective date of this ordinance, or amendments thereto, and that does not currently conform to the regulations of the applicable zoning district.

**Building or Structure, Nonconforming**

Any building or structure that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such building is being put to use.

**Building, Principal**

The building containing the main or principal uses on the lot.

**Building Trades**

Businesses related to the construction of buildings including, but not limited to, carpentry, electrical, plumbing, and heating/air conditioning, and the like.

**Bulk**

The three dimensional space occupied by a structure or building, defined by its height, width and depth.

**Canopy**

A free standing permanent roof-like shelter not attached to or requiring support from an adjacent structure.

**Cellar**

A story having more than one-half of its height below grade of a building. A cellar shall not be counted for the purposes of height measurement.

**Cemetery**

Land used for the burial of the human dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

**Club, Lodge, or Other Social Meeting Places**

A building and/or facilities owned or operated by a corporation, association, person, or persons for social, educational or recreational purposes but not primarily for profit or to render a service which is customarily carried on as a business.

**Commercial Greenhouse**

A glassed or translucent enclosure used for the cultivation and protection of plants that are in turn sold to retail or wholesale customers and which is not related to an on-premises agricultural use that is otherwise exempt from these regulations.

**Commercial Message**

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

**Community Garden**

A single piece of land that is gardened collectively by a group of people that may include individual garden plots designated for individual gardens. Community gardens may be a principal or accessory use and may include related accessory uses as allowed for in this zoning ordinance.

**Comprehensive Plan**

A long range planning document for the Village of Piketon as adopted by village council, and as amended from time to time.

**Conference Center, Assembly Hall or Banquet Facility**

A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

**Construction Dumpster**

A container used for the temporary storage of rubbish or materials related to the related construction site or project.

**Construction Trailer**

A mobile home, trailer, or similar temporary structure that is used as an office or for storage in conjunction with a construction project.

**Contractor Offices and Storage**

A use where the principal activity is the storage of equipment and materials related to building or landscaping contractors. Such use may also include office space for the business. Such uses are typically related to the construction industry and building trades, and may include plumbing, heating, roofing, interior remodeling, excavating, and landscaping contractors.

**County**

Pike County, Ohio

**Cul-de-Sac**

A dead-end street which includes a turnaround space.

**Dance Hall or Dance Club**

An establishment where members of the public can gather for dancing on a recurring basis, regardless if there is a charge for admission.

**Day Care Center**

A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, or other similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period.

**dBA**

See "decibel".

**Decibel**

A unit of measurement of the intensity/loudness of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

**Deck**

A projecting non-enclosed portion of a house located at a height of less than eight feet above the ground. Decks may be covered or uncovered by a canopy or awning.

**Density**

The quotient of the total number of dwelling units as divided by total area of the site. Unless otherwise specified in this ordinance, density shall mean gross density as defined in "density, gross."

**Detached Accessory Building**

A detached accessory building is a "building" that is clearly accessory and incidental to the principal use of the lot. Detached accessory buildings may include, but are not limited to, detached garages, storage sheds, and utility sheds.

**District**

See "zoning district."

**District, Nonresidential**

Any property or portion thereof located within the incorporated area of Piketon that has been established as a B-I or M-I zoning district according to the terms set forth in this zoning ordinance.

**District, Residential**

Residential district means any property or portion thereof located within the incorporated area of Piketon that has been established as a R-1, R-2, or R-3 zoning district according to the terms set forth in this zoning ordinance.

**Drive-Through Facility**

Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

**Driveway**

A private way, other than a street or alley, that provides access to one lot of record for the use of vehicles and pedestrians unless approval has been granted for a shared driveway in which case, the driveway may serve multiple uses.

**Dwelling**

A building or portion thereof designed or intended to be used exclusively for residence purposes, but not including a hotel, motel, tent, cabin, trailer or trailer coach, or camper on truck.

**Dwelling, Attached**

A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

**Dwelling, Multiple-Family**

A building or portion thereof designed for or occupied by more than two non-transient families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit. Multiple-family dwelling shall include apartment buildings, elderly housing, and buildings where three or more dwellings are attached by common walls or floors within a single structure.

**Dwelling, One-Family**

A building designed for or occupied exclusively by one non-transient family or housekeeping unit.

**Dwelling, Two-Family**

A building designed for or occupied exclusively by two non-transient families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit.

**Easement**

Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

**Educational Facility, Higher**

Buildings or structures used to teach students at a level beyond primary schools, elementary schools, middle schools, and high schools. Higher educational facilities shall include, but not be limited to, colleges, vocational schools, universities, training centers and other similar uses.

**Educational Institution Facility**

Buildings or structures used to teach students. Educational facilities may include primary schools, elementary schools, middle schools, or high schools. Educational facilities shall not include colleges, vocational schools, and other similar uses.

**Entrance Monument**

A fence, wall, or sign located at the entrance of a subdivision or development that identifies the name of the subdivision or development.

**Excavation**

The process of altering the natural grade/elevation by cutting, filling, or moving the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

**Expansion**

An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures.

**Family**

A person living alone, or two or more persons customarily living together as a single housekeeping unit and using common cooking facilities as distinguished from a group occupying a hotel, club, boarding or lodging house, motel, sorority house, fraternity house or group home.

**Fence**

An artificial barrier or divider constructed to prevent escape or intrusion, to mark a boundary, or to enclose an area.

**Financial Institution**

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, credit unions, savings and loan institutions, mortgage companies and facilities for automated teller machines (ATMs).

**Flag**

Any fabric, banner, pennant, burgee or bunting containing distinct colors, patterns, symbols or insignia of any nation, state, city or other political unit and/or any organization, whether for-profit or not-for-profit, but not including a commercial message.

**Floodplain**

The land area susceptible to inundation by water as a result of a flood and for the purposes of this ordinance shall mean the 100-year and 500-year floodplain as determined by the Federal Emergency Management Agency.

**Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floodway Fringe**

Those portions of the floodplain, other than the floodway, which can be filled or otherwise obstructed without causing substantially higher flood levels or flow velocities.

**Footcandle**

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

**Frontage, Building**

The length of an enclosed building facing a public or private street. See Figure 10-1.

**Frontage, Street**

The length of the property line of any one premises along a public right-of-way on which it borders. See Figure 10-1.

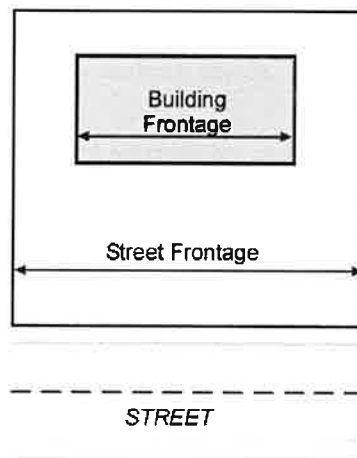


Figure 10-1: An illustration of street frontage versus building frontage.



**Funeral Home**

A building or part thereof used for human funeral services and which may include space for the embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns, and other related supplies, the storage of funeral vehicles, facilities for cremation, chapels, and other related uses.

**Garage**

A detached or semi-detached accessory building or portion of the principal building used for the storage of motor vehicles, boats and their trailers, by the occupants of the premises. Garages in certain nonresidential districts may be used for the repair or servicing of vehicles if the use is permitted within the applicable zoning district.

**Glare**

Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

**Grade**

The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

**Grass**

A species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

**Gravel Surface Parking Lots**

An area designated for the parking or temporary storage of vehicles that is surfaced with gravel or other types of crushed stone to create a temporary parking surface.

**Ground Cover**

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

**Hedge**

A line of closely spaced shrubs and tree species, planted and trained in such a way as to form a barrier, screen, or to mark the boundary of an area.

**Home Occupation**

Any occupation, profession, activity or use which is customarily incidental 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.

**Hospital**

A facility providing physical or mental health services, inpatient or over-night accommodations, and medical or surgical care of the sick or injured.

**Hotel or Motel**

A building in which lodging is provided for transient guests and operated for profit and which may provide additional services such as restaurants, meeting rooms and recreational facilities.

**Housekeeping Unit**

One or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment, hotel, or motel.

**Impervious Surface**

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking and driveways, sidewalks, and pavement.

**Indoor Recreation or Entertainment Facility**

A recreational facility where all activities occur within a fully enclosed building and which is operated for commercial profit. Such uses include, but are not limited to, bowling alleys, dance clubs, movie theaters, and indoor athletic clubs.

**Institutional Housing**

Housing for the elderly or infirm in which three or more unrelated individuals may live on a short-term or long-term basis and where both food and care are provided for compensation. Institutional housing includes, but is not limited to, elderly housing, nursing homes, assisted living facilities, and hospices. Institutional housing shall not include hospitals, medical offices, medical or dental clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured without long-term residency.

**Internet Café**

A place which provides internet access to the public, usually for a fee. These businesses usually provide snacks and drinks, hence the café in the name. The fee for using a computer is usually charged as a time-based rate. This use does not include viewing or ability to view pornographic or sexually oriented materials, and does not include internet sweepstakes establishments.

**Internet Sweepstakes Establishment**

An establishment that promotes the sale of prepaid internet time cards, phone cards or similar device to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows a customer to use the phone card, internet time cards or similar device at a game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like.

**Junk**

Scrap, abandoned or discarded metal, paper, wood, plastic, rubber, glass, building materials, equipment, bottles, appliances, furniture, rags, trash, rubbish, inoperable motor vehicles or parts thereof, or similar materials/items.

**Keeping of Chickens**

The non-commercial raising and caring of female chickens on a residential lot as an accessory use.

**Kennel**

Any structure or premises on which more than five dogs and/or cats that are more than five months of age are kept. Kennel includes facilities that provide daytime care for dogs and/or cats.

**Landscape Material**

Landscaping consists of:

- Material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, and landscape water features; and
- Non-living durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, decorative walls and fences, brick pavers and earthen mounds, but excluding pavements for vehicular use.

**Landscaping**

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

**Light, Cutoff**

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 5.09: Outdoor Lighting.

**Light, Non-Cutoff**

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 5.09: Outdoor Lighting.

**Light Trespass**

Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.

**Livestock**

Generally accepted outdoor farm animals including, but not limited to, cows, goats, horses, pigs, barnyard fowl, etc. Livestock shall not include dogs, cats, and other household pets.

### Loading Space

An off-street space on the same lot with a building, or a group of such buildings and accessory buildings, or utilized for the principal use and accessory use.

### Lot

A parcel of land that is part of a plat, legally recorded in the Pike County Recorder's Office, occupied or intended to be occupied by a principal use or structure.

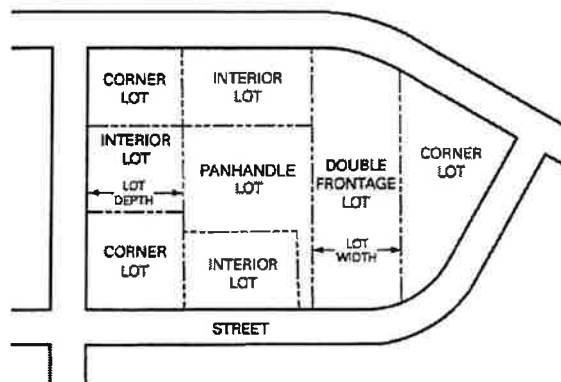


Figure 10-2: Illustration of lot configuration and types.

### Lot Area

The total area within the zoning lot lines of a lot, excluding any street right-of-way or other legal public dedication.

### Lot, Corner

A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees. See Figure 10-2.

### Lot Coverage

That portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways (impervious surfaces).

### Lot, Cul-De-Sac or Curved Street

A lot with frontage along a curved street or cul-de-sac.

### Lot, Double Frontage

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Figure 10-2.

### Lot, Interior

A lot, other than a corner lot, panhandle lot, double frontage lot, or triple frontage lot that includes including those lots that have a front lot line along a street and all other lot lines abutting other lots. See Figure 10-2.

### Lot Line, Front

The front property line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line.

### Lot Line, Rear

A lot line opposite a front yard line. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line.

### Lot Line, Side

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line.

### Lot Lines

The property lines bounding the lot.

**Lot, Nonconforming**

A lot which does not conform to the minimum site development standards for the applicable zoning district.

**Lot of Record**

A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Pike County, or a lot described by metes and bounds, the description and deed of which has been recorded or registered in such office.

**Lot, Panhandle**

A lot not fronting or abutting a public street and where access to the public street is limited to a narrow strip of land. See Figure 10-2.

**Lot Width**

The horizontal distance between the side lot lines measured at the two points where the building line, or setback line, intersects the side lot lines. When the minimum setback line is not perpendicular to the side lot lines, lot width shall be measured at the midpoint of the minimum setback line. See Figure 10-2.

**Lot, Zoning**

A single tract of land located within a single block, which at the time of filing for a zoning permit, is designated by its owner or applicant as a tract to be used, developed or built upon as a unit, under single ownership or control, excluding any street or public right-of-way. Therefore, a zoning lot may or may not coincide with a lot of record.

**Maintenance, Sign**

The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

**Manufactured Home**

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

**Manufactured Home Park**

A parcel or zoning lot upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle parking area, or enclosure used or intended for use as part of the facilities of the park. Manufactured home park does not include any of the following:

- Land used solely for the storage or display for sale of manufactured or mobile homes or used solely for temporary parking of recreational vehicles or trailers.
- Land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the village.
- Land within an area that is subject to the zoning and subdivision regulations of the village and is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

**Manufactured Home, Permanently Sited**

A manufactured home that meets the requirements for a permanently sited manufactured home in Section 4.12:B.5.

**Manufacturing, Heavy**

Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials or processes in the manufacturing or other process.

**Manufacturing, Light**

The assembling, altering, fabricating, finishing, processing, cleaning, servicing, testing, repairing or the treatment or storage of a product within a fully enclosed building and which does not utilize hazardous or dangerous chemicals or processes.

**Maximum Extent Feasible**

No feasible or practical alternative exists, as determined by the zoning officer, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent feasible."

**Medical and Dental Center or Outpatient Clinic**

A building or facility 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, including offices of medical professionals and practitioners.

**Mobile Home**

A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 feet in length or, when erected on site, is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in this ordinance or in division (C)(4) of ORC section 3781.06 or as an industrialized unit as defined in division (C)(3) of ORC section 3781.06.

**Monopole**

A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**Mound**

A mound or berm formed as a result of man-made grading and/or excavation.

**Nameplate**

A sign indicating only the name and/or address of the person, business, or activity occupying the lot or the buildings.

**Night Club**

A place operated for profit, where food is served for consumption on the premises and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons. Not including sexually oriented businesses, game rooms, video arcades.

**Nonconformity**

A use, lot, structure, building, sign, or lighting that does not comply with the provisions of this zoning ordinance. See also the definitions for "use, nonconforming," "lot of record," "building, nonconforming," and "structure, nonconforming."

**Noxious Material**

Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

**Office**

A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

**Office-Warehouse**

A building in which the affairs of an office are conducted in which the storage and service of products may also be conducted. The warehouse use shall be predominant and the office use ancillary to the building. No walk-in retail sales shall be permitted. No outside storage shall be permitted.

**Open Space**

Land used for resource protection, recreation, amenity and/or buffering.

**ORC**

The Ohio Revised Code.

**Outdoor Commercial Recreation or Entertainment Facility**

A recreational facility where some or all activities occur outside of a structure and which is operated for commercial profit. Such uses include, but are not limited to, private ball fields and commercial sports stadiums.

**Outdoor Lighting**

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See Section 6.02: Applicability.

**Outdoor Sales and Displays**

The placement of products or materials for sale or lease outside of a retail or wholesale sales establishment.

**Outdoor Storage**

A lot or facility for the keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

**Owner**

A person recorded as the property owner on official records.

**Parapet or Parapet Wall**

That portion of a building wall that rises above the roof level.

**Parcel**

A distinct portion or tract of land as is recorded and distinguished in the Pike County Auditor's Property Tax Atlas.

**Parking Aisle**

The driveway or access drive by which a car enters and departs a parking space.

**Parking Facility**

A public or private parking lot or structure designed to accommodate vehicular parking spaces for a use located on a separate zoning lot.

**Parking Lot**

A surface level facility providing vehicular parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

**Parking Space**

A designated parking area designed for one vehicle that is exclusive of drives, aisles or entrances giving access thereto.

**Parking Structure**

A structure (e.g., parking garage) providing vehicular parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

**Parks**

Any public land available for recreational, educational, cultural, or aesthetic use.

**Particulate Matter**

Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid atmospheric pressure and temperature.

**Passive Park, Recreation Facility, or Open Space**

Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

**Person**

An individual, corporation, association, firm, partnership or similarly defined interest.

**Plat**

A map or other scale drawing of a lot, or other parcel of ground, showing shape and dimensions.

**Porch**

A covered, but non-enclosed, portion of a house, excluding a carport.

**Premises**

A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

**Private Stable**

Any building, incidental to a residential principal use, that shelters equine for the exclusive use of the occupants of the premises.

**Public and Government Building or Use**

A building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including village, state, county, or other recognized public entity. Such use may include, but is not limited to, village offices, public works, libraries, post offices, and other uses not defined separately within this article. Government and public use shall not include schools or other educational facilities as defined elsewhere in this zoning ordinance.

**Public Hearing**

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed actions, amendments or other official village business which require public participation and input.

**Quorum**

The minimum number of board members that must be present in order to conduct official business or take official action.

**Recorded Subdivision**

A subdivision plan that has been approved by Pike County and recorded with the Pike County Recorder's Office.

**Recreational Vehicle**

Any type of vehicle used primarily for recreational pleasure. Examples include but are not limited to travel trailers, motor homes, boats, and snowmobiles. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

**Reinforced Turf**

Grass grown on a special membrane that is laid over a prepared bedding layer that includes a sub-base designed specifically to support the temporary parking of motor vehicles while having the appearance of a turf lawn.

**Religious Place of Worship**

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to facilitate public worship.

**Research and Development Facility or Laboratory**

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 or facility.

**Residential Facility**

A home or facility, as defined and regulated in Section 5123.19 of the ORC, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living. See also "Adult Family Home" and "Adult Group Home."

**Residential Facility, Large**

A residential facility where there is supervision in a family setting of nine to 16 persons.

**Residential Facility, Small**

A residential facility where there is supervision in a family setting of six to eight persons.

**Restaurant**

An establishment whose principal business is the selling of food and beverages to the customer in ready to consume state, individual servings.

**Retail and Service Commercial Use**

Uses engaged in the sale of goods , materials or services to the general public, including, but not limited to, groceries and other food stores, coffee shops, convenience stores, antique stores, ice cream shops, book stores, drug stores, barber shops, beauty salons, bakeries, dry cleaning, laundromats, tailoring, printers, mailing and shipping stores, shoe repair shop, electrical appliance repair/servicing, and the like.

**Right-of-way**

Land dedicated to or owned by the public for use as a roadway, alley, walk or other way.

**Ringelmann Number**

The number of the area on the Ringelmann Chart by the U.S. Bureau of Mines that coincides most nearly with the visual density of smoke emission.

**Roadside Stand**

The use of any land or a structure for the sale of produce in accordance with the provisions of Section 4.13:E.12.

**Roof Line**

The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**Satellite Dish**

A dish-like antenna used, or intended to be used, to transmit or receive satellite transmissions.

**Screen or Screening**

A visual shield between uses accomplished by the use of mounds, landscaping, walls or other aesthetic means.

**Seasonal Agricultural Sales**

The temporary sale of agricultural products such as fruits, vegetables, and juices where such facilities may sell agricultural products not grown on site. Seasonal sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products.

**Self-Storage Facility or Mini-Warehouse**

A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-storage of personal property.

**Setback**

The minimum distance a building or structure must be built from a property line or road right-of-way as defined further in Section 5.01: Measurements, Computations and Exceptions

**Setback, Front**

The minimum distance required between a building, structure, or improvement and the front lot line.

**Setback Line**

The line created when applying the required setback distance to a lot.

**Setback, Rear**

The minimum distance required between a building, structure, or improvement and the rear lot line.

**Setback, Side**

The minimum distance required between a building, structure, or improvement and a lot line that is shared with another lot.

**Shrub**

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

**Sidewalk**

A pedestrian walkway within a right-of-way of a public street but not on the street surface.



**Sign**

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, or projected images.

**Sign, Abandoned**

A sign or sign structure which no longer correctly directs any activity conducted or product available on the premises where such sign is displayed.

**Sign Area**

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section 7.03:A Sign Face or Area.

**Sign, Awning or Canopy**

Any sign that is painted on, part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area identifying the name of the owner and business, industry, or pursuit conducted within the premises.

**Sign, Changeable Copy**

A sign such as a bulletin board, announcement board, or electronic message sign, where the message or graphics is not permanently affixed to the structure, framing, or background and may be periodically replaced or covered over by electronic or mechanical devices.

**Sign, Directional Ground**

A permanent sign located on private property, at or near the public right-of-way, directing or guiding vehicular or pedestrian traffic on the same property.

**Sign, Electronic Message**

A sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments.

**Sign, Event**

A temporary sign used to display a commercial or noncommercial message related to a special event, offer, service, "now hiring" or other similar notice.

**Sign, Exempt**

Signs exempted from normal permit requirements.

**Sign Face**

The area or display surface used for the message.

**Sign, Flashing**

Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted intermittent light source.

**Sign, Freestanding Pole**

A sign that is supported from the ground by poles or other types of individual supports.

**Sign, Ground**

Any permanent or temporary sign placed on the ground or attached to a supporting structure (not on poles or pylons) and not attached to any building.

**Sign Height**

The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

**Sign, Illegal**

Any sign which is contrary to the requirements of this ordinance and which does not satisfy the nonconforming specifications stated in this ordinance.

**Sign, Menu Board**

Any signage pertaining to items, goods, or services offered by a drive-through business.

**Sign, Moving**

Any sign or part of a sign which changes physical position by any movement or rotation or which gives visual impression of such movement or rotation.

**Sign, Off-Premises**

Any sign, including outdoor advertising signs/billboards, that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

**Sign, On-Premises**

A sign, which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

**Sign, Outdoor Advertising**

Any sign that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

**Sign, Permanent**

A sign permitted by this ordinance to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

**Sign, Portable**

A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels, and signs attached to or painted on a vehicle parked and visible from the public right-of-way, unless such vehicle is used in the day to day operations of a business.

**Sign, Projecting**

A sign attached to a building and extending perpendicular from the building wall.

**Sign, Roof**

Any sign erected, constructed, mounted, or maintained upon or over the roof or parapet wall of a building and having its principal support on the roof or walls of the building.

**Sign, Temporary**

A sign that is designed to be used only temporarily and is not permanently, or intended to be permanently, attached to a building, attached to a structure or installed in the ground.

**Sign, Wall**

A sign fastened to the wall of a building or structure (such as a fence or wall) in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 18 inches from such building or structure. On a wall sign, the exposed face of the sign is in a plane parallel to the plane of said wall or structure.

**Sign, Window**

A sign that is applied or attached to the glass of a window or door, or located inside a building within three feet of a window so that the sign is visible and capable of being read from the outside of the building.

**Site, Nonconforming**

A lot where the use is a conforming use but the site does not meet the parking, signage, landscaping, lighting, or other applicable development standard, but not including any applicable site development standards.

**Small Wind Energy Conservation System**

An engine or motor having a drive shaft driven by the impulse air to create power for the site where such system is located. For the purposes of this zoning ordinance, a small wind energy conservation system is one that creates under 100 Kilowatts of power.

**Solar Panel**

Panels installed on a building or on a lot to allow for the conversion of solar energy to electrical current.

**Stacking Space or Lane**

A lane or area that is specifically designated for cars to “stack” in while utilizing drive-up or drive-through services at uses that may include, but are not limited to, car washes, restaurants, and financial institutions.

**Story**

Part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six feet above grade, such basement shall be considered a story.

**Stream**

A flowing body of water with a current, confined within a bed and stream banks.

**Street**

A public right-of-way which provides a public means of access to abutting property for motor vehicles.

**Street Frontage**

See definition of “frontage, street.”

**Street or Road, Private**

A shared means of vehicular ingress and egress located within an easement of access not dedicated to the public by recorded instrument that is maintained by the party or parties using such private street for private access.

**Street or Road, Public**

A street with the entire width, either curb to curb, or edge of pavement to edge of pavement, open and dedication to the use of the public as a thoroughfare for purposes of vehicular travel. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

**Structural Alteration**

Any change in the structural members of a building, such as walls, columns, beams or girders.

**Structure**

Anything constructed or erected or installed or located, the use of which requires location on the ground or attached to something having location on the ground, including but without limiting the generality of the foregoing, signs, outdoor advertising signs, billboards, fence, free-standing wall, and swimming pools. Includes “building”.

**Structure, Accessory**

A subordinate structure, the use of which is incidental to that of the main structure or to the principal use of the premises.

**Structure, Nonconforming**

A structure that contains a use permitted and approved in the applicable zoning district that does not meet the applicable site development standards.

**Structure, Temporary**

A structure that is not permanently attached to the ground and that is intended to service its purpose in an established timeframe.

**Surface Parking Lot**

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not including vehicular storage or display areas.

**Swimming Pool, Private**

Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their non-paying guests.

**Swimming Pool, Public**

Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not fee is charged for use, but does not mean any private swimming pool or impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.

**Tattoo/Piercing Parlor or Studio**

Businesses that provide tattoo or body piercing services.

**Telecommunication**

The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

**Telecommunication Tower**

Any structure or device, including accessory structures, used to receive or transmit electromagnetic waves between cellular phones, pagers, 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 serve personal communication services.

**Temporary Special Event**

A temporary event including, but not limited to, circuses, festivals, or concerts, that only takes place for a short period of time and is not a regular occurrence on any given site.

**Temporary Storage in a Portable Container**

The temporary storage of materials in a large metal or wooden container, typically intended for transport by large truck, train, or ship.

**Temporary Zoning Permit**

A permit reviewed and approved, approved with conditions, or denied by the zoning officer in accordance with Section 3.04:F Temporary Zoning Permits.

**Tent**

Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and shall include: shelter providing for circuses, carnivals, side shows, revival meetings, camp meetings and all similar meetings or exhibitions in temporary structures.

**Trailer**

See definition for "Vehicle, Recreational".

**Tree, Deciduous**

Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

**Tree, Evergreen**

A tree with foliage that is not dropped, or that remains green throughout the year.

**Truck, Heavy**

Trucks, including truck tractors and similar vehicles with two or more rear axles.

**Truck, Trailer, and Farm Implement Sales and Service**

Any business where the primary business is the sales and/or service of trucks, trailers, and farm implements, whether new or used.

**Type-A Family Day Care Home**

A permanent residence of the provider in which child day care or publicly funded day care is provided for seven to 12 children at one time or is the permanent residence of the provider in which child day care is provided to four to 12 children at one time if four or more children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type-A day care home shall be counted. Type-A day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-A day care homes do not include any child day camp as defined in ORC Section 5104.01.

**Type-B Family Day Care Home**

A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day care homes do not include any child day camp as defined in ORC Section 5104.01.

**Unenclosed Patio**

An uncovered, non-enclosed outdoor hard surfaced area no higher than 18 inches above the ground.

**Use**

Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Use, Accessory**

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.

**Use, Conforming**

A use that is legally permitted and approved in the applicable zoning district.

**Use, Nonconforming**

A use that is not permitted in the applicable zoning district.

**Use, Principal**

The primary use and chief purpose of a lot or structure.

**Use, Temporary**

A use that is not permanent and may be permitted for a specified period of time.

**Variance**

A modification of the terms of this zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this zoning ordinance would result in practical difficulty. See Section 3.05: Appeals, Variances and Special Exceptions.

**Vehicle**

Any contrivance that is used in the public or private transportation of one or more persons, is used in the transportation of goods over public or private property on roadways, or is used in a commercial or agricultural enterprise. A contrivance that is designed to be pushed, pulled, or towed by any self-propelled vehicle is considered a vehicle.

**Vehicle, Inoperable**

Any transportation device that is unfit for use for any of the following reasons:

- Not currently licensed for use on the roads in the State of Ohio; and
- Not roadworthy or in a state of disrepair.

**Vehicle, Junk**

A vehicle as defined in Section 4513.63 of the Ohio Revised Code.

**Vehicle, Recreational**

Vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven, which may be designed as temporary living accommodations, and is used for recreational, camping, and travel use. Recreational vehicles may include, but are not limited to, the following:

- **Travel Trailer:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.
- **Motorized Home:** A portable dwelling designed and constructed as an integral part of a self-mounted vehicle on wheels and designed for travel and vacation uses.
- **Pick-up Camper:** A structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- **Boats and Boat Trailers:** Includes floats and rafts, plus the normal equipment to transport the same on the highway.
- **Fold-Out Tent Trailers/Pop-up Campers:** A canvas folding structure mounted on wheels and designed for travel and vacation uses.

**Vehicular Use Area**

Any paved ground surface area, except public rights-of-way, used by any type of vehicle, whether moving or at rest for the following purposes, but not limited to driving, parking, loading, unloading, storage or display.

**Village**

The Village of Piketon, Piketon County, Ohio.

**Village Council**

The Village Council of the Village of Piketon, Ohio.

**Wall**

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

**Warehousing, Distribution, or Storage Facility**

A facility for the storage of merchandise or commodities in a completely enclosed structure not for the purpose of use or sale on the subject property. Such facility may be used for short-term storage of products prior to distribution to other facilities or as a distribution facility used as a central location to supply merchandise and commodities to multiple retail locations.

**Wholesale Business**

An establishment that is engaged in the storage and selling of merchandise, goods and materials to retail establishments rather than to consumers.

**Yard**

An open space on the same zoning lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest portion of the main building shall be used.

**Yard, Front**

Unless otherwise stated, a yard extending across the front of a zoning lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway. See Section 5.01: Measurements, Computations and Exceptions.

**Yard, Rear**

Unless otherwise stated, a yard extending across the rear of a zoning lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. See Section 5.01: Measurements, Computations and Exceptions.

**Yard, Side**

Unless otherwise stated, a yard between the main building and the side lot line of the lot extending from the front yard to the rear yard. See Section 5.01: Measurements, Computations and Exceptions.

**ZBA**

See "Zoning Board of Appeals".

**Zoning Board of Appeals**

The Village of Piketon Zoning Board of Appeals.

**Zoning District**

An area within the incorporated area of Piketon for the regulations and requirements governing each class or kind of building or other structure or use are uniform.

**Zoning Lot**

See "Lot, Zoning".

**Zoning Map**

The Zoning Map of the Village of Piketon, Pike County, Ohio.

**Zoning Map Amendment**

An amendment or change to the Official Zoning Map of Piketon, reviewed and decided upon by village council in accordance with Section 3.06: Zoning Text and Map Amendments.

**Zoning Officer**

The person appointed by the village council to perform the duties of the zoning officer.

**Zoning Permit**

A document issued by the zoning officer authorizing buildings, structures or uses consistent with the terms of this zoning ordinance and for the purpose of carrying out and enforcing its provisions.

**Zoning Text Amendment**

An amendment or change to the text of the Piketon Zoning Ordinance reviewed and decided upon by the village council in accordance with Section 3.06: Zoning Text and Map Amendments.