



**Village of Gambier, Ohio**  
**Chapter 155: Zoning Ordinance**  
**PUBLIC HEARING DRAFT**

May 3, 2023

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## **§155.01: General Provisions**

### **(A) TITLE**

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These regulations shall be known and may be cited, and referred to, as the “Zoning Ordinance of the Village of Gambier”, or may be referred to as the “zoning ordinance,” or the “ordinance.”

### **(B) PURPOSE**

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The purpose of this ordinance, and the intent of the Village Council in its adoption, is to provide planning standards, procedures, regulations, and controls for the use of the land in the Village, and for the design, use, bulk, location, and spacing of buildings and other structures, in order to most effectively, to the fullest extent permissible under the Village’s powers of home rule, promote and insure the public health, safety, convenience, and general welfare. This ordinance shall have the following specific purposes:

- (1) To allow for the continued managed development of the Village as a residential community with opportunities for a diverse range of housing choices;
- (2) To preserve and strengthen the reasonable balance of commercial activities within the Village, so long as they are consistent with the Village’s residential, pedestrian, and rural character;
- (3) To regulate the location of buildings and intensity of uses in relation to the street design so as to cause the least interference with, and be damaged least by, traffic movements, and hence result in lessened street congestion and improved public safety;
- (4) To protect the character and values of the institutional, residential, business, and public uses and to assure their orderly and beneficial development;
- (5) To minimize conflicts between different land uses by requiring adequate landscaping, yards, and buffers in appropriate locations;
- (6) To control and to regulate the growth of the Village, concentrating development in areas where adequate sewage facilities, roads, and schools can be provided, and limiting development in areas where these facilities are not, cannot, or should not be provided;
- (7) To protect landowners from adverse impacts of adjoining developments;
- (8) To conserve the natural environment, historic resources, and cultural resources in the Village;
- (9) To achieve an efficient use of the land without major disruption of the natural environment and to direct development to sites with adequate services and amenities.

It is the goal of this ordinance that both the burdens and the benefits which it implies be rationally and fairly distributed among the citizens and property owners of the Village. The regulations contained in this ordinance are based on thorough analysis of the consequences of the regulations imposed by the previous Village Zoning Ordinance and the costs and benefits, to all affected parties, included in the regulations imposed by this ordinance. The various districts are sized to be adequate to handle the Village’s long-term needs and shall be regularly updated as time passes.

### **(C) SCOPE AND AUTHORITY**

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#### **(1) General Authority and Scope**

- (a) The authority for the preparation, adoption, and implementation of this ordinance is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permits the adoption of uniform rules and regulations governing the zoning and subdivision of land.
- (b) Nothing in this ordinance shall be construed to limit Village Council in the exercise of all of its powers to zone or redistrict now or hereafter authorized by the Ohio Constitution or Ohio statutes.



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**(2) References to the Ohio Revised Code (ORC) or the Ohio Administrative Code (OAC)**

Whenever any provision of this ordinance refers to or cites a section of the ORC (as amended) or the OAC (as amended), and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section, or the section that most nearly corresponds to the superseded section.

**(D) EFFECTIVE DATE**

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This ordinance was originally adopted by Village Council and any amendments shall become effective as allowed by state law.

**(E) APPLICABILITY**

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- (1) The provisions of this ordinance shall apply to all land, buildings, structures, and uses of land, buildings, and structures, or portions thereof, located within the municipal boundaries of the Village of Gambier in Knox County, Ohio. The provisions of this ordinance are the minimum requirements adopted to meet the purposes of this ordinance as established in [§155.01:\(B\)](#).
- (2) The regulations established for each district in this ordinance shall apply uniformly to each class or type of use, land, building, or structure, unless modified, varied or waived as provided herein.
- (3) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

**(F) INTERPRETATION AND CONFLICTS**

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**(1) Interpretation of Provisions**

The provisions of this ordinance shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

**(2) 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 and the division of land. 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.

**(3) Repeal of Conflicting Ordinance**

All ordinances, or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

**(G) RELATIONSHIP WITH THIRD-PARTY PRIVATE AGREEMENTS**

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- (1) This 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, where this ordinance proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this ordinance shall govern.
- (2) Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this ordinance.
- (3) In no case shall the Village be obligated to enforce the provisions of any easements, covenants, or other agreements between private parties, even if the Village is a named party in and has been granted the right to enforce the provisions of such agreement.



**(H) SEVERABILITY**

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- (1) If any court of competent jurisdiction invalidates any provision of this ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this ordinance.
- (2) If any court of competent jurisdiction invalidates the application of any provision of this 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.
- (3) 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.

**(I) TRANSITIONAL RULES**

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**(1) Purpose**

The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of this ordinance amendment.

**(2) Violations Continue**

- (a) Any violation that existed at the time this amendment became effective shall continue to be a violation under this ordinance and is subject to penalties and enforcement under [§155.07:\(F\)](#) unless the use, development, construction, or other activity complies with the provisions of this ordinance.
- (b) Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this ordinance.

**(3) Nonconformities Continue**

- (a) Any nonconformity that was legally established and that existed at the time this amendment became effective shall continue to be a legal nonconformity under this ordinance as long as the situation that resulted in the nonconforming status under the previous ordinance continues to exist. All such nonconformities shall be controlled by [§155.08: Nonconformities](#).
- (b) If a legally established nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.
- (c) Any nonconformity that was not legally established in accordance with the provisions of this ordinance shall not be protected and is considered a violation of this ordinance.

**(4) Processing of Applications Commenced or Approved Under Previous Regulations****(a) Pending Projects**

- (i) Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this ordinance, shall be reviewed in accordance with the provisions of the regulations in effect on the date the application was deemed complete by the Village.
- (ii) If a complete application is not filed within the required application filing deadlines in effect prior to the adoption of this ordinance, the application shall expire and subsequent applications shall be subject to the requirements of this ordinance.
- (iii) Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.



- (iv) An applicant with a pending application may waive review available under prior regulations and request review under the provisions of this ordinance by requesting such waiver, in writing, to the Planning Commission.

**(b) Approved Projects**

- (i) Approved zoning certificates, variances, certificates of appropriateness, conditional uses, or other approved plans or permits that are valid on the effective date of this ordinance shall remain valid until their expiration date, where applicable.
- (ii) Any building or development for which a permit or certificate was granted prior to the effective date of this ordinance shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this ordinance, as long as the permit or certificate remains valid.
- (iii) If the development for which the permit or certificate is issued prior to the effective date of this ordinance fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this ordinance.

**(5) Vested Rights**

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

**(J) RESTORATION OF UNSAFE BUILDINGS**

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Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

**(K) USE OF GRAPHICS, TABLES, ILLUSTRATIONS, FIGURES, AND CROSS-REFERENCES**

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- (1) 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.
- (2) 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 referenced chapter, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.
- (3) A table shall be considered text for the purposes of this ordinance unless specifically identified as a figure.

**(L) BURDEN OF PROOF**

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- (1) The burden of demonstrating that an application, development, structure, or use of land or structures subject to this ordinance complies with applicable review and approval standards is on the applicant.
- (2) Such burden of proof shall also apply to demonstrating that the nonconformity was established legally under a previous amendment of this ordinance.
- (3) The burden is not on the Village or other parties to demonstrate that the standards have been met by the applicant or person responsible for the application, development, use of land or structure, or nonconformity with this ordinance.



## §155.02: Zoning Districts and Principal Uses

### (A) PURPOSE

The purpose of this section is to set out the individual purpose statements for each of the Village's zoning districts as well as the list of principal uses that are allowed within each zoning district. Generally:

- (1) The uses identified in this section are either prohibited or allowed, and where they are allowed, they may be permitted, permitted with additional standards, or conditionally permitted with additional review.
- (2) This section also establishes a Special Land Use Review that will allow the Planning Commission to consider uses not otherwise established as allowed in this ordinance, following a special review and under a set of stringent review criteria;
- (3) This section establishes the basic building and site development standards for each district including, but not limited to, lot area, setbacks, and building heights; and
- (4) This section includes use-specific standards for a variety of uses that apply to those uses alone in addition to all other applicable standards of this ordinance.

### (B) ZONING DISTRICTS ESTABLISHED

- (1) The Village hereby establishes the zoning districts in [Table 1](#) to carry out the purposes of this ordinance and to assist in the implementation of the adopted plans and policies. All such regulations are uniform for each class or kind of building, structure, or use throughout each individual district.

TABLE 1: ZONING DISTRICTS	
Abbreviation	District Name
R	Residential
I-1	Institutional
I-2	Recreational Institutional
I-3	Historic Institutional
M	Mixed-Use
C	Conservation

- (2) Whenever the abbreviated terms such as R, I-1, I-2, I-3, M, or C are used in this ordinance, they shall be construed as referring to their corresponding district name.

### (C) ZONING DISTRICT MAP AND ZONING DISTRICT BOUNDARIES

#### (1) Zoning District Map

- (a) All land within the Village shall be placed into one of the zoning districts established in [Table 1](#). Such zoning shall be shown on the Zoning Map of the Village, hereafter referred to as the "zoning map."
- (b) The zoning map, including any notations, shall be incorporated and made a part of this ordinance and shall remain on file in the office of the Village Administrator's Office.

#### (2) Interpretation of Zoning District Boundaries

The boundary lines of zoning districts on the zoning map are generally intended to follow either the center of a street right-of-way, alley, or lot line. Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules apply:

- (a) Where zoning district boundary lines are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.



(b) Where zoning district boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement, or other right-of-way, or a river, creek, or other watercourse, such centerline shall be the zoning district boundary. In the event of a natural change in the location of such streams, rivers, or other water courses, the zoning district boundary shall be construed as moving with the channel centerline.

(c) Where zoning district boundary lines are indicated as approximately following the Village limits, such Village limits shall be the zoning district boundary.

**(3) Zoning of Vacated Properties**

Whenever any street, alley, or other public way is vacated in a manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended district.

**(4) Zoning of Annexed Territories**

All territory which may hereinafter be annexed to the Village, if already zoned, shall be continued in its existing zoning classification until amended in conformance with the procedures outlined in [§155.07:\(C\)](#).

**(D) DISTRICT PURPOSE STATEMENTS**

In addition to the overall purpose of this ordinance as established in [§155.01:\(B\)](#), the following are the purpose statements for the individual zoning districts in the Village.

**(1) Residential District (R)**

The Residential District is intended to establish the residential areas of Gambier and encourage residential occupancy of dwellings within the Village. Gambier's residential neighborhoods have been stable areas for residential occupancy but the Village wants to encourage the continued existence of housing options by providing for a broader mix of housing choices including single-family, two-family, three-family dwellings, and multi-family dwellings designed around the pedestrian nature of the Village. These regulations shall permit future development consistent with the existing character while expanding housing options.

**(2) Institutional District (I-1)**

The Institutional District, and the accompanying regulations, are hereby established in order to assist in providing educational facilities in locations appropriate for the full development of a college campus in a well-organized environment; to protect the surrounding residential neighborhoods during such development; to establish a stable relationship with the residential citizens adjacent thereto; and to provide a zoning classification and conditions for the proper functioning of college educational facilities in conformance with the objectives of this ordinance. It is the intent of the Institutional District to provide for the protection and, where necessary, the continued growth of the college, and to allow for future development consistent with the existing areas.

**(3) Recreational Institutional District (I-2)**

The Recreational Institutional District, and the accompanying regulations, are hereby established to provide for certain uses that are characterized by large land amounts, such as for athletic fields and other spacious facilities; to safeguard the views to and from the valleys which surround the Village; and to minimize the capital loss and risk to life and property which may be experienced in areas subject to occasional flooding or erosion.



**(4) Historic Institutional District (I-3)**

The purpose of the Historic Institutional District is to recognize that institutions such as colleges have special developmental needs and land use requirements. This district has included reverent acknowledgment of a college's special history, historic buildings, and the impact of these special qualities on the remainder of the Village. It is therefore the intent of the Historic Institutional District to provide for the protection and, where necessary, the continued growth of the college, and to allow for future development consistent with the existing areas.

**(5) Mixed-Use District (M)**

The purpose of the Mixed-Use District is to provide for retail facilities, residences, and services of such a nature as to be fully compatible with each other, given the close proximity of buildings in the Mixed-Use District, and with the surrounding neighborhood, given its pedestrian nature. The Mixed-Use District is intended to serve as a community focal point, especially as a business and service center. The Mixed-Use District in the Village is established in order to:

- (a) Provide appropriate areas for local business activities and local shopping facilities providing goods and services which bear a proximate relationship to the requirements of the community as a whole, and which are compatible with the residential and pedestrian character of the community and with each other;
- (b) Protect adjacent residential, institutional, and business developments and the general public by restricting the types of Uses, particularly at the common boundaries, which could create hazard, noise, glare, high intensity traffic, odor or other objectionable influences; and
- (c) Provide uses that meet the retail and service needs of a traditional village center and its vicinity, and continuing other compatible uses such as civic and institutional uses of community-wide importance, including second-floor residential or office uses, when possible.

**(6) Conservation District (C)**

The primary purpose of the Conservation District is to protect the public health and to reduce the financial burdens imposed on the community, its governmental units, and its individual citizens which may result from improper use of lands having excessively higher water tables, steep slopes, or are subject to frequent and periodic floods and overflow. The Village is located at the crest of a significant hill (which rises approximately 110 feet above the surrounding countryside) with exceptionally steep slopes at its periphery. To the south of the Village lies the Kokosing River and river valley. The northern half of the Village is comprised of sharply undulating hillsides and valleys. The combination of these natural features poses the significant risks of flood, erosion, and structural unsoundness for developments in the Conservation District. The intention of delineating a Conservation District is to permit reasonable investment in land without unnecessarily subjecting human health and life to natural destructive events, to conserve Village and other government resources in the wake of such events, and to preserve the natural beauty and value of the geographic features which give the Village a distinctive location identity.

**(E) ALLOWED PRINCIPAL USES**

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[Table 2](#) lists the principal uses allowed within the zoning districts in the Village. [§155.03: Accessory and Temporary Uses](#) of this ordinance establishes how and where accessory and temporary uses are allowed in the Village.

**(1) Explanation of Permitted Uses Table**

**(a) Permitted Uses**

- (i) A "P" in a cell indicates that a use type is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable standards of this ordinance.



- (ii) Permitted uses are approved administratively by the Planning Commission through the zoning certificate review process (See [§155.07:\(B\).](#)) unless subject to additional reviews (e.g., variance, etc.).

**(b) Permitted Uses with Standards**

- (i) A “PS” in a cell indicates that a use type is allowed by-right in the respective zoning district if it meets the additional standards as identified in the last column of [Table 2](#). Permitted uses with standards are subject to all other applicable standards of this ordinance.
- (ii) Uses permitted with standards are approved administratively by the Planning Commission through the zoning certificate review process (See [§155.07:\(B\).](#)) unless subject to additional reviews (e.g., variance, etc.).

**(c) Conditional Uses**

- (i) A “C” in a cell indicates that a use may be permitted if approved by the Planning Commission through the conditional use review procedure (See [§155.07:\(B\).](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 2](#). Conditional uses are subject to all other applicable standards of this ordinance.
- (ii) The existence or lack of additional use-specific standards in this ordinance shall not be implied to be the only standards the use is required to meet. Any conditional use listed in the table shall be subject to the general review standards for all conditional uses established in [§155.07:\(B\)\(9\)](#).

**(d) Prohibited Uses**

- (i) A blank cell indicates that a use is specifically prohibited in the applicable zoning district.
- (ii) Any use not specifically listed in the table shall be considered prohibited unless approved as a similar use (See [§155.02:\(E\)\(3\).](#)), through a Special Land Use Review (See [§155.02:\(G\).](#)), or through zoning map or ordinance amendment (See [§155.07:\(C\).](#)).

**(e) Use-Specific Standards**

- (i) The column titled “Use-Specific Standards” includes cross-references to a section containing standards that apply specifically to the listed use.
- (ii) Use-specific standards shall only apply if the use is permitted with standards (PS) and/or a conditional use (C) in the zoning district.
- (iii) Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.
- (iv) The land uses and activities covered by this section shall comply with the applicable use-specific standards in all districts unless otherwise specified, in addition to all other applicable provisions of this ordinance.

**(2) Multiple Uses**

If multiple uses are proposed on a single lot or in a single building, then each of the individual uses has to be allowed in the applicable zoning district and reviewed in accordance with how the individual use is allowed in the district (i.e., permitted, permitted with standards, or conditional use).

**(3) Similar Use Determination and Unlisted Uses**

- (a) The Planning Commission may determine that a proposed use is substantially similar to a use that is permitted, permitted with standards, or conditional as established in [Table 2](#) based on:
  - (i) The proposed use activities (number of employees, intensity of use, etc.);
  - (ii) The character of the proposed use as compared to other uses;



- (iii) Amount of traffic generated;
  - (iv) Similarity to existing uses within the Village; and/or
  - (v) Information on the use that may be available from third-party land use resources such as documentation from the American Planning Association, Urban Land Institute, or similar organizations.
- (b) If the Planning Commission determines that the proposed use is substantially similar to a use established in [Table 2](#), the application shall be processed in the same manner as the similar use.
- (c) If the Planning Commission makes the determination that a use is not allowed, the application shall not be processed and the application fee shall be returned. The applicant may opt to:
  - (i) Apply for a Special Land Use Review in accordance with [§155.02:\(G\)](#); or
  - (ii) Appeal the decision of Planning Commission to Village Council pursuant to [§155.07:\(E\)](#).



## §155.02: Zoning Districts and Principal Uses

*§155.02:(E): Allowed Principal Uses*

### (4) Permitted Use Table

TABLE 2: ALLOWED PRINCIPAL USES							
P=Permitted Use   PS=Permitted Use with Standards   C=Conditional Use							
Land Uses	Zoning Districts						Use-Specific Standards See:
	R	I-1	I-2	I-3	M	C	
Residential Uses							
Multi-Family Dwelling (Four or more)	C	C					<a href="#">§155.02:(F)(1)</a>
Permanently Sited Manufactured Home	PS						<a href="#">§155.02:(F)(2)</a>
Residential Facilities	PS or C				PS or C		<a href="#">§155.02:(F)(3)</a>
Single-Family Dwelling	P	C					
Skilled Nursing or Personal Care Facilities	C	C					
Three-Family Dwelling	PS						<a href="#">§155.02:(F)(4)</a>
Two-Family Dwelling	PS						<a href="#">§155.02:(F)(4)</a>
Public and Institutional Uses							
Active Recreational Uses (Large)			C				
Active Recreational Uses (Small)	C	C	C	C			
Cemeteries	C	P	C				
Cultural Institutions	C	P		P	P		
Day Care Centers	C	P					
Educational Facilities (Post-Secondary)		P	C	P			
Educational Facilities (Pre-K to 12)	C	P					
Essential Services	P	P	P	P	P	P	
Government Buildings	C				C		
Passive Recreation, Conservation, and Open Space	P	P	P	P		P	
Places of Worship	P	P	P	P	P		
Public Utilities	C	C	C	C	C	C	
Quasi-Public, Fraternal, or Service Facilities		C	C	C			
Transmission Towers	C	C	C	C	C	C	<a href="#">§155.02:(F)(5)</a>
Commercial and Mixed Uses							
Automotive Service Station					C		
Bed and Breakfast	C				C		<a href="#">§155.02:(F)(6)</a>
Business and Professional Offices					P		
Hotels					C		
Mixed-Use Building					P		
Personal Service Establishments					C		
Restaurants and Taverns					P		
Retail Establishment					P		
Veterinary Clinic					P		<a href="#">§155.02:(F)(7)</a>
Special Land Uses							
Special Land Use Review	See <a href="#">§155.02:(G)</a> .						



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**(F) USE-SPECIFIC STANDARDS**

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**(1) Multi-Family Dwellings**

Multi-family dwellings may be considered as a conditional use with the following considerations:

- (a) There shall be no established maximum density but any application shall be restricted to the maximum height and minimum setbacks established for principal buildings in the applicable zoning district and the requirements of this subsection to determine the maximum density.
- (b) There shall be a minimum of 400 square feet of living space for each dwelling unit.
- (c) Any dumpsters or trash receptacles shall be located in the side or rear yard and shall be screened with vegetation, fencing, or walls on at least three sides to provide a complete opaque screen with a minimum height of the dumpster or receptacle. The fourth side shall be a closable gate to provide access.
- (d) Any parking shall be located in the side or rear yard; to the extent the dwellings consist of separate buildings, there shall be no parking located between the buildings. All parking shall be effectively screened from neighboring properties. The screening shall consist of a bufferyard, which bufferyard shall include landscaping. Parking areas shall be sited to reduce the impact on neighboring properties
- (e) **Architectural Standards**
  - (i) Front and side facades shall incorporate variation in mass through use of bay windows, porches, facade color or material changes, use of pilasters, columns, or architectural features, changes to the roofline, or use of other architectural features to create an architectural aesthetic that is compatible with surrounding properties.
  - (ii) Buildings may have exterior or interior entrances to the individual dwelling units.
  - (iii) Buildings with four to six dwelling units that resemble a single-family dwelling are encouraged but not required.
  - (iv) Garages shall not be a predominant feature of the front facade and where provided, are encouraged to be accessible from the side or rear of the building.
  - (v) Blank facades or flat facades without any details are prohibited.



*Figure A: Illustrative examples of acceptable architectural design for multi-family dwellings*





*Figure B: Illustrative example of unacceptable architectural design for multi-family dwellings*



*Figure C: Illustrative example of a small multi-family dwelling that resembles a large single-family dwelling.*

**(f) Open Space Requirements**

- (i)** No more than 40 percent of any lot used for multi-family dwellings may be covered with impervious surfaces including, but not limited to, coverage by buildings, structures, and pavement. The Planning Commission may allow for the coverage to be increased to 60 percent if the applicant demonstrates to the Planning Commission that stormwater practices will be in place to address runoff issues and that the additional 20 percent will help to protect natural resources or provide recreational or gathering spaces for residents.
- (ii)** The placement of sidewalk connections or trails connecting the building to adjacent institutional or commercial areas is encouraged. Such sidewalks or trails shall not count toward the impervious surface coverage above.

- (g)** The Planning Commission shall have the authority to establish conditions and additional standards for the use to ensure that the proposed multi-family dwelling is compatible with the residential and institutional character of the surrounding neighborhood.

**(2) Permanently Sited Manufactured Home**

The following standards shall apply to any permanently sited manufactured housing:

- (a)** The housing shall meet the definition of a permanently sited manufactured home as established in the ORC Section 3781.06.
- (b)** The housing shall comply with all zoning requirements of a single-family dwelling in the applicable zoning district.



- (c) Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, do not qualify as a permanently sited manufactured home and shall be prohibited.

**(3) Residential Facilities**

- (a) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where single-family dwellings are permitted, such use shall be deemed a permitted use in the R District. Such facilities must comply with any standards in this ordinance that apply to all single-family dwellings within the applicable district.
- (b) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where multi-family dwellings are permitted, such use shall be deemed a conditional use in the R District. Such facilities must comply with any standards in this ordinance that apply to all multi-family dwellings within the applicable district.

**(4) Two and Three-Family Dwellings**

- (a) Two-family or three-family dwellings shall only be approved in compliance with the following:
  - (i) There shall be a minimum of 400 square feet of living space for each dwelling unit, and include at least one bathroom and a kitchenette; and
  - (ii) Provisions shall be made for the screened storage of two 30-gallon trash cans per dwelling unit.
  - (iii) Each dwelling shall have at least one building entrance on an accessible route, unless it is impossible or impractical to do so because of the terrain or unusual characteristics of the lot.
  - (iv) In areas of the R district without on-street parking, provisions shall be made for on-site parking.
- (b) If an existing single-family dwelling is converted to a two- or three-family dwelling, then the original building shall be maintained in a manner that remains compatible with the height, scale, and massing of single-family dwellings along the same block face.
- (c) The construction of a new multi-family dwelling shall be designed in a manner that is compatible with the height, scale, and massing of existing dwellings along the same block face.
- (d) Any parking shall be located in the side or rear yard; to the extent the dwellings consist of separate buildings, there shall be no parking located between the buildings. All parking shall be effectively screened from neighboring properties. The screening shall consist of a bufferyard, which bufferyard shall include landscaping. Parking areas shall be sited to reduce the impact on neighboring properties

**(5) Transmission Towers**

- (a) Cellular phone, radio, and other transmission towers pose a special risk to villages of unique rural and scenic location such as the Village. Within the Village, any transmission tower planned to be constructed shall be located where it shall not interfere with or compromise in any way the views in or around the Village, regardless of where the view is taken from (indoors or outdoors) unless such interference or compromise is minimal in the view of the Planning Commission.
- (b) Because of the existence of multiple spires and steeple towers in the area, antenna may be attached to these parts of structures only if they are mounted and camouflaged sufficiently to minimize their obvious existence. Under no circumstances are transmission towers to be visible in any season from Middle Path, Peirce Hall, or Bexley Hall.



- (c) Any application for a permit to install a transmission tower shall be filed by a public utility or telecommunications corporation (for commercial use) or an individual (for non-commercial, personal use) only. If a firm, corporation, or individual who has erected any such transmission tower applies for another permit to erect an additional transmission tower, the application shall provide for, in detail, the removal of the first transmission tower and/or consolidation of the towers' functions.
- (d) All transmission towers shall be screened on all sides. The screening shall include landscaping at a minimum height of 15 feet at the time of planting and at a buffer depth of 10 feet. All trees shall be a minimum of two inches in diameter when planted. Native trees and shrubs shall be used.
- (e) All transmission towers and related equipment shall be made of, painted, and/or maintained in a color scheme of natural, "earth-toned," neutral tan or gray shades which avoid extremes of light and dark within those shades. The Planning Commission may give special deference to such entities providing transmission towers and related equipment which are integrated into/on buildings or which are sufficiently camouflaged to blend in with the natural surrounding landscape.

**(6) Bed and Breakfast**

The following standards shall apply to any bed and breakfast establishment:

- (a) Bed and breakfast establishments shall only be permitted within a single-family dwelling.
- (b) The owner of the premises shall reside within the Village.
- (c) No more than five bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- (d) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- (e) With the exception of any signs allowed in [§155.06: Sign Standards](#), there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- (f) For bed and breakfast establishments located in an R District, food and drink service shall only be provided to the guests who are lodging at the bed and breakfast establishment. Food and drink service to the general public is permitted within a bed and breakfast establishment in the M District.
- (g) Guests shall be permitted to reside at the facility for no longer than three continuous weeks.

**(7) Veterinary Clinic**

- (a) The boarding of animals shall be restricted to short-term overnight lodging only as necessary for animals receiving medical attention, and there shall be no outside runs or kennels associated with the veterinary clinic.
- (b) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.
- (c) All waste material shall be removed from the site on a daily basis and no animal carcass or animal waste shall be buried on site or be allowed to accumulate on the premises.
- (d) Care of animals on premises within the Village shall be limited to domestic pets and may not include cattle, horses, swine, or other farm animals, or similarly sized animals.



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**(G) SPECIAL LAND USE REVIEW**

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**(1) Purpose and Intent**

The purpose of this Special Land Use (SLU) review is to provide a method by which the Village can review a land use that is not specifically identified in [§155.02:\(E\)](#). The overall intent of this section is to outline the procedure, criteria, and standards for the consideration of the SLU.

**(2) Applicability and General Requirements**

- (a)** An application for an SLU review shall only be allowed for uses that are not listed as permitted, permitted with standards, or permitted as a conditional use in any zoning district, as set forth in [Table 2](#), nor has the use been determined to be similar to another use, in another district, in [Table 2](#) as allowed in accordance with [§155.02:\(E\)\(3\)](#).
- (b)** Any application for a SLU shall include lots that are under joint or common ownership or control at the time the application is made. Where joint or common ownership and/or control does not exist, at least one owner of each lot subject to the SLU application shall sign the application.
- (c)** Any approval hereunder shall be binding upon the applicant(s), their successors and assigns, and shall limit and control the issuance of validity of all zoning certificates.
- (d)** There shall be no minimum lot area required for an SLU, however, the Planning Commission may take into consideration the lot area when reviewing the application to ensure that the proposed use and site design will be in compliance with the requirements of this ordinance.

**(3) SLU Procedural Requirements**

**(a) SLU Review Procedure**

The following is the established procedure for an SLU review:

**(i) Step 1 – Preapplication Meetings with Staff (Optional)**

The applicant is encouraged to submit an informal pre-application concept plan to the Village for review and discussion with the Village Zoning Inspector, Village Administrator, and the Chief of the College Township Fire Department as part of a pre-application meeting. Such pre-application meeting shall be non-binding on the Village and is no guarantee of a decision by the Planning Commission. The purpose of this meeting will be to discuss the feasibility of the project based on current village ordinances, plans, and resources, and to help the applicant refine and prepare a sketch plan for submission to the Planning Commission.

**(ii) Step 2 – Pre-Application Meeting with Planning Commission (Required)**

An applicant shall be required to have a pre-application meeting with the Planning Commission to informally discuss the application and any concept plans. The applicant shall submit a concept plan to the Village offices a minimum of five calendar days before the next Planning Commission meeting to be placed on the agenda. The purpose of this meeting is to discuss the proposal informally and to allow the Planning Commission to provide initial feedback on the concept plan prior to finalization of the application. The discussions at the Planning Commission shall not be binding on the Village.



**(iii) Step 3 – Application**

- A. Applications shall be filed upon such forms as may be proscribed from time to time, and shall be accompanied by such data and information so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include, at a minimum, a map drawn to a scale of not less than 100 feet to the inch showing the land in question, its location, the length and location of each boundary thereof, the location of existing uses of all buildings and the principal use of all properties within 500 feet of such land.
- B. Notification for the Planning Commission's public hearing shall be provided in the same manner as required for conditional uses in [§155.07:\(B\)](#), including the posting of a sign on the subject property.

**(iv) Step 4 – Planning Commission Review and Decision**

- A. The Planning Commission shall review an SLU application at a public hearing.
- B. In reviewing the application, the Planning Commission shall, at a minimum, consider the applicable review criteria of this [§155.02:\(G\)\(3\)\(b\)](#), below.
- C. Within 30 days of the Planning Commission's initial review of the application, the Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application. Any conditions or modifications are binding on the applicant and failure to comply with the conditions shall be a violation of this ordinance.
- D. In making its decision, the Chairperson shall verbally state the Planning Commission's findings of facts, its decision, and any conditions to the approval.
- E. Only after approval from the Planning Commission may the applicant may apply for a zoning certificate.

**(b) Review Criteria**

All SLU applications shall be reviewed based on the following general criteria and the applicable review body shall consider such criteria in the creation of their specific findings when making recommendations and decisions regarding SLU applications:

- (i) That the proposed use is not listed as permitted, permitted with standards, or permitted as a conditional use in any other zoning district, as set forth in [Table 2](#), nor has the use been determined to be similar to another use, in another district, in [Table 2](#) as allowed in accordance with [§155.02:\(E\)\(3\)](#).
- (ii) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this ordinance and plans adopted by the Village, including the site design standards of [§155.05: Site Design Standards](#).
- (iii) That the proposed use or activity is generally considered related to a residential, public or institutional, recreational, conservation, or commercial use that is compatible with the current uses within the Village;
- (iv) That the proposed development advances the general welfare of the Village;
- (v) That the benefits, amenities, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in this ordinance;
- (vi) That the development provides an environment of stable character that promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development, utilizing adequate buffers where necessary;
- (vii) That the proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation and natural drainage patterns of the site;



- (viii) That the proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities such as fire and police protection, public works, schools, water supply and wastewater disposal;
  - (ix) The SLU plans have been transmitted to all other agencies and departments charged with responsibility of review and any identified issues have been considered and reasonably addressed by the applicant; and
  - (x) Provide for an efficient and economic use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs.
- (c) **Time Limits**
  - (i) The approval of the SLU application shall be for a period not to exceed one year. If no construction has begun within one year after approval is granted, the approved SLU plan shall be deemed null and void and the use shall no longer be permitted unless a new application is filed and approved in the same manner as the original.
  - (ii) The Planning Commission shall have the authority to approve an alternative timeline as part of the SLU plan approval or may grant an extension of this time if they deem the extension to be necessary due to good cause or in the public's interest.
- (d) **Amended SLU Plan**

At any time, the applicant may submit a request to amend the SLU plan. In such event the same procedures shall be followed as in the case of an original SLU plan, as applicable. If approved, the amendments shall be considered as if it were the originally adopted development plan.
- (e) **Appeal**

All decisions of the Planning Commission may be appealed to Village Council in accordance with [§155.07:\(E\)](#).

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## **(H) LOT AND PRINCIPAL BUILDING REGULATIONS**

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### **(1) Minimum Lot Area and Width**

#### **(a) Measurements**

- (i) The area of a lot includes the total horizontal surface area within the lot's boundaries (lot lines).
- (ii) Unless otherwise stated, the lot width is the distance between the side lot lines measured along the minimum front yard setback line.
- (iii) For corner lots, the lot width shall be measured as the distance between the side lot line and the front lot line directly opposite, as measured along a straight line at the minimum front yard setback line. See [Figure D](#).



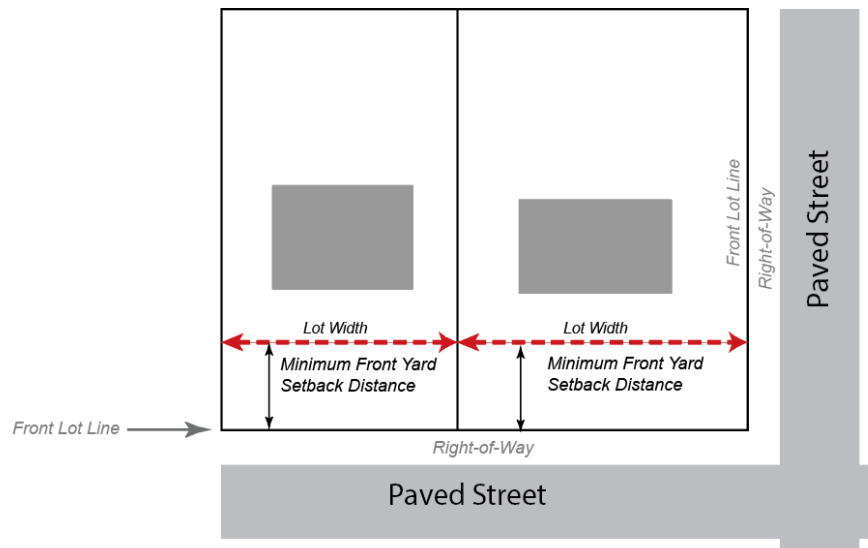


Figure D: Illustration of the location for measuring the lot width on a typical interior lot (left) and on a corner lot (right).

**(b) Lot Area and Lot Width Requirements**

- (i) [Table 3](#) establishes the minimum lot area and lot width requirements for individual zoning districts unless otherwise specifically stated in this ordinance.
- (ii) Where no minimum lot area or lot width is established, such lots shall be of a size large enough to allow for all proposed buildings and required setbacks, off-street parking, and all landscaping and screening requirements established in this ordinance.

TABLE 3: MINIMUM LOT AREA AND LOT WIDTH REQUIREMENTS		
Zoning District	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)
R	7,000	60 [1]
I-1	None	None
I-2	None	None
I-3	None	None
M	2,000	35
C	None	None
NOTE: [1] Such lot width shall be maintained the entire depth of the lot unless a conditional use is approved for a panhandle lot or other configuration where a portion of the lot is less than 60 feet wide.		

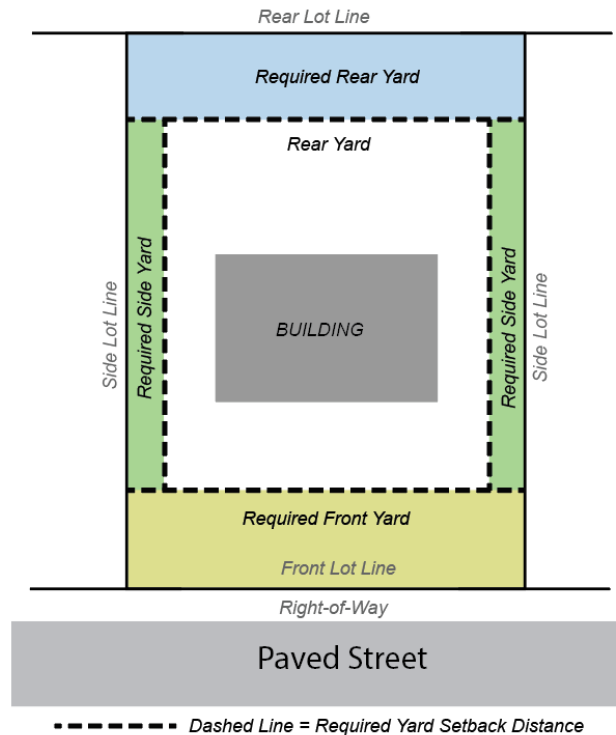
**(2) Minimum Setbacks and Yards**

**(a) Setbacks and Yards Required for Buildings**

- (i) A yard is the open area created by the required setbacks. Where required, a yard for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.
- (ii) While a yard is defined as an open area, certain structures and uses may be permitted in required yards as specified in this ordinance.



- (iii) Where the term “required” is used before any yard type, that required yard shall be the area of the yard between the applicable lot line and the required yard setback distance from the applicable lot line, regardless of the presence of a building. See [Figure E](#).



*Figure E: The above image illustrates the use of the term “required yards” on a typical interior lot versus the location of the full front, side, and rear yards as defined in the next sections of this ordinance.*

### (b) Measurements and Exceptions

- (i) Setbacks refer to the unobstructed, unoccupied open area between the foundation or base of a structure and the property line (lot line) of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this ordinance.
- (ii) A setback shall not be reduced in any manner to less than the required dimensions for the district in which it is located, and a setback of less than the required dimensions shall not be further reduced in any manner unless otherwise noted in this ordinance (e.g., nonconforming structures or by variances).

### (iii) Projections into Required Yards

Every part of a required yard shall be open to the sky and unobstructed except:

- A. As otherwise provided in this section;
- B. For accessory and temporary uses, including walls and fences, as allowed in [§155.03: Accessory and Temporary Uses](#);
- C. For landscaping, parking and circulation, and signs as allowed in this ordinance;
- D. For the ordinary projections that are a part or feature of a building which extends or projects outside of the exterior, enclosing facades. It is intended that certain features may project into required yards but they shall be regulated so as not to substantially interfere with the reception of sun, light, air and the use of adjacent lots as follows:

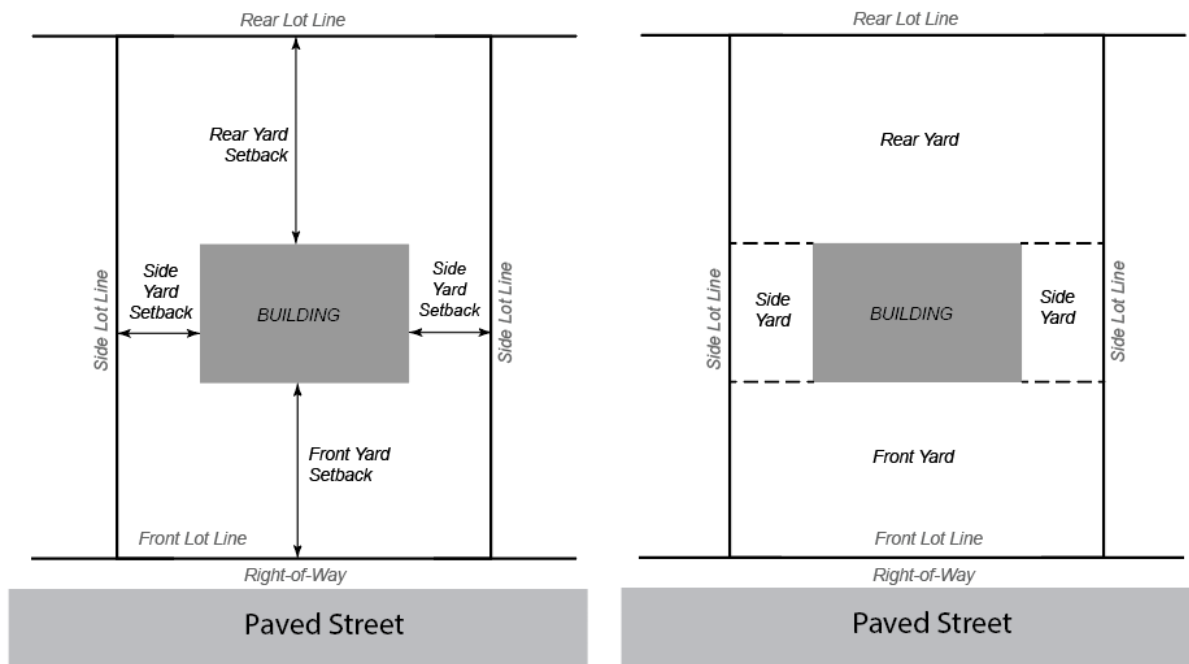


1. Architectural features such as a belt course, balcony, cornice, gutter or chimney may project into a front and side yard for a distance of two feet;
2. Entrance features such as an open platform, landing, steps, terrace, or other feature not extending above the first-floor level of a building may extend six feet into a front yard and three feet into a side yard.
3. Unenclosed shelters such as an entrance hood or open, but roofed porch, may project six feet into a front yard and three feet into a side yard.
4. An enclosed entry or porch shall not project into any required yard area.  
See also [§155.03: Accessory and Temporary Uses](#).

**(c) Lot Configurations and Rules for Setbacks and Yards**

**(i) Interior Lots**

- A. Unless otherwise stated, the required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line. See [Figure F](#).
- B. The lot line located directly behind the rear of the structure shall be the rear lot line and the rear yard setback shall be applied. See [Figure F](#).
- C. All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure F](#).



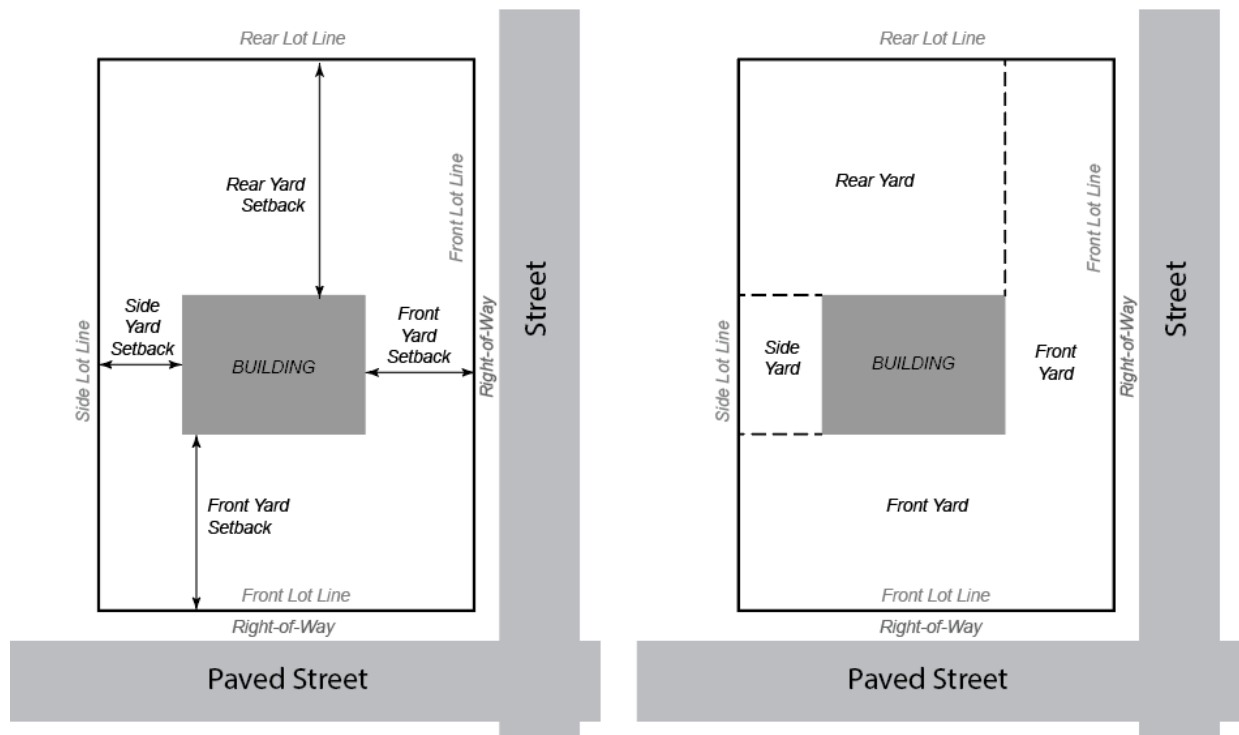
*Figure F: Typical setback and yard locations for an interior lot.*



**(ii) Corner Lots**

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

- A. Where a lot is considered a corner lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure G](#).
- B. The lot line that runs parallel with the front façade of the building, on the rear of the lot, shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See [Figure G](#).
- C. All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See [Figure G](#).
- D. In residential districts, the required minimum front yard setback shall be provided from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. [See Figure G](#). Where the rear yard of the corner lot abuts the rear yard of the adjacent lot, the front yard along the side street (parallel with the side of the building) may be reduced to 20 feet.
- E. An alley shall not be considered a street for the purposes of determining a corner lot.
- F. Such setbacks and yard locations shall apply, regardless of the orientation of the building.



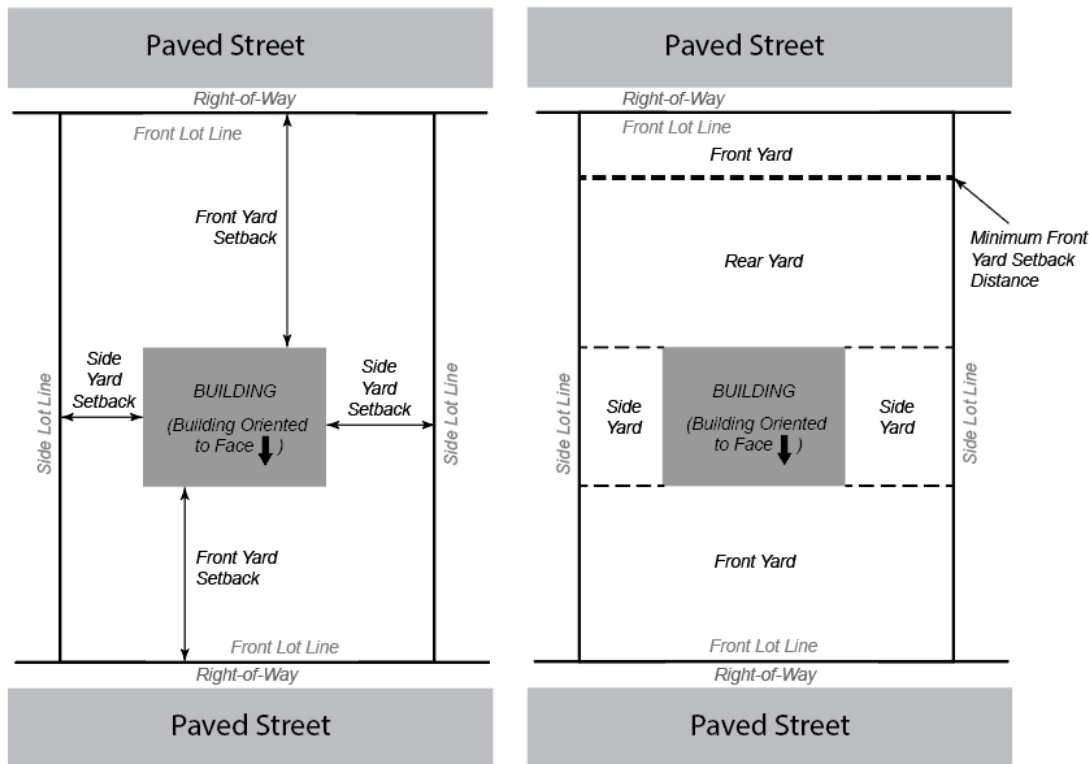
*Figure G: Typical setback and yard locations for a corner lot.*



**(iii) Double Frontage (Through) Lots**

Double frontage lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Double frontage lots shall be subject to the following regulations:

- A. Where a lot is considered a double frontage (through lot) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure H](#).



*Figure H: Typical setback and yard locations for a double frontage (through) lot.*

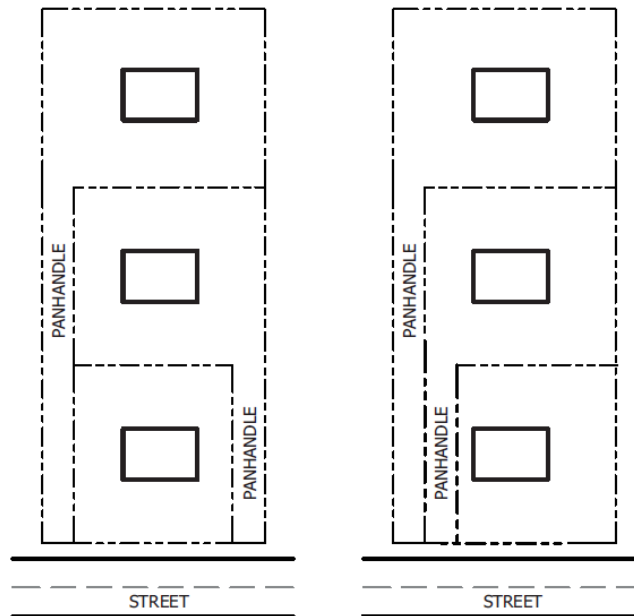
- B. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See [Figure H](#).
- C. For the purposes of allowing accessory uses and fences, which are allowed in a rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard and the setbacks of [§155.03: Accessory and Temporary Uses](#) shall apply to all accessory uses or structures. Such accessory uses or structures shall not be permitted in the required front yard areas adjacent to each street.
- D. Where alleys exist in the Village, any lots that have frontage along the alley shall not be considered a double frontage (through) lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.



**(iv) Panhandle (Flag) Lots**

Panhandle lots (flag) lots may be permitted by the Planning Commission through the approval of a conditional use, provided the lot is adequately and appropriately serviced with utilities, water, sewer, and access, and determined necessary on account of unique topographic features or other special physical. Panhandle (flag) lots shall be subject to the following regulations:

- A. Panhandle (flag) lots shall not be used to avoid the construction of a street.
- B. The area of the “panhandle” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
- C. The stacking of panhandle (flag) lots shall be prohibited. See [Figure I](#).



*Figure I: The above illustration shows the stacking of panhandle lots, which is prohibited.*

- D. The panhandle shall have a minimum width of 10 feet along the entire width of the panhandle. The maximum width shall be 40 feet and anything with a width of 40 feet or greater shall be consider an interior, corner, or double frontage lot as may be applicable.
- E. No structures, except for fences and walls allowed by this ordinance, shall be permitted in the panhandle portion of the lot.
- F. 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 J](#).

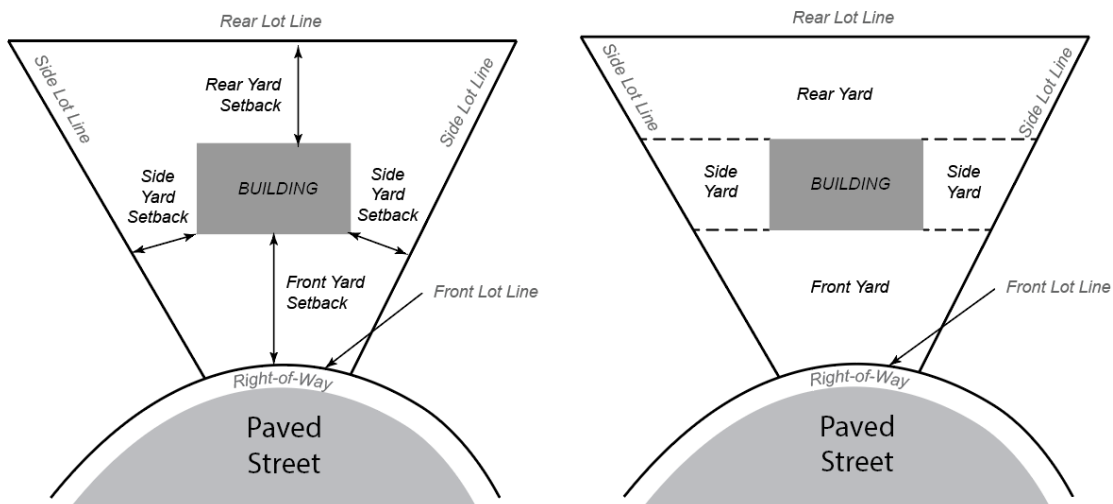




*Figure J: Typical setback and yard locations for a panhandle lot.*

**(v) Cul-de-Sac or Curved-Street Lot**

- A.** 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 (lot line). See [Figure K](#).
- B.** On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.



*Figure K: Typical setback and yard locations for a curved street or cul-de-sac.*

**(vi) Other Lot Configurations**

Where there is an instance of a lot configuration not addressed in the previous sections (e.g., interior, corner, panhandle, etc.), or where there is an atypical building orientation on any lot, the Planning Commission shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.



**(d) Minimum Setback Requirements**

- (i) Setbacks required for accessory uses are established in [§155.03: Accessory and Temporary Uses](#).
- (ii) [Table 4](#) establishes the minimum setback requirements for principal buildings in all zoning districts.

TABLE 4: SETBACK REQUIREMENTS						
District	Uses	Setback Requirements (Feet)				
		Minimum Front Yard	Maximum Front Yard	Minimum Side Yard (One Side)	Minimum Side Yard (Combined Both Sides)	Minimum Rear Yard
R	All Uses	See H(2)(d)(iii)		5	20	35
I-1 [1]	All Uses	35 [2]	None	10 [3]	10 [3]	35 [3]
I-2	All Uses	None	None	None	None	None
I-3	All Uses	50 [4]	None	50 [4]	50 [4]	50 [4]
M	Residential	Residential uses shall meet the same setbacks as those in the R District				
	All Other Uses	0	5	Each side yard shall meet the same minimum and maximum setbacks for the front yard [5]		20 [6]
C	All Uses	35	None	15	15	15
NOTES: [1] For conditional uses, the Planning Commission shall have the authority to increase the setback requirement for buffering of adjacent residential uses. [2] Residential uses may be set back a minimum of 20 feet from the front lot line. [3] If the subject use is nonresidential adjacent to a lot with a residential use, the setback shall be increased to 50 feet from the side or rear lot line adjacent to the residential use. [4] The Planning Commission may reduce the setbacks when they specifically find that the proposed development can more fully meet the design standards of <a href="#">§155.05: Site Design Standards</a> with a reduced setback. [5] Where the subject lot line is adjacent to a lot in the R District, the minimum setback shall be equal to the setback required for the adjacent yard in the R District. [6] Where the rear yard is adjacent to an alley, one-half of the width of the alley may be considered in meeting the minimum rear yard setback requirement.						

**(iii) Front Yard Setbacks in the R District**

- A. The minimum front yard setback shall not exceed the average front yard setbacks of lots with similar uses and sharing the same block face.
- B. Where there is no definable block face, the front yard setback shall not exceed the average front yard setbacks of the two lots closest to the subject lot.
- C. These average front yard setback shall be considered the “established setback” for the block face or lot, as applicable above.
- D. On a street where there is no established setback, the front yard setback shall be as follows:
  - 1. The minimum front yard setback shall be five feet to steps, stoops, and enclosed porches that are not weatherproofed;
  - 2. The minimum front yard setback shall be 10 feet to the principal building;
  - 3. Side- or rear-loaded garages shall be set back a minimum of 10 feet from the front lot line;



4. Front-loaded garages shall be set back a minimum of 20 feet from the front lot line and shall be no closer to the street than the front façade of the principal building; and
5. In no case shall the maximum front yard setback be greater than 20 feet.

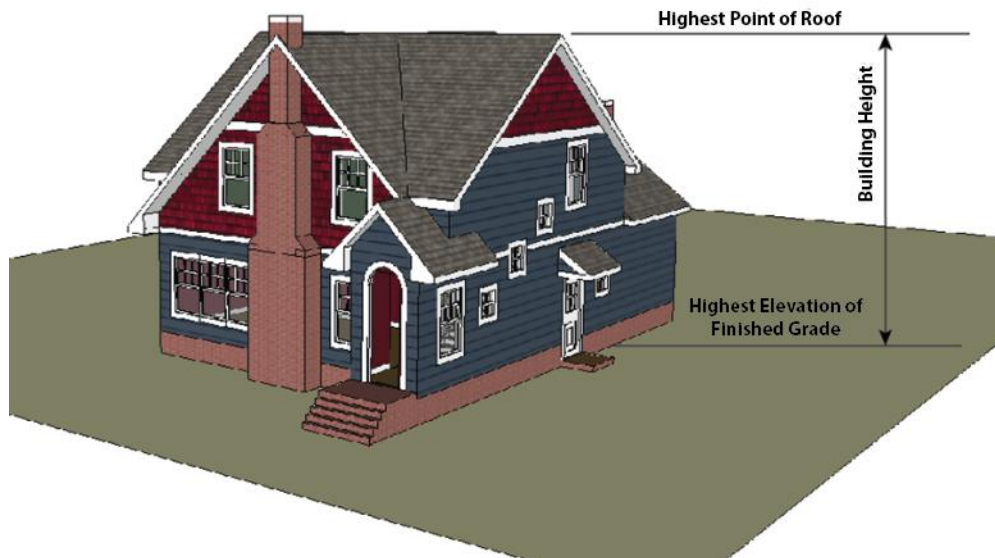
**(iv) Right-of-Way Projections in the M-District**

Awnings, canopies, and similar devices are permitted to overhang the sidewalk in the M District only, providing that all structures are a minimum of 8 feet 6 inches above the sidewalk at any point.

**(3) Building Height**

**(a) Measurement**

- (i) For all districts except the I-1 and I-3 District, the building height shall be measured from highest elevation of the finished grade to the highest point on the roof, regardless of roof type, excluding minor architectural features, roof embellishments, or chimney extensions.



*Figure L: Measurement of building height.*

- (ii) In the I-1 and I-3 Districts, the building height shall be measured from the average grade of the facade that faces Middle Path to the highest point on the roof, regardless of roof type, excluding minor architectural features, roof embellishments, or chimney extensions.

**(b) Exceptions to Height Limits**

The maximum height limits established in this ordinance shall not apply to:

- (i) Spires, belfries, cupolas and domes, monuments, chimneys, towers, transmission towers, and other permitted mechanical appurtenances located upon or constructed as an integral part of the principal building for all nonresidential uses as may be authorized by the Planning Commission; and
- (ii) Governmentally-owned freestanding water tanks, transmission towers, and flag poles.



**(c) Maximum Height Standards**

- (i) [Table 5](#) establishes the maximum building height for principal buildings.
- (ii) The maximum height of accessory structures is established in [§155.03: Accessory and Temporary Uses](#).

TABLE 5: MAXIMUM HEIGHT OF PRINCIPAL BUILDING	
District	Maximum Height
R	35 feet
I-1	60 feet
I-2	60 feet
I-3	60 feet
M	35 feet
C	15 Feet

**(4) Massing Regulations in the Mixed-Use District**

- (a) For single-story buildings in the M District, the maximum floor area of a building above ground shall be 3,000 square feet.
- (b) For two-story buildings in the M-District, the maximum floor area of a building above ground shall be 6,000 square feet.
- (c) Building with larger floor areas may be considered with a conditional use approval in accordance with this ordinance.
- (d) Basement square footage shall not be counted towards the maximum permitted floor area in order to encourage efficient use of land within the Village center.

**(5) Maximum Lot Coverage in the I-1 Institutional District**

No more than 20 percent of any lot in the I-1 District shall be covered with impervious surfaces including, but not limited to, coverage by buildings, structures, and pavement. The Planning Commission may allow for the coverage to be increased to 35 percent if the applicant demonstrates to the Planning Commission that stormwater practices will be in place to address runoff issues.



## **§155.03: Accessory and Temporary Uses**

### **(A) ACCESSORY USE AND STRUCTURE REGULATIONS**

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**(1) 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.

**(2) General Provisions**

- (a)** An accessory use or structure shall be secondary and incidental to the primary use of the lot and shall not alter the character of the principal use.
- (b)** Accessory uses and structures shall be constructed on the same lot as the principal use that it serves.
- (c)** No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced.
- (d)** In cases where the principal building is demolished, an existing accessory structure shall be allowed to remain on the lot or property without the principal building to which it is supposed to be an accessory on the following conditions:
  - (i)** Up to 12 months consistent with that allowed by [§155.08: Nonconformities](#).
  - (ii)** A zoning certificate and building permit is obtained for the reconstruction of the principal structure, the construction of which shall take place within 12 months. Failure to complete reconstruction of the principal structure will be an automatic cause for the removal of the accessory structure at the owner's expense unless cause is given, in which case the Zoning Inspector may approve an extension of up to 12 months.
- (e)** Small accessory structures such as doghouses, mailboxes, lending libraries, benches, garden decorations, barbeque equipment, etc. that are not otherwise addressed in this section, shall be exempt from the provisions of this section provided they do not have a footprint that exceeds 24 square feet and shall not exceed six feet in height. Nor shall this section prohibit or restrict tent camping that a resident may set up occasion and use overnight for recreational purposes in their own yard.
- (f)** An accessory building that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the site development standards and all other development standards of the applicable zoning district. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by a breezeway or roof.
- (g)** The accessory use regulations of this section shall not apply to any public park lands owned by the Village, Knox County, or the State of Ohio.
- (h) Height, Separation, and Number of Buildings**
  - (i)** The maximum height of any detached accessory building shall be the same as that for the principal building unless otherwise stated.
  - (ii)** No detached accessory structure shall be located less than 10 feet from the principal building, if approved. If the separation of the accessory and main structure is less than 10 feet, the accessory structure shall be protected with a fire-resistant material and shall conform to the same yard requirements as the principal building.
  - (iii)** There shall be no more than two detached accessory buildings located on the lot. This may include detached storage buildings (yard barns), detached garages, enclosed greenhouses, detached accessory dwelling units, or any other permanent structure that is fully enclosed by walls (seasonal or year-round) and a roof, subject to the provisions of this section.



**(3) Prohibited Structures for Accessory Uses**

- (a) Unless approved as a temporary use pursuant to this ordinance, accessory structures that are constructed with fabric, canvas, tarpaulin, or other similar materials where the structure is not attached to a permanent foundation, shall be prohibited. Inflatable garages or storage structures shall also be prohibited
- (b) Portable containers, shipping containers that have not been converted to a habitable building, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any zoning district.

**(4) Permitted Accessory Uses**

The following is an explanation of [Table 6](#).

- (a) The symbols for permitted uses (P), permitted uses with standards (PS), conditional uses (C), and prohibited uses are defined in the same manner as [§155.02:\(E\)\(1\)](#).

- (b) A blank cell indicates that a use is prohibited in the respective zoning district.

**(c) Zoning Certificate Required**

A “Yes” in the “Zoning Certificate Required” column shall mean that the applicable accessory structure or use requires a zoning certificate in order to be constructed.

**(d) Yards Permitted**

This column identifies within which yards the use may be permitted. See the use-specific standards for any restrictions related to placement in individual yards.

**(e) Use-Specific Standards**

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the listed accessory use or structure. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.

**(f) Similar Use Determination and Unlisted Uses**

The determination of whether a proposed accessory use or structure is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section shall be made in the same manner as principal uses. See [§155.02:\(E\)\(3\)](#).



<b>TABLE 6: ACCESSORY USES AND STRUCTURES</b>						
<b>PS=Permitted Use with Standards</b>				<b>C=Conditional Use</b>		
<b>Accessory Use or Structure</b>	<b>C</b>	<b>R</b>	<b>I-1, I-2, I-3, &amp; M</b>	<b>Zoning Certificate Required</b>	<b>Yards Permitted F=Front S=Side R=Rear</b>	<b>Use-Specific Standards in:</b>
Accessory Dwelling Units		PS		Yes	S or R	<a href="#">§155.03:(A)(5)(e)</a>
Accessibility Ramps	PS	PS	PS	No	F, S, or R	<a href="#">§155.03:(A)(5)(a)</a>
Amateur Radio Antennas		PS	PS	Yes	S or R	<a href="#">§155.03:(A)(5)(b)</a>
Community Gardens	PS	PS	PS	Yes	F, S, or R	<a href="#">§155.03:(A)(5)(c)</a>
Decks		PS	PS	Yes	R	<a href="#">§155.03:(A)(5)(d)</a>
Detached Accessory Buildings	PS	PS	PS	Yes	S or R	<a href="#">§155.03:(A)(5)(e)</a>
Fences	PS	PS	PS	See <a href="#">§155.03:(A)(5)(f)</a>	F, S, or R	<a href="#">§155.03:(A)(5)(f)</a>
Home Occupations		PS	PS	No	Interior Use	<a href="#">§155.03:(A)(5)(g)</a>
Nursery Schools or Day Care Centers		PS	PS	Yes	Interior Use	<a href="#">§155.03:(A)(5)(h)</a>
Outdoor Dining			PS	Yes	F, S, or R	<a href="#">§155.03:(A)(5)(i)</a>
Outdoor Display or Sales			PS	Yes	F, S, or R	<a href="#">§155.03:(A)(5)(j)</a>
Retail Commercial Uses			PS	Yes	Interior Use	<a href="#">§155.03:(A)(5)(k)</a>
Satellite Dishes		PS or C	PS or C	See <a href="#">§155.03:(A)(5)(l)</a> .		
Short-Term Rental		PS	PS	Yes	Interior Use	<a href="#">§155.03:(A)(5)(m)</a>
Solar Energy Systems	PS	PS	PS	Yes	See <a href="#">§155.03:(A)(5)(m)(iii)</a>	
Swimming Pools		PS	PS	Yes	S or R	<a href="#">§155.03:(A)(5)(o)</a>
Type-B Day Care Homes		PS		No	Interior Use	<a href="#">§155.03:(A)(5)(p)</a>

**(5) Use-Specific Standards**

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of [§155.03:\(A\)\(2\)](#).

**(a) Accessibility Ramps**

- (i) Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.
- (ii) Such ramps shall be an open structure, without a roof.

**(b) Amateur Radio Towers and Antenna**

- (i) No more than one amateur radio tower and/or antenna shall be permitted on each lot.
- (ii) Ground-mounted amateur radio towers, antennas, and related guy wire anchors must be located in the rear yard.
- (iii) Building-mounted amateur radio towers and antennas must be located to the rear of the centerline of the principal building.



- (iv) Such tower shall not exceed 65 feet in height or the maximum height of the applicable zoning district, whichever is greater. The measurement shall be made from the grade directly beneath the tower to the highest point on the antenna or tower, whichever is the tallest point of the structure.
- (v) Antennas and guy wire anchors shall not overhang or otherwise be located within required accessory structure setbacks or on adjacent lots.
- (vi) When an amateur radio tower and antenna is no longer being used by an FCC amateur radio license holder for amateur radio service, the tower and antenna must be removed no more than 180 days after cessation of the FCC license or the transfer or property ownership or lease to an individual without an FCC license.
- (vii) Amateur radio towers and antennas that do not comply with the provisions of this section shall require a conditional use approval. The application for a conditional use approval for amateur radio towers and antennas must demonstrate that compliance with the provisions of this section would prevent the amateur radio operator from exercising the rights granted to him or her by the FCC or the State of Ohio by license or law. If the Planning Commission determines that expertise beyond that of Village staff is necessary to determine compliance with this criterion, then the applicant shall reimburse the Village for any expenses necessary for hiring a third-party consultant to make this determination.

**(c) Community Gardens**

- (i) Community gardens may be allowed as an accessory use when associated with public or institutional principal use (e.g., place of worship or educational facility).
- (ii) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- (iii) The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file in the Village offices.
- (iv) The site shall be designed and maintained so that water, pesticides, and fertilizer will not drain onto adjacent properties.
- (v) There shall be no retail sales on site, except for produce grown on the site.
- (vi) Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, and rain barrel systems may be permitted if the community garden is located on a lot where the principal use of the lot is public, institutional, or commercial.
- (vii) Fences and walls shall be subject to the provisions of [§155.03:\(A\)\(5\)\(f\)](#).

**(d) Decks**

Decks shall comply with the minimum setbacks established for principal buildings in the applicable zoning district.

**(e) Detached Accessory Buildings**

- (i) The provisions of this section shall apply to any accessory building. This includes detached garages and carports, detached accessory dwelling units, detached garages with an accessory dwelling unit above, detached yard or storage barns, gazebos, pergolas, and other similar buildings, as determined by the Planning Commission.
- (ii) Detached garages and carports shall be served by a driveway.
- (iii) Each lot may have two of the following types of detached accessory buildings:
  - A. A detached garage or carport;
  - B. A detached accessory dwelling unit; or
  - C. A detached garage with an accessory dwelling unit located above the garage.



- (iv) In no instance shall the combined total floor area of all detached accessory buildings, as measured by the outside boundary of the buildings' footprints, exceed an area greater than 35 percent of the rear yard, regardless if the building will be located in the side or rear yard.
  - (v) The floor area of any single accessory building shall not exceed 80 percent of the floor area of the principal building.
  - (vi) Accessory buildings shall be set back a minimum of four feet from the side and rear lot lines.
- (f) Fences**
- (i) All fences shall be wholly contained on the subject property.
  - (ii) The smooth finished side of the fence shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two similarly finished sides, either side may face the adjacent property.
  - (iii) All diagonal or supporting members shall face the property on which the fence is constructed.
  - (iv) A privacy fence shall only be permitted in rear yards. A masonry wall of stone or brick shall only be used primarily in areas where retaining walls are necessary. A masonry wall may be allowed as a privacy fence if located in the rear yard and approved as a conditional use.
  - (v) Open fences, living fences, garden fences, and tree and plant protective fences shall be permitted in all yards. An open fence shall be at least 40 percent open and unobstructed when viewed at a position of 90 degrees from the fence line.
  - (vi) Fences shall be measured from the surrounding finished grade to the top of the fence, excluding ornamental post finials.
  - (vii) All fences shall require a conditional use approval with the exception of the following, which may be installed without a zoning certificate:
    - A. Living fence;
    - B. Garden fence that encloses less than 600 square feet of garden area;
    - C. Tree and plant protective fence; and
    - D. Open fences that are less than three feet tall and in compliance with all other requirements of this section.
  - (viii) For fences and walls reviewed as a conditional use, the following additional standards shall apply:
    - A. In side or rear yards, the maximum height shall be five feet for all fences, five feet for masonry walls, and eight feet for deer exclusion fences.
    - B. In front yards where fences and walls are allowed, the maximum height of fences shall be four feet and the maximum height of masonry walls shall be three feet.
    - C. A chain link fence shall only be permitted around educational institutions, day care centers, tennis courts or softball/baseball backstops or similar recreational areas, or to contain domestic pets, provided that it is:
      - 1. Limited to the side and rear yards;
      - 2. Set back a minimum of five feet from all lot lines; and
      - 3. Screened by a living fence on all sides which face adjacent lots or a public way.
    - D. Chain link fences may also be used for containment of generators, propane tanks, or other utility elements where required by state law.
    - E. Deer exclusion fences of over five feet shall only be permitted where they provide a high level of transparency as determined by the Planning Commission.



**F.** Woven wire fencing may be permitted.

- (ix)** It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the Zoning Inspector issuing the zoning certificate, and that the fence does not encroach on another lot or existing easement. The issuance of the zoning certificate and any inspection by the Village shall not be construed to mean that the Village has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on them herein.

**(g) Home Occupations**

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by this section.

- (i)** The home occupation shall be clearly secondary to the full-time use of the property as a residence.
- (ii)** Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties. The residential building shall not be altered in any manner that is intended to change the residential appearance of the dwelling to a building with a commercial appearance. There shall be no separate entrance created solely for the home occupation.
- (iii)** All home occupations shall take place in the dwelling or in an accessory building and there shall be no use of an outdoor area or accessory structures for the home occupation, including for storage of materials, goods, supplies, or equipment; provided, however, that the use of an outdoor area for gardening, to the extent it supports the home occupation, shall be not be prohibited.
- (iv)** The sale of goods or services shall be limited to products that are produced or processed on the premises; or the sale of goods as part of a mail order, online business, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.) where there is no stock-in-trade on the site.
- (v)** No equipment shall be used which will create excessive or unreasonable dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot.
- (vi)** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- (vii)** Only residents of the dwelling and up to one person who resides outside of the residence shall operate the home occupation.
- (viii)** No more than 25 percent of the floor area of the principal dwelling unit shall be devoted to such home occupations, regardless if the home occupation occurs in the principal dwelling unit or an accessory building.
- (ix)** There shall be no signs other than the wall signs allowed on a dwelling in [§155.06:\(F\)\(2\)](#).
- (x)** No additional off-street parking or loading facilities shall be provided beyond that traditionally used for residential uses. No additional driveways shall be established for the use of the home occupation.
- (xi)** Traffic shall not be generated by such home occupation in significantly greater volume than would normally be expected in the residential neighborhood.
- (xii)** There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.



**(h) Nursery Schools or Day Care Centers**

Nursery schools or day care centers may only be permitted as accessory uses to permitted and conforming nonresidential uses. Such use shall be located within the principal building.

**(i) Outdoor Dining**

- (i)** Outdoor dining areas shall be located along a sidewalk adjacent to the principal building the dining is connected with or between the principal building the dining is connected with and an adjacent parking area.
- (ii)** Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service area and the principal building.
- (iii)** Outdoor dining areas shall not be located within 10 feet of a fire hydrant, fire department standpipe connection, fire escape, bus stop, loading zone, mailboxes, or traffic signal stanchions.
- (iv)** If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.
- (v)** Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device shall not be permitted in any outside dining area if the noise from such entertainment is of such a volume so as to cause a disturbance to abutting property owners. The addition of this activity to an existing use shall require approval through a new zoning certificate.
- (vi)** If the outdoor dining area is located on a sidewalk, the area shall be designed so there is a minimum of five feet of clearance adjacent to the dining area to allow for safe pedestrian circulation. Furniture or elements of the outdoor dining shall also not block any areas of ingress or egress from the principal building.
- (vii)** Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- (viii)** Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new zoning certificate.
- (ix)** Where an outdoor dining area is located in a right-of-way, the permittee shall hold harmless, indemnify, and defend the Village from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorneys' fees, which may in any way arise out of or be connected with the granting of a zoning certificate which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees.

**(j) Outdoor Displays and Sales**

Seasonal and permanent facilities for outdoor display and sales (e.g., garden supply sales, news and flower stands, sidewalk sales, and similar uses) that are accessory to another principal use may be permitted upon compliance with the following:

- (i)** Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with the vision clearance requirements.
- (ii)** Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.
- (iii)** Outdoor displays and sales areas shall not cover an area more than 20 percent of the ground floor area of the principal building.



- (iv) Outdoor display and sales areas may be permitted in the front yard provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building. Outdoor display and sales areas may also be permitted in the side or rear yard without being located adjacent to the building. In all cases, the displays and sales areas shall be spaced a sufficient distance from the building, as dictated by the Fire Department, to satisfy all fire safety requirements.
- (v) The placement of the merchandise shall not interfere with pedestrian 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.
- (vi) The outdoor display and sales areas shall be maintained in good order and appearance.
- (vii) The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can typically pick up and carry into the building for purchase. The sale of larger items in an outdoor area is prohibited.

**(k) Retail Commercial Uses**

Retail commercial uses are permitted in the I-1, I-2, and I-3 Districts provided:

- (i) Such uses are an accessory use to an approved principal use;
- (ii) The uses are located completely within a principal building of a nonresidential use;
- (iii) The total floor area of accessory uses shall not exceed 10 percent of the total gross floor area of the principal building.
- (iv) The use shall not include liquor sales.

**(l) Satellite Dishes**

- (i) Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section and shall not require a zoning certificate.
- (ii) To the maximum extent feasible, the dish should be located in the side or rear yard.
- (iii) Mounting brackets shall be removed whenever a satellite dish is removed.
- (iv) Satellite dishes larger than one meter in diameter may be permitted if approved by the Planning Commission as a conditional use. Such dishes shall be set back 10 feet from all lot lines.

**(m) Short-Term Rentals**

- (i) Short-term rentals are permitted in any dwelling unit where the resident offering short-term rental opportunities maintains that dwelling unit as their official residence and resides there for at least 10 months of the year.
  - A. A dwelling unit shall be considered the official residence of a person in which the person's habitation is fixed and to which, whenever the person is absent, the person has an intent of returning within 60 days.
  - B. The short-term rental unit may be located in the primary residential unit or an accessory dwelling unit. There shall be no more than one unit offered for short term rental opportunities on any lot. For example, a multi-family unit may contain a maximum of one unit decided to providing short-term rental opportunities.
- (ii) Short-term rentals may be permitted as a conditional use on a property where the owner of the property maintains their official residence within the Village and resides in the Village for at least 10 months of the year. Village residents wishing to operate a short-term rental under this provision must apply for a conditional use permit, subject to the following standards:



### **§155.03: Accessory and Temporary Uses**

#### **§155.03:(A): Accessory Use and Structure Regulations**

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- A.** No resident may own or operate more than one short-term rental under this section 155.03(5)(m)(ii). This limitation shall apply regardless of whether the resident owns the property individually, with others, or as a business entity. If a property is held in a business entity, the resident shall provide a copy of the business entity's organizing documentation evidencing the entity's ownership with the conditional use application.
  - B.** There shall be general liability insurance on the property with a minimum coverage of \$250,000.00.
  - C.** The application shall include the full name and contact details of the resident operating the short-term rental, the contact information for at least one other responsible person who resides in Knox County, Ohio and who will be available to address any issues related to the short-term rental in the resident's absence.
  - D.** The short-term rental unit shall contain a posting with the resident's contact information, the other responsible person's contact information, and notify renters of the rules contained in section 155.03(5)(m)(iii) regarding limitations on parties and parking.
  - E.** The resident shall be required to annually provide the Village with the information required by this section 155.03(5)(m)(ii) and provide verification of residency.
  - F.** The short-term rental unit must be managed by the resident.
  - G.** The Planning Commission may impose additional conditions on the short-term rental unit.
  - H.** In approving a short-term rental unit, the Planning Commission may consider the density of short-term rental units on the street or surrounding area, and the total number of units throughout the Village.
- (iii)** All permitted short-term rentals shall abide by the following rules:
  - A.** No private event or party shall be hosted at the short-term rental that exceeds the maximum occupancy for the unit.
  - B.** No additional off-street parking shall be provided beyond what is required for the principal use.
  - C.** The short-term rental operator must pay the Knox County Lodging Excise Tax.
- (iv)** With the exception of short-term rentals arising under section 155.03(5)(m)(i), any short-term rental in operation as of May 3, 2023, must file an application for conditional use with the Planning Commission, and may continue in operation provided the conditional use is permitted. Such application must be filed within 120 days of May 3, 2023.
- (v)** Non-resident short-term rental owners may be permitted to maintain existing short-term rentals for the duration of their ownership of a property, notwithstanding their non-compliance with the residency requirement set forth in section 155.03(5)(m)(ii), provided the owner meets all other provisions of the Code, the short-term rental was actively in operation as of May 3, 2023, the owner applies for a condition use permit within 120 days of May 3, 2023, and the permit is granted. "Actively in operation" shall mean that the property: (a) was listed on a short-term rental site such as AirBnB or VRBO, and (b) was current on all Knox County excise taxes that apply to such properties as of May 3, 2023. This waiver of the residency requirement, if granted, applies only to the current owner. Any conditional use granted under this provision shall terminate upon the current owner's sale or transfer of the property and is not transferable to a new or different owner.



- (vi) Failure to meet the requirements of section 155.03(5)(m)(ii) and (iii) after a conditional use permit for a short-term rental is granted shall result in the termination of the conditional use permit for the short-term rental.

**(n) Solar Energy Systems**

- (i) Solar panels shall be for the production of energy to be used by the principal and accessory use on the site where they are located. This shall not prevent the sale of excess power generated by the solar energy system to the local utility company. Nor shall this prevent a potential cooperative arrangement for the sharing of solar resources between neighboring properties, to the extent such solar energy system is otherwise permitted by the ordinance.
- (ii) The solar panels of a solar energy system shall be placed such that solar glare shall not be directed onto or unreasonably effect neighboring or nearby properties or roadways.
- (iii) All power transmission lines from a ground mounted solar energy system to any building or other Structure shall be located underground. The design of the solar energy system shall conform to applicable industry standards.
- (iv) A solar energy system may be roof-mounted or ground-mounted. in addition to the foregoing standards for development, the following standards apply:
  - A. A roof-mounted solar energy system may be mounted on a principal use or accessory use building. In no instance shall any part of a roof mounted solar energy system extend beyond the edge of the roof. A roof-mounted solar energy system may not exceed the maximum building height specified in the relevant district.
  - B. A ground-mounted solar energy system shall not be located within the required yard setback, which yard setback shall be determined in accordance with the setback requirement of the relevant district. In no instance shall the total size of the panels of the ground mounted solar energy system for a particular lot exceed 250 square feet.
- (v) All mechanical equipment associated with and necessary for the operation of a solar energy system shall be screened from any adjacent property that is in an R District. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of this ordinance may be used.
- (vi) If a ground-mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded.
- (vii) If a solar energy system has been abandoned (meaning not having been in operation for a period of six months) or is defective or is deemed to be unsafe pursuant to this ordinance, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Planning Commission. If the owner fails to remove or repair the defective or abandoned solar energy system, the Village may pursue legal action to have the solar energy system removed at the owner's expense.

**(o) Swimming Pools**

The following standards shall apply to all types of swimming pools permitted in the Village:

- (i) Only in-ground, private swimming pools are permitted in the Village.
- (ii) Private swimming pools are those pools used solely by the residents and guests of the principal use.



- (iii) The swimming pool shall be set back a minimum of 10 feet from all lot lines, as measured from the edge of the water. All pump and filtering equipment shall be set back a minimum of 20 feet from all lot lines.
- (iv) The swimming pool shall be surrounded by a barrier which shall comply with [§155.03:\(A\)\(5\)\(f\)](#) and with the following:
  - A. Every swimming pool shall be completely enclosed by a fence and/or structure of sturdy construction at least 48 inches in height, measured from the ground level at each point along the boundary of such enclosure. The enclosure may surround the pool area or the entire yard.
  - B. The enclosure shall be of such design as to prevent young children from crawling or otherwise passing through, under or over such enclosure without the use of a ladder or other implement. Openings in the barrier shall not allow passage of a four-inch diameter sphere.
  - C. Access gates into such enclosure shall be self-closing and have a self-latching device.
  - D. The required barrier must be installed prior to filling the pool with water.
- (v) Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
- (vi) Lighting shall be shaded so as not to be a disturbance to adjacent properties.
- (vii) Any sound of motor or pumps in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants shall be shielded to prevent such disturbances.
- (viii) All swimming pools shall be maintained in a fashion that would permit their use during appropriate seasons. Swimming pools shall be covered with a tarpaulin and maintained free of accumulation of leaves and other debris during any season when not in use for swimming.
- (ix) Any swimming pools that are not used for swimming purposes for a period of five years shall be filled, removed, or otherwise permanently closed and its fencing removed.
- (x) A spa or hot tub with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.
- (p) **Type B Family Day Care Home (1-6 Children)**  
Type B family day care homes are permitted when accessory to any residential dwelling unit.

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## **(B) TEMPORARY USE REGULATIONS**

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### **(1) 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.

### **(2) General Standards for Temporary Uses and Structures**

Temporary uses or structures shall:

- (a) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (b) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (c) Not include permanent alterations to the site;
- (d) Not violate the applicable conditions of approval that apply to a site or use on the site;



- (e) Not interfere with the normal operations of any permanent use located on the property; and
- (f) Contain sufficient land area to allow the temporary use or structure to occur, as well as adequate land to accommodate the parking and traffic movement.

**(3) Permitted Temporary Uses and Structures****(a) Construction and Storage Structures**

Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary, provided:

- (i) The use of such structures shall be limited to offices, buildings for the storage of lumber, equipment, and other building material, as well as construction dumpsters.
- (ii) Such construction structures shall be located on pavement or in a landscaped setting approved by the Planning Commission except that all construction dumpsters shall be located only on a paved surface.
- (iii) All temporary construction structures shall be set back a minimum of 100 feet from the nearest occupied residential dwelling except for those dwellings located on the same lot. Such setback may be reduced to 10 feet for construction dumpsters.
- (iv) A temporary structure for the construction office may be placed on the site no sooner than two weeks before the start of grading or construction and shall be permitted for a period of one year after issuance of the zoning certificate unless an alternative time limit is approved by the Planning Commission based on the scale of the project.
- (v) In the R District, the hours of operation or use of the structure shall be restricted to the hours between 7:00 a.m. to 6:00 p.m., and the concentration of vehicles attracted to the premises in connection with such use shall not be more hazardous than normal traffic in a residential district that is being developed.
- (vi) The structure shall not be located within a floodplain or in a location that will obstruct drainage flow.
- (vii) The structure shall not block or prevent access to any fire hydrant.
- (viii) All temporary structures for construction operations shall be removed within 14 days after the completion of work on the premises for which an occupancy permit has been issued or if construction is not pursued diligently. For residential subdivisions, the temporary construction structures shall be removed after the zoning certificate has been issued for the final dwelling.
- (ix) Such construction structures shall be permitted in all districts, however, only construction dumpsters are permitted on individual lots with residential dwellings, in residential zoning districts. For such uses, the placement of a temporary construction dumpster shall be limited to 30 consecutive days in any single calendar year.

**(b) Garage and Estate Sales**

- (i) Garage or estate sales are permitted up to four times per calendar year on any single lot with a maximum of four days per each occurrence.
- (ii) A zoning certificate shall not be required for a garage or estate sale but the sales shall be subject to the general standards applicable to all temporary uses and the time restrictions.

**(c) Portable Storage Units**

Portable storage units may be permitted in any zoning district as follows:

- (i) Such units may be used on construction sites, as construction structures, in accordance with [§155.03:\(B\)\(3\)\(a\)](#).
- (ii) When the occupant of a property is relocating or renovating, on a private property for a period not to exceed seven consecutive days or 14 total days in any six-month period.



- (iii) The placement of any portable storage unit shall be in such a manner as not to create a public nuisance.
- (iv) A zoning certificate shall be required for the placement of any portable storage unit.
- (v) Portable storage units shall not be used to store hazardous or explosive materials.
- (vi) Portable storage units shall not be occupied or use for any housing use.
- (vii) Electric cords or power lines shall not be extended to any portable storage unit.

**(d) Temporary Events**

A temporary event may be permitted in compliance with the following:

- (i) The following activities shall be exempt from these temporary use regulations but may still be subject to other sections of this ordinance.
  - A. Any event sponsored in whole or in part by the Village, Knox County, State of Ohio, or United States government or the school district.
  - B. Any organized activities conducted at sites or facilities typically intended and used for such activities including, but not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities and religious services, wedding services, activities at rented event or community spaces, and funeral or wedding services conducted at places of worship.
- (ii) **Temporary Event with Limited Impact**
  - A. A temporary event with limited impact may be permitted without a zoning certificate. Such events shall be subject to the general standards for all temporary uses.
  - B. The authorization of a temporary event with limited impact shall not exceed three consecutive days per occurrence.
  - C. Any temporary event that involves the sale of alcoholic beverages; the placement of a tent that requires approval by the State of Ohio; overnight stays; or that exceeds three consecutive days in length for any one occurrence shall only be permitted if approved as a temporary use with extensive impact.

**(iii) Temporary Event with Extensive Impact**

Any temporary event that is not classified as a temporary event with limited impact or that is not specifically exempted or prohibited by this ordinance, shall be classified as a temporary event with extensive impact and shall require a zoning certificate approval from the Planning Commission to proceed in accordance with §155.07:(D) and the following standards:

- A. The temporary event shall not create an unreasonable risk of significant:
  - 1. Damage to public or private property, beyond normal wear and tear;
  - 2. Injury to persons;
  - 3. Public or private disturbances or nuisances;
  - 4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
  - 5. Additional and impracticable or unduly burdensome on police, fire, trash removal, maintenance, or other public services demands; and
  - 6. Other adverse effects upon the public health, safety, or welfare.
- B. The temporary event shall not be of such a nature, size, number, or duration that the particular location requested cannot reasonably accommodate the event.
- C. The temporary event shall not occur at a time and location that has already been permitted or reserved for another permitted temporary event.



- D. In approving the temporary event, the Planning Commission is authorized to impose such conditions as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area. Such conditions may include, but are not limited to, conditions that address the following:
1. Provision of adequate vehicular ingress and egress;
  2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
  3. Regulation of number of occurrences, operational hours, or other timing limits to mitigate impacts on surrounding uses;
  4. Regulation of temporary buildings, structures, and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards; and
  5. Modification or elimination of certain proposed activities.

## **§155.04: Demolition Standards**

### **(A) PURPOSE**

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The principal purpose of this section is to preserve the architectural character of the Village and to protect the health and safety of its citizens by regulating the demolition of structures and/or buildings. This section is intended to accomplish these purposes without discouraging new development.

### **(B) SCOPE AND APPLICATION**

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The provisions of this section shall apply whenever buildings or other structures that have a floor area of 250 square feet or more are demolished, moved, or removed in whole or in part. All work of demolition or moving or removing of buildings or other structures, or parts thereof, shall be in conformity with the provisions of this section and in conformity with accepted safe practice.

### **(C) PERMIT REQUIRED**

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- (1) No person, firm, or corporation shall raze or demolish or remove a building or other structures, or part thereof, without applying for and obtaining a demolition permit from the Zoning Inspector. This demolition permit is separate from those required for construction or other work regulated by any building code or zoning ordinance.
- (2) For applications proposing the demolition or moving of a building or structure, the Planning Commission shall determine whether the proposed action will significantly detract from the Village's architectural and design character. Such review and determination shall take place at a Planning Commission meeting. The Planning Commission shall consider both the intrinsic significance of the building and its significance to adjoining properties and the Village overall. "Intrinsic significance" is the overall value of the building or structure in consideration of its age, history, condition, cultural affiliation, human safety, and contribution now or in the future to the economic vitality of the Village.
- (3) If the Planning Commission makes a determination that the demolition will not significantly detract from the Village's architectural and design character, the Planning Commission shall make a written recommendation of approval of the application.



- (4) If the Planning Commission determines otherwise, it shall make a finding of “delayed approval” and shall hold a public hearing within 120 days of the initial application. This time period is provided to permit the Village, public agencies, civic groups and other interested parties a reasonable opportunity to seek alternatives to the proposed action. Alternatives might include acquisition or moving of a property to be demolished. During the public hearing, the Planning Commission shall hear from the applicant regarding the proposed alternatives as well as any other agencies or members of the public before making a final decision on the application.
- (5) **Additional Review Consideration for Buildings or Structures on the National Register of Historic Places**
- (i) When considering the intrinsic significance of a building or structure that is on the national register of historic places, the Planning Commission shall also consider the overall significance of the building or structure based on the building or structure’s:
    - (ii) Value as a reminder of the cultural, historical, or archaeological heritage of the Village, County, State, or nation;
    - (iii) Location as a site of a significant Village, County, State, or national event;
    - (iv) Identification with a person or persons who significantly contributed to the development of the Village, County, State, or nation;
    - (v) Identification as the work of a master builder, designer, or architect whose individual work has influenced the Village, County, State, or nation;
    - (vi) Value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance;
    - (vii) Example of an architectural style or period; and/or
    - (viii) Character as a contributing element in a locally or nationally designated historic district.
  - (b) If the Planning Commission finds that the building or structure has historic significance based on the above review criteria, the applicant shall be required to demonstrate to the Planning Commission that one of the following situations is applicable during the delayed approval timing in order to be considered for approval of the demolition permit:
    - (i) Clear evidence is made that the building or structure has incurred extensive damage to its basic structural elements such as the roof, walls, and foundation that will require substantial reconstruction and that the building or structure presents an immediate danger to the public health, safety, or welfare and that such damage was not done through neglect of the property by the owner or former owners; or
    - (ii) That the cost of rehabilitating or renovating the building or structure to a purposeful use exceeds 50 percent of the fair market value of such building or structure.
  - (c) If “delayed approval” is granted but no alternative is deemed prudent or advisable at the conclusion of the public hearing, the demolition permit shall be considered approved and the Zoning Inspector shall so indicate through their endorsement upon the plans and specifications submitted.
  - (d) A demolition permit issued shall be construed to be a license to proceed with the work. It shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of any building code or other applicable laws, ordinances, rules or regulations, nor shall such issuance of a permit prevent the Zoning Inspector from thereafter requiring a correction of errors in plans or in construction or of violations of any building code or of other applicable laws, ordinances, rules or regulations.
  - (e) When the demolition permit is issued, the Zoning Inspector shall endorse in writing or stamp on all application pages or plans “approved” with the date, signature, and reference to the Planning Commission’s date of final decision. The Zoning Inspector shall retain a copy of the approved plans for the Village’s records.



- (f) The approval of specifications for demolition is invalid if demolition and construction or other work upon the property has not commenced within six months of the date of approval of the permit. If in the course of demolition, work is delayed or suspended for more than six months, the approval of the plans and specifications shall expire and before any work may resume, the owner of the building or structure shall resubmit the plans or specifications for approval pursuant to this section. If construction on the lot where the demolition occurred does not commence within 30 days, the owner must clear all remaining debris, fill any holes left by the demolition, and landscape the lot in an attractive manner by at least planting grass over the entire empty Lot.

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**(D) DEMOLITION REQUIREMENTS**

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**(1) Driving over Sidewalks or Curbs**

- (a) No person shall drive over any sidewalk or curb for any purpose in connection with demolition or the delivery of material therefor or removal of material therefrom, or for any other purpose in connection therewith, without first having obtained permission endorsed on its demolition permit to do so from the Zoning Inspector.
- (b) The demolition permit applicant shall also be required to post a deposit or bond, adequate to reimburse the Village for any costs which may be incurred by the village because of damage or destruction caused thereby, and in the form and amount directed or approved by the Mayor and the Zoning Inspector.
- (c) Such deposit shall not be returned, nor shall the surety under a bond be released, until operations have been completed and an inspection of the premises and adjoining premises, made by the Zoning Inspector, reveals no uncorrected damage or destruction.
- (d) Any costs incurred by the Village in correcting damage or destruction shall be deductible from the deposit or, when operations are performed under a bond, paid by the person, firm or corporation acting as surety.

**(2) Storage and Handling of Material and Equipment**

- (a) No material or equipment shall be stored or placed so as to be a hazard to the public, workers, adjoining property or to the structure on which it is placed.
- (b) No fire hydrant, emergency call box, public utility box, catch basin or manhole shall be obstructed or rendered inaccessible, and every tree, light pole and utility pole shall be protected and maintained free from damage.
- (c) No material shall be piled, or equipment or structure placed, so as to interfere with the proper drainage of streets or other public property.
- (d) No material shall be handled, worked upon or prepared so that public property may be damaged thereby.

**(3) Protection of Party Walls and Adjoining Buildings**

- (a) Whenever a building or other structure on one side of a party wall is removed, existing party walls shall be maintained in a safe, weatherproof condition by and at the expense of the person causing the building or other structure to be removed. Temporary or permanent bracing shall be provided, as necessary for maintaining the stability of such party wall or adjoining building, whenever such stability is endangered by the removal of a building or other structure, or part thereof. Open beam holes in party walls exposed by removal of a building or other structure, or part thereof, shall be closed with approved masonry by and at the expense of the person causing them to be exposed.
- (b) Whenever any building or other structure is to be carried above the roof of an adjoining building, protection for skylights, roofs, and roof outlets of such adjoining building shall be provided by and at the expense of the person constructing or causing such building or other structure to be carried above the roof of the adjoining building, provided they is granted written permission to enter the adjoining premises for that purpose.



- (c) No accumulation of water that may undermine foundations or enter the basement or cellar of adjoining property, or result in other injury to adjoining property, shall be permitted in any excavation.

**(4) Cleaning of Debris, Deposit and Fee**

- (a) Prior to the commencement of any demolition of any structure or building on any private property by any person, firm, or corporation other than the owner of the property himself, the owner or lessee of the property or the contractor engaged in such work shall obtain an endorsement upon its demolition permit from and make a deposit of that amount determined by the Zoning Inspector by cash or certified check with the Zoning Inspector.
- (b) Such endorsement and deposit shall be in addition to any other requirement. (See Village of Gambier Fee Ordinance)
- (c) During the period of demolition, the street pavement, tree lawns, and sidewalks shall be kept clean of all dirt and other debris caused by or arising from such work. In default thereof, and after reasonable notice to the holder of the demolition permit, the Village shall perform such cleaning and charge the cost thereof to the deposit herein before provided.
- (d) Any amount expended by the Village which exceeds the cost of completing demolition or cleaning shall be charged to the holder of the demolition permit.
- (e) After completion of such work and upon a determination by the Zoning Inspector that such areas are free of dirt and other debris, such deposit, less the cost of cleaning work performed by the Village and less a \$10.00 endorsement fee, shall be returned to the depositor thereof.

**(5) Work Started without a Permit**

Where work for which a demolition permit is required is started prior to obtaining such permit, all of the fees normally required shall be doubled, but the payment of such doubled fees shall not relieve any person from fully complying with the requirements of this section or any other ordinance, statute, or regulation. Such unpermitted work shall be stopped until the appropriate permit is obtained.



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## **§155.05: Site Design Standards**

### **(A) PURPOSE**

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- (1) These design standards are intended to enable, support, and carry out the purposes of the ordinance, as set forth in [§155.05:\(N\)](#), to assist in preserving land values, to encourage environmental sustainability, and to promote the general welfare of the citizens of the Village.
- (2) The provisions of this section are in addition to any criteria provided in this ordinance for the specific district in which a project is located.

### **(B) APPLICABILITY**

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Compliance with these standards shall be ordered in a reasonable manner by the Planning Commission.

### **(C) GENERAL DESIGN STANDARDS**

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#### **(1) Landscaping**

- (a) Landscapes shall be preserved in their natural state insofar as practicable, by minimizing tree and soil removal and grading. Any grade changes shall maintain continuity with the general appearance of neighboring developed areas or shall maintain continuity with the natural features immediately adjacent to the site.
- (b) The orientation of individual buildings shall maintain maximum natural topography and ground cover patterns.
- (c) Topography, tree growth, and natural drainage shall be treated as fixed determinants for the location of roads, driveways, yards, structures, and lots rather than being treated as elements which can be changed to accommodate a preferred or desired development scheme.
- (d) Landscaping shall unify and organize different site elements, creating visual continuity.

#### **(2) Streets**

Streets shall be designed and located in such a manner as to maintain and preserve natural topography, ground cover, significant landmarks, and trees; to minimize the need to cut and fill; and to preserve and enhance views on or off of the subject parcel.

- (a) Streets shall conform to the existing terrain and shall follow land contours as closely as possible. Although some streets may therefore be laid out in a curvilinear manner, they shall be interconnected as much as practicable. In flatter areas, a more historic, rectilinear grid pattern is preferred.
- (b) Access from a primary road to the site shall be adequate, and shall have the capacity to handle the traffic generated by the proposed project.
- (c) Cul-de-sacs shall be avoided, to the maximum extent feasible.
- (d) Street and traffic patterns, including sidewalks, shall promote pedestrian traffic so that it is more convenient and pleasant to walk the short distances within the Village than to drive. Drive-through windows or facilities do not promote pedestrian traffic in any way and shall not be permitted within the Village.

#### **(3) Development**

Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in an appropriate fashion.



**(a) Compatibility**

New construction shall be compatible with surrounding properties, in terms of formal characteristics such as height, massing, roof shapes, and window proportions and locations. When new construction is surrounded by existing historic buildings, building characteristics, including building materials, shall be harmonious with those of adjacent properties. “Compatible” does not imply “identical,” but instead suggests that the element is not so different as to cause a visual disruption to the streetscape. A “historic building” is any building over 50 years old.

**(b) Height and Massing**

- (i)** These elements are governed primarily by the height and setback requirements found within individual zoning districts; however, attention shall be paid to the individual mass of a particular building on the street where it will be or is located. The size and configuration of a building shall be harmonious with that of other buildings within the immediate vicinity.
- (ii)** New buildings shall generally follow contemporary design approaches but shall respect and reflect the traditional scale, proportions, rhythms, and mood of existing traditional structures. These values shall be interpreted strongly into contemporary building design, but without resorting to the use of imitation historic building details.
- (iii)** Building design shall be consistent within the unit, and the “patch-working” of historically unrelated style elements is generally prohibited.
- (iv)** Buildings shall be oriented fronting the street and/or the location of the frontage of the lot unless another design principle necessitates otherwise in the opinion of the Planning Commission.
- (v)** The minimum building spacing requirement is intended to prevent the construction of long, narrow buildings and provide privacy, light, and air within dwelling units; where window locations along a wall are such to provide adequate privacy, light, and air within the building, the spacing between buildings may be reduced and narrower lots may be permitted.

**(c) Roofs**

There shall be no maximum or minimum roof pitch required or any absolute prohibition of particular types, colors and textures of roof materials; provided, however, that the pitch and materials shall be in keeping with the architectural style of the structure.

**(d) Windows**

- (i)** Vertical height of windows shall be harmonious, to the extent practical, with those of other buildings along the same block face and the opposing block face. See [Figure M](#).



*Figure M: The above image illustrates how the first floor and second floor windows are generally the same height as the first and second floor windows of adjacent buildings.*



- (ii) Windows shall be framed on the exterior with casing boards and shall be rationally ordered both vertically and horizontally so that the building facades shall be visually well balanced. In most cases, windows shall be located singly rather than in groups, depending upon the traditional patterns established by buildings in the vicinity.

**(e) Building Materials**

- (i) Wooden clapboard, board and batten, cement board (e.g., Hardieplank), or artificial (vinyl/aluminum) clapboard siding is allowed, provided that such siding has a non-reflective, matte finish.
- (ii) “T-111” artificial board-and-batten style siding, asphalt siding of any style, plywood siding and metal siding (other than aluminum, see above) are permitted.
- (iii) Shake shingle siding is permitted.
- (iv) Brick shall be of a color, size, and texture that is typical of older buildings in the Village; masonry joints shall be as thin as possible.
- (v) Non-masonry artificial brick siding and non-masonry artificial stone siding are permitted.
- (vi) While smooth-faced cement blocks are prohibited for exterior walls, split-face block is permitted.

**(4) Open Space**

All open space shall be designed to complement the visual amenities of the area by maximizing its visibility for persons passing through or by the site or overlooking it from nearby properties.

**(5) Signs and Other Structures**

The color, size, height, lighting, and landscaping of signs and other structures on the site shall be evaluated for compatibility with the local architecture and maintenance of views of natural landscaping, historic buildings, and parks. The evaluation shall review proposed developments, including signs, in view of their compliance with design guidelines included in this ordinance.

**(6) Traffic Visibility Across Corner Lots**

On any corner lot in any R District, no fence, structure, or planting shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.

**(7) Historical Preference**

The removal or disruption of historic, traditional, or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

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**(D) GOOD NEIGHBOR STANDARDS**

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**(1) Purpose**

The purpose of this section is to provide a number of performance standards by which applications for development will be evaluated by the Village and by which the actual performance of new and existing operations and uses will be monitored by the Village for compliance. The purposes of these performance standards are to protect the Village in general, and abutting and neighboring landowners in particular, from any potential negative impacts that uses may have on the physical environment and the quality of life currently enjoyed by Gambier.

**(2) Applicability**

- (a) The good neighbor standards shall be met by all new and existing uses introduced into the Village.



- (b) At the same time as any application is made for any permits or approvals from the zoning inspector or the Planning Commission or Village Council, the applicant shall include a statement indicating compliance with these standards.
- (c) The Village zoning inspector, Planning Commission, and Village Council must consider the degree to which a new development will or will not comply with these standards before rendering a decision on the application.
- (d) Failure to meet the good neighbor standards may be grounds for delaying or rejecting an application.

**(3) Water Quality**

**(a) Objective**

Development or use of land within the Village should not result in harm, pollution, or reduction of ground water.

**(b) Standards**

- (i) All outdoor storage facilities for fuel, chemicals, or industrial wastes, and potentially harmful raw materials, must be located on impervious pavement, and shall be completely enclosed by an impervious dike high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a 50-year storm. This requirement is intended to prevent harmful materials from spilling and seeping into the ground, contaminating the ground water.
- (ii) Storage tanks for residential fuels, not exceeding 275 gallons in size may be exempted from this requirement provided that there is no seasonal high-water table within four feet of the surface, and that no rapidly permeable sandy soils are located on the land.

**(4) Dust, Fumes, Vapors, Gases and Odors**

**(a) Objective**

Development or use of land within the Village should not result in excessive airborne nuisances such as dust, fumes, vapors, gases, and odors.

**(b) Standards**

- (i) Emission of smoke, dust, dirt, fly ash or other particulate matter, or of noxious, toxic, or corrosive fumes, vapors or gases in such quantities as to be excessively and unreasonably evident or perceptible at the property line of any lot on which a use is conducted, or which could be injurious to human health, animals or vegetation; detrimental to the enjoyment of adjoining or nearby properties; or which could soil or stain persons or property, at any point beyond the lot line of the property creating that emission shall not be permitted.
- (ii) No land use or establishment shall be permitted to produce excessive, unreasonable, or harmful odors, scents, or aromas, (such as, but not limited to, those produced by manufacturing processes, food preparation, food processing, food sales, rendering, fermentation processes, decaying organic matter, and/or incinerators) perceptible beyond that use's lot line, either at ground or other habitable elevation. The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapors, odors, scents or aromas shall be indicated on all plans for new development or uses including a description of the source of such and the anticipated frequency and/or duration thereof.

**(5) Glare**

**(a) Objective**

Development or use of land in the Village should not significantly increase or create glare caused by exterior lighting.



**(b) Standards**

- (i) All development shall comply with the provision of [§155.05:\(N\)](#).
- (ii) Outdoor lighting shall be controlled in both height and intensity to maintain the Village's rural character. Therefore, no land-use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any Village road or state highway so as to impair the vision of the driver of any vehicle upon that town way. To achieve this, luminaries shall be shielded to prevent light shining beyond the lot lines into neighboring properties or public ways.
- (iii) All outdoor lighting (except for security purposes) shall be turned off between 11 p.m. and 6 a.m. Exceptions will be granted for businesses operating during those hours.
- (iv) All indoor lighting in no-residential buildings shall be turned off after 10 p.m., or be shaded in such a way as to prevent significant light pollution from the building. Light that does leave the building via windows after 10 p.m. shall meet the International Dark Sky Association's guidelines for outdoor lights.
- (v) Lights should only be on when needed and only in areas that need lights; outdoor lights should be fully shielded and emit no light above the horizontal plane; outdoor lighting shall have a color temperature of no more than 3000 Kelvins.

**(6) Heat, Radiation, Electrical or Magnetic Interference, and Explosive Hazard**

**(a) Objective**

Development or use of land in the Village shall not result in the creation of heat, radiation, electrical interference, magnetic interference, or hazards of explosion or fire.

**(b) Standard**

No use shall cause perceptible heat or radiation beyond the property line of the use, nor shall it pose danger to surrounding areas by reason of a fire, explosion, or other safety hazard. No use shall cause electrical, magnetic, or other interference with any use, process, equipment, appliance, or device located beyond the property line of the property on which the use is located.

**(7) Refuse Disposal**

**(a) Objective**

Development or use of land in the Village should not create excessive refuse, by-products, or other waste; recycling of materials used in construction and/or materials used by the use permitted on the property is encouraged.

**(b) Standard**

All refuse containers shall have tight-fitting lids and shall be enclosed or screened so as to not be visible at property lines. An operator or user shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. Upon request by the Planning Commission, the Village Council may consider the impact of a particular waste or by-products upon the Village's disposal methods and/or disposal areas (as to volume, flammability or toxicity) and may require the operator or user to dispose of such wastes at non-village sites, in conformance with all applicable State or Federal regulations. The Village Council may also require the user to specify the amount and exact nature of all wastes to be generated by the proposed operation.

**(8) Storm Water Run-Off**

**(a) Objective**

Development or land use in the Village should not produce excessive increase in runoff.



**(b) Standard**

Surface water run-off shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by such project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained as nearly as possible. The design period shall be for a 50-year storm.

**(9) Erosion Control**

**(a) Objective**

Development or land use in the Village should not increase or create additional erosion hazard areas; development or land use in the Village should effectively control erosion hazards.

**(b) Standards**

To minimize erosion of soil and sedimentation of watercourses and water bodies the following practices should be implemented:

- (i)** Stripping of vegetation, soil removal, and grading or other development should minimize loss of soil whether caused by rainfall or contact with other bodies of water.
- (ii)** The duration of exposure of the disturbed area shall be kept to the practical minimum of time required for the development.
- (iii)** Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- (iv)** Permanent (final) vegetation and any necessary mechanical erosion control measures shall be installed as soon as practical and contemporaneously with construction whenever possible.
- (v)** Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods.
- (vi)** The top of a cut or bottom of a fill section shall not be closer than 10 feet to an adjoining property, unless otherwise specified by the Planning Commission.
- (vii)** During grading operations, effective methods of dust control shall be used.

**(10) Noise**

**(a) Objective**

Development or use of land in the Village should not produce disruptive or objectionable noise on a regular or periodic basis.

**(b) Standards**

- (i)** Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume.
- (ii)** The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this ordinance shall be established by the time period and type of land use district listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least four feet above the ground surface.
- (iii)** Sound from any source controlled by this ordinance shall not exceed the limits at the property line of said source as established in [Table 7](#).
- (iv)** The average sound level on dBA scale shall be taken at the receiving property. The average sound level measurement taken between 20 and 60 seconds shall be no greater than the maximum levels set out in this table.
- (v)** Daytime hours shall be 8:00 am to 10:00 pm on weekdays and 8:00 am to 11:00 pm on weekends. Evening hours shall be 10:00 pm to 8:00 am on weekdays and 11:00 pm to 8:00 am on weekends.



- (vi) Weekdays are defined as Monday through Thursday; weekends are defined as every Friday, Saturday, and any day that is a federal holiday.

TABLE 7: SOUND PRESSURE LIMITS		
District	Maximum Sound Pressure Limits (decibels)	
	Daytime	Evening
R	65	60
M, I-1, I-2, or I-3	70	70

- (vii) Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.

**(viii) Exclusions**

These levels shall not apply to intermittent noise emitted by or related to:

- A. Natural phenomena;
- B. Bells rung as part of any official religious ceremony or service, and tower clock bells;
- C. Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation;
- D. Warning devices required by OSHA or other State or Federal safety regulations;
- E. Noise from domestic power equipment such as, but not limited to, lawn and yard tools or similar devices operated during daytime hours;
- F. Felling trees and removing logs, during daytime hours;
- G. Noise generated by any construction or demolition equipment which is operated during daytime hours. Emergency construction or repair work by public utilities at any hour shall also be exempted;
- H. Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours; and
- I. Noise created by any recreational activities which are permitted by law and/or for which a license or permit has been granted by the Village, including, but not limited to, parades, sporting events (but not including sports practice sessions), concerts, and firework displays.

**(ix) Specific Prohibitions**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, to wit:

- A. Owning, possessing or harboring any animal which frequently or for continued duration makes sounds which create a noise disturbance across a residential real property boundary. For the purpose of this ordinance, a barking dog shall mean a dog that barks, bays, cries, howls, or makes other noise continuously and/or incessantly for a period of more than 10 minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of the day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a “barking dog” for purposes of this section, if, at the time the dog is barking or making other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.



- B. The using, operating or permitting to be played, used or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- C. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- D. No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds Manufacturer's Gross Vehicle Weight (GVW) for a period in excess of 10 minutes within any eight-hour period during nighttime hours, when such vehicle is parked on or adjacent to a residential premises or on a public road next to a residential premises.

**(11) Manner of Enforcement**

- (a) The Village Administrator and Village Marshal shall have the authority to enforce the provisions of this section on good neighbor standards in accordance with [§155.07:\(F\)](#).
- (b) No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this ordinance while such person is engaged in the performance of his duty.

**(E) PARKING AND LOADING REGULATIONS**

**(1) Purpose**

- (a) It is the purpose of the off-street parking and loading regulations to reduce the congestion on streets and impervious surfaces in the village due to excessive use for parking and loading of motor vehicles.
- (b) Off-street circulation regulations are designed to prevent traffic congestion and hazards due to the movement of vehicles and pedestrians on private property.

**(2) Off-Street Parking and Loading Required**

- (a) Off-street parking and/or loading shall be provided for every new, enlarged or modified use in connection with every use as applicable in this ordinance, in accordance with the requirements specified in this section.
- (b) Whenever off-street parking and loading is provided, regardless if required by this ordinance, the design of the parking and loading areas shall be undertaken in accordance with the provisions of this section.

**(3) Off- Street Parking Requirements**

The maximum number of off-street parking spaces allowed shall be as established in [Table 8](#).

TABLE 8: MAXIMUM OFF-STREET PARKING SPACES	
Use	Maximum Parking Spaces Allowed
<b>Residential Uses</b>	
Residential Facility	1 space per 4 residents of design capacity
Skilled Nursing or Personal Care Facility	
All Other Residential Uses	3 spaces per lot single-family dwelling 4 spaces per lot for a multi-family dwelling with 2 dwelling units 2 spaces for each dwelling unit in a multi-family dwelling that exceeds 2 dwelling units per structure
<b>Public and Institutional Uses</b>	
Active Recreational Facilities	As determined by the Planning Commission
Cemeteries	1 space per 6 seats of maximum design capacity for buildings used for



<b>TABLE 8: MAXIMUM OFF-STREET PARKING SPACES</b>	
<b>Use</b>	<b>Maximum Parking Spaces Allowed</b>
	assembly or gathering
Cultural Facilities	1 space per 400 square feet of gross floor area
Day Care Centers	2 spaces per classroom
Educational Facilities (Pre-K to12)	As determined by the Planning Commission
Educational Facilities (Secondary)	As determined by the Planning Commission
Government Buildings	1 space per 400 square feet of gross floor area
Passive Recreation, Conservation, and Open Space	1 space per 10,000 square feet of total land area
Places of Worship	1 space per 10 seats of maximum design capacity
Public Utilities	1 space per 1,000 square feet of gross floor area
Quasi-Public, Fraternal, or Service Facilities	1 space per 500 square feet of gross floor area
Transmission Towers	1 per site. The driveway may count towards the parking requirement
<b>Commercial/Service</b>	
Automotive Service Stations	1 space per 300 square feet of gross floor area
Bed and Breakfast	0.75 spaces per living or sleeping room
Business and Professional Offices	1 space per 400 square feet of gross floor area For medical or dental offices, the maximum parking shall be 3 spaces per treatment room
Hotels	0.75 spaces per living or sleeping room plus 1 per 6 seats if banquet facility or conference rooms
Mixed Use Buildings	The combined maximum of all uses within the building
Personal Service Establishments	1 space per 300 square feet of gross floor area
Restaurants and Taverns	1 space per 250 square feet of gross floor area of customer seating area
Retail Establishments	1 space per 500 square feet of gross floor area
Veterinary Clinics	3 spaces per treatment room

**(4) Off- Street Parking as a Conditional Use**

Where any off-street vehicular use area will contain more than three dedicated parking spaces, such use shall be reviewed by the Planning Commission as a conditional use. In considering the conditional use, the Planning Commission shall consider:

- (a) Whether the overall imperviousness associated with parking lots has been reduced by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, and/or using pervious materials in spill-over parking areas, if any;
- (b) The efforts to utilize shared parking with other uses/properties;
- (c) Whether storm water treatment is provided for parking lot runoff using bioretention areas, filter strips, and/or other practices that are integrated into required landscaping areas and traffic islands;
- (d) Whether pedestrian walk areas and sidewalks are included in the design, providing common walkways between pedestrian areas;
- (e) Whether the dominance of the parking area has been reduced by locating the parking lot in the rear of the building;
- (f) Whether lighting plans conform to the requirements of this ordinance; and
- (g) Upon due consideration of evidence showing compliance with these criteria as embodied in the following regulations, the Planning Commission may grant a conditional use permit for vehicular use areas. When off-street parking is permitted, it shall be provided with vehicular access to a street or alley.



**(5) Off-Street Loading Area Requirements**

- (a) In any district where a building is proposed with a gross floor area of 5,000 square feet or more than may require the distribution or delivery by vehicles of material or merchandise into the building, there shall be provided and maintained, one off-street loading space.
- (b) The loading space shall be limited only to the absolute smallest size necessary for the location of the delivery vehicle during the delivery process in such a manner as to keep traffic (pedestrian and vehicular) from being blocked or disrupted.
- (c) The loading space may occupy part of any required side or rear yards.
- (d) When possible, loading areas shall be located as far away from adjoining residential districts as possible.
- (e) The Planning Commission may permit additional loading spaces in circumstances so justifying, such as increased frequency of deliveries or larger areas of building floor space.

**(6) Vehicular Use Area Design and Maintenance**

Every parcel of land used as a public or private vehicular use area, including commercial parking lots, shall be developed and maintained in accordance with the following requirements. These requirements shall apply to existing vehicular use areas which are modified as well as new parking areas which are created.

**(a) Screening and Landscaping**

- (i) All off-street vehicular areas in all districts except the R District (or as otherwise provided by the ordinance) shall be effectively screened on three sides.
- (ii) The screening shall consist of a bufferyard which shall include landscaping at a height of between three and eight feet at the time of planting, planted on a strip of land not less than 10 feet in width. Such bufferyard shall be planted with a suitable combination of evergreen hedge, dense planting of evergreen shrubs, mixed with deciduous trees and shrubs such that at least 50 percent of the view of the parked automobiles is screened from any public way.
- (iii) All trees shall be a minimum of two inches diameter when planted. Native trees and shrubs shall be used in instances where healthy plant material exists on a site prior to its development.
- (iv) The Planning Commission may adjust the above requirements to allow credit for retention of such plant material, if, after due consideration, it finds that such an adjustment shall preserve the intents and purposes of this ordinance.
- (v) The applicant may utilize any bufferyards required by [§155.05:\(H\)](#) toward this screening requirement.

**(b) Surfacing and Area**

- (i) All off-street vehicular areas shall be graded for proper drainage and surfaced so as to provide a durable surface.
- (ii) For purposes of computing the parking area required, a ratio of between 157 to 176 square feet per parking space, in addition to circulation aisles, shall be used. This ratio permits perpendicular parking stalls between 8.5 and 9.5 feet in width by 18.5 feet in depth.
- (iii) The owner or applicant of any vehicular use area is completely responsible for assuring and furnishing adequate drainage for the areas constructed or under the owner/applicant's control.
- (iv) In the R, I-2, C Districts, gravel surfacing, permeable pavement surfaces, and structural lawns shall be considered a "durable surface" for purposes of this section. The Planning Commission shall require a plan for the maintenance and upkeep of such surfaces to ensure that the permeable nature of the surfaces shall be maintained to allow for proper drainage.



**(c) Lighting**

Lighting used to illuminate off-street parking areas shall be arranged to reflect and direct light away from adjoining parcels and away from street view. Lighting shall meet the International Dark Sky Association's guidelines for outdoor lights. Lights should only be on when needed and only in areas that need lights; lights should be fully shielded and emit no light above the horizontal plane; outdoor lighting shall have a color temperature of no more than 3000 Kelvins.

**(d) Location**

- (i)** In all districts except the R District, new off-street parking areas shall be located at the rear of the building
- (ii)** In the R District, new off-street parking areas shall be located to the side or the rear of the principal building to the maximum extent practicable.

**(e) Joint Use**

- (i)** In all districts except the R District, a property owner or occupant may coordinate with others to provide joint use of parking areas on a lot which the owner or occupant does not own or otherwise use.
- (ii)** Notice of an intention to share parking spaces shall be filed as part of the conditional use permit required by this ordinance.
- (iii)** The joint use of vehicular use areas may continue after the filing of notice unless or until the Planning Commission determines that shared parking areas of those uses fails to meet the needs of the community. Upon such a determination the Planning Commission shall hold a hearing on the issue and resolve the failure to the satisfaction of the community's needs.

**(7) Storage of Vehicles**

All motor vehicles over 30 feet in length and boats, recreational vehicles, trailers, campers, snowmobiles, semis/tractor-trailers, and other motorized and non-motorized equipment, shall be parked or stored in conforming residential parking areas (including garages) in accordance with the following provisions:

- (a)** Vehicles and equipment may be parked or stored in a permitted garage for any length of time.
- (b)** All vehicles and equipment must remain operable and licensed at all times it is parked or stored outside of an enclosed garage.
- (c)** One vehicle or equipment listed in this section may be parked on each lot as an exception to the requirements set forth within (d) and (e), provided the vehicle is parked entirely within a parking area on the lot.
- (d)** The vehicles and equipment listed in this section may be parked for a period of up to 72 hours, in any given week, in the side yard or rear yard of a residence without screening for the purposes of loading or unloading in preparation of use.
- (e)** If the vehicles or equipment listed in this section are parked for longer than 72 hours in a week, then it shall be considered as storage and shall be screened from view from public streets and adjacent properties by plantings, fences, walls or other acceptable screening methods allowed by this ordinance that provide a 100 percent screen of the vehicle or equipment.

**(8) Parking Modifications**

- (a)** The Planning Commission may place less emphasis on the importance of some or all of the foregoing requirements if it shall find that, in a particular case, the peculiar nature of the intended use, or the exceptional shape or size of the property or other exceptional situation or condition, would justify such action.



- (b) In such a situation, the Planning Commission shall clearly identify the exceptional elements prior to its decision and shall identify, in its decision, the benefits to the public of a flexible application of these requirements to the situation.

**(9) Parking Violations and Penalties**

Any person found in violation of these parking regulations or other violations related to parking in the Village, shall be found to be in violation of this ordinance and subject to the parking violation and penalties of [§155.07:\(F\)\(7\)](#).

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**(F) TRANSPORTATION IMPACT REPORT**

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**(1) Purpose**

The transportation impact report is designed to identify the transportation (traffic) impact and problems which are likely to be generated by a proposed use and to identify all improvements required to insure safe ingress to and egress from a proposed development and maintenance of adequate street capacity and elimination of hazardous conditions.

**(2) Applicability**

Unless waived by the Planning Commission, a transportation impact report shall be required to be submitted with an application for a zoning certificate in the following cases:

- (a) Any nonresidential development that will have direct access to any major street that includes Chase Avenue (Rt. 308), Gaskin Avenue, Brooklyn Street, and Wiggin Street; or
- (b) Any residential development that contains more than five dwelling units.

**(3) Contents of Transportation Impact Report**

**(a) The transportation impact report shall contain the following information:**

- (i) A detailed description of the road network within a half mile of the site;
- (ii) A description of the proposed land uses;
- (iii) The anticipated stages of construction, and
- (iv) The anticipated completion date of the proposed land development

**(b) The transportation impact report may be in the form of a map and narrative and shall include:**

- (i) A major intersections;
- (ii) All proposed and existing ingress and egress locations;
- (iii) All existing roadway widths and rights-of-way; and
- (iv) All existing traffic signals and traffic control devices; and
- (v) A summary of a 24-hour traffic count that shall be conducted for a period of 5 weekdays (Monday-Friday) on all roadways which have direct access to the proposed development site. The existing average daily traffic volume and the highest average peak hour volume of vehicular and pedestrian traffic for any weekday hour between 3 PM and 6 PM shall be recorded. These traffic volumes shall be averaged to determine the average hourly peak traffic volume.

**(4) Traffic Control Devices**

Whenever, as the result of additional traffic generated by a proposed development, a need for a traffic signal or regulatory sign is created, the applicant shall be responsible for installing all said devices and signs.

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**(G) SCREENING IN THE M DISTRICT**

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- (1)** Open storage areas, loading areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish in the M District shall be screened from the roads and surrounding properties.



- (2) Suitable types of screening include a living fence, privacy fence or dense hedges.
- (3) No such screening shall be required to exceed ten feet in height.

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**(H) BUFFERYARDS**

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**(1) Purpose**

Bufferyards may be required to separate different land uses from each other in order to eliminate or minimize potential nuisances or adverse impacts. In the case of bufferyard planting, plant materials shall be located so as to achieve the maximum level of protection to the less intense use. All uses shall be reviewed by the Planning Commission to verify buffering is sufficient to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise or odor.

**(2) Required Bufferyards**

The following are the required bufferyards based on proposed uses adjacent to certain types of uses. Such bufferyard types are further defined by [Table 9](#).

- (a) A Type B bufferyards shall be required by the Planning Commission to allow the placement of multi-family dwellings or bed and breakfast uses adjacent to single-family dwellings.
- (b) A Type C bufferyard shall be required by the Planning Commission to allow the placement of a public and institutional use adjacent to a residential use.
- (c) A D bufferyard shall be required by the Planning Commission to allow the placement of nonresidential use in the M District adjacent to a residential or a public and institutional use.

**(3) Waiver**

- (a) The Planning Commission may waive, modify, or reduce a bufferyard requirement if the Planning Commission finds that one or more of the following exists:
  - (i) The proposed is shown not to pose a significant risk of the potential nuisances and impacts listed in the purpose statement for this section;
  - (ii) There is existing buffering, physical features, woodlands, or other features exists in a manner that provides an enhanced buffer beyond that required of this section; or
  - (iii) The applicant can demonstrate an alternative buffer that will meet or exceed the requirements of this section; or
  - (iv) The adjacent use is related in nature to the proposed use where they may be more integrated than other similar adjacent used in the Village.
- (b) In no instance shall a bufferyard requirement be reduced below that of a Type A bufferyard.



TABLE 9: BUFFERYARD TYPES							
Bufferyard Type	Bufferyard Width	Height of Screen [1]	Height of Berm	Number of Plants per 50 Linear Feet of Bufferyard			
				3-Foot-High Shrubs	6-Foot-High Evergreen Trees	1.5-Inch Diameter Trees [2]	2.5-Inch Diameter Trees [2]
A	10 Feet	6 Feet	---	None	None	None	None
B - Screen	10 Feet	6 Feet	---	None	1	2	1
B - Berm	10 Feet	---	4 Feet	12	None	2	None
C - Screen	10 Feet	6 Feet	---	None	2	2	2
C - Berm	10 Feet	---	6 Feet	6	2	2	1
D - Screen	10 Feet	6 Feet	---	None	4	4	3
D - Berm	10 Feet	---	8 Feet	None	3	3	2
NOTES:							
[1] A screen shall consist of a solid fence or wall that complies with <a href="#">§155.03:(A)(5)(f)</a> .							
[2] Such diameter shall be measured one foot from the base of the tree at grade level.							

## **(I) WETLANDS; PERMANENT OPEN SPACE**

All wetlands shall remain as permanent open space. Wetlands may not be dredged, filled or drained, except as permitted by federal law.

## **(J) STORM WATER STUDY AND REPORT**

Storm water drainage design shall meet any requirements listed elsewhere in this ordinance as well as complying with the criteria set forth in the most recently adopted version of the "Franklin County Stormwater Drainage Manual". Unless waived by the Planning Commission, a report indicating storm water facilities and designs for all nonresidential developments is required as part of the zoning certificate application.

## **(K) FLOOD DAMAGE REDUCTION**

All development subject to this ordinance shall also be subject to the flood damage reduction requirements of Chapter 153 of the Gambier Code of Ordinances.

## **(L) STEEP SLOPES, SOIL EROSION, AND SEDIMENTATION CONTROL**

### **(1) Erodible Slopes**

The following standards shall apply to sloped portions of any lot where the sloped area measures at least 50 feet in any direction. Such areas are considered areas of steep slopes, or "erodible slopes", and the following standards shall apply:

- (a) No more than 40 percent of the erodible slope shall be developed and/or re-graded or stripped of vegetation from areas where slope exceeds 12 percent.
- (b) No more than 30 percent of the erodible slope shall be developed and/or re-graded or stripped of vegetation from areas where the slope exceeds 20 percent.
- (c) No more than 15 percent of the erodible slope shall be developed and/or re-graded or stripped of vegetation from areas where the slope exceeds 30 percent.
- (d) All such areas shall remain as permanent open space to every extent possible.
- (e) Erodible slopes may be used to provide access to non-sloped areas, provided that no alternate means or routes of access are feasible.



**(2) Soil Erosion and Sedimentation Control Plan**

- (a) In order to prevent soil erosion and sedimentation, a soil erosion and sedimentation control plan shall be required as a part of an application for a zoning certificate whenever a development in any district will involve clearing, grading, transporting, or other form of disturbing land by the movement of earth, provided that any one of the following descriptions applies to the said movement of land:
- (i) Excavation, fill or any combination thereof will exceed 500 cubic yards;
  - (ii) Fill will exceed three feet in vertical depth at its deepest point as measured from the natural ground surface;
  - (iii) Excavation will exceed four feet in vertical depth at its deepest point (excluding foundations) as measured from the natural ground surface;
  - (iv) Excavation, fill or any combination thereof will exceed an area of 5,000 square feet; or
  - (v) Plant and/or tree cover is to be removed from an area exceeding 5,000 square feet on any parcel of land.
- (b) Whenever any land located in a stream, stream channel, or body of water is disturbed, a soil erosion and sedimentation control plan shall be provided with the application for a zoning certificate.

**(3) Additional Requirements**

All measures necessary to minimize soil erosion and to control sedimentation in disturbed land shall be provided, including minimize velocities of water runoff, maximize protection of disturbed areas from storm water runoff, and retain sedimentation within the development sites as early as possible following disturbances.

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**(M) MATURE WOODLANDS; WOODLANDS; YOUNG WOODLANDS**

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**(1) Requirements**

- (a) No more than 15 percent of any acre of mature woodland may be cleared or developed. The remaining 85 percent shall be maintained as permanent mature woodland.
- (b) No more than 30 percent of any acre of woodland may be cleared or developed. The remaining 70 percent shall be maintained as permanent woodland.
- (c) No more than 60 percent of any acre of young woodland shall be cleared. The remaining 40 percent shall be maintained as permanent young woodland.

**(2) Replacement of Woodlands—Credit**

- (a) In the case of mature woodlands or other woodlands, the applicant may clear or develop more than the area otherwise permitted to be disturbed by this section, provided that the total mature woodland or woodland area disturbed shall not be increased by more than 50 percent of the area otherwise permitted to be disturbed (or 22.5 percent total of mature woodlands and 45 percent total of woodlands).
- (b) The applicant shall designate a new woodland area on a part of the site not presently forested. The new woodland area shall consist of 1.2 times the acreage of the woodland area disturbed pursuant to this subsection.

**(3) Establishment of Woodlands**

The establishment of a woodland for the purposes listed in [§155.05:\(M\)\(2\)](#), above shall require that:

- (a) Only native species trees and woodland shrubs, or other trees authorized by the Shade Tree Commission, shall be used, and shall be used together in such a way as to support a healthy and diverse woodland.



- (b) All existing healthy trees shall be preserved to the maximum extent possible; all development plans shall include and identify the location of existing healthy trees.
- (c) All areas of newly established woodland shall be seeded as lawn or prairie unless ground cover has already been established.
- (d) All plantings shall occur during the season appropriate for the specific plant material within the calendar year following the improvement of any site or parcel or lot.

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## **(N) EXTERIOR LIGHTING STANDARDS**

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### **(1) Purpose**

The purpose of this section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land Uses in the proximity of the light source. With respect to motor vehicles, safety considerations form the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This section does not apply to public Street lighting. For purposes of this section, “glare” shall mean excessive brightness that is sufficiently greater than that to which the eyes are adapted, which causes annoyance or loss in visibility, so as to jeopardize health, safety, or welfare or which otherwise constitutes a nuisance.

### **(2) Applicability**

The requirements of this section are applicable to all outdoor lighting having an aggregate rated lamp output equal to or exceeding 750 lumens (e.g., the rated output of a standard non-directional 60-watt incandescent lamp).

### **(3) Control of Glare**

- (a) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- (b) The illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight at any time and from any point on the receiving residential property.
- (c) Except as permitted for certain recreational lighting associated with public and institutional uses, lighting shall not be mounted in excess of 20 feet above finished grade of the surface being illuminated. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the lighting. The height of lighting for recreational purposes shall be as established by the Planning Commission as part of the review of the proposed recreational use.
- (d) For the lighting of predominantly horizontal surfaces such as, but not limited, to parking areas, roadways, vehicular and pedestrian passage areas, recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, lighting shall be aimed straight down.
- (e) For the lighting of predominantly non-horizontal surfaces, when their use is specifically permitted by this ordinance, lighting shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
- (f) Directional lighting such as floodlights and spotlights, shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way.



- (g) Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.
- (h) “Barn lights,” aka “dusk-to-dawn lights,” when a source of glare as viewed from an adjacent residential use, shall not be permitted unless effectively shielded as viewed from the adjacent property.
- (i) No exterior light sources shall exceed a maximum Correlated Color Temperature (CCT) of 3,000K unless otherwise approved by the Planning Commission.
- (j) The Planning Commission may utilize International Dark Skies Criteria for Community-Friendly Outdoor Sports Lighting guidelines to make decisions on lighting for recreational facilities.



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## **§155.06: Sign Standards**

### **(A) PURPOSE**

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It is the purpose and intent of this section to establish reasonable regulations which preserve the health, safety and general welfare of the public, while protecting each person's constitutional right to freedom of speech, as indicated by the following objectives:

- (1) To prohibit signs which pose an unreasonable risk to the public safety;
- (2) To limit the visual dominance of signs without unconstitutionally restricting the information conveyed;
- (3) To provide for reasonable and appropriate methods for locating goods, services, and facilities in all zoning districts by relating the size, type and design of signs to the size, type and design of the uses and districts;
- (4) To control the design of signs so that their appearance shall be aesthetically harmonious with an overall urban design for the area;
- (5) To promote traffic safety by preventing obstructions within public rights-of-way, minimizing visual distractions to motorists, ensuring that sign size and height are appropriate to their location and preventing conflicts with public safety signs and police and fire protection;
- (6) To promote the most desirable developments and economic activity in accordance with the objectives of the strategic plan; and
- (7) To promote the public right to receive religious, political, economic, social, philosophical and other First Amendment protected messages.

The Village does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Chapter I, §11 of the Ohio Constitution. All regulations in this section are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of persons to speak freely.

### **(B) APPLICABILITY**

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- (1) No sign, except those specifically exempted by this ordinance, shall be erected without a separate sign permit issued by the Zoning Inspector.
- (2) A sign permit shall be reviewed in the same manner as a zoning certificate.
- (3) Each sign permit application shall be accompanied by scale drawings, showing the design proposed, the size, character, and color of the letters, lines and symbols, method of illumination, the exact location of the sign in relation to the building and lot, and details and specifications for construction.
- (4) The sign permit shall be submitted and reviewed in the same manner as a zoning certificate, subject to the provisions of this section.
- (5) Fees for sign permit applications shall be as fixed by Village Council.
- (6) The Planning Commission shall review sign permit applications on the following criteria:
  - (a) Whether the proposed sign complies with all relevant sections of this ordinance;
  - (b) Whether the proposed design and materials present a cohesive and well-considered example of commercial art;
  - (c) Whether the proposed sign shall serve as an unnecessary distraction to vehicular traffic or poses other risks to vehicular or pedestrian traffic; and
  - (d) Whether the proposed sign shall enhance the Village character and architecture therein.
- (7) Unless otherwise provided, this section shall apply to any sign over which the Village has authority to regulate. Additionally, this section shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located.



- (8) Any sign already established on the effective date of this section or future amendment thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of [§155.06:\(H\)](#).

**(9) Sign Permit Exemptions**

The following signs are subject to the requirements of this section and are allowed in all districts, but do not require a sign permit. Additionally, any sign area for these signs do not count toward the sign area allowances specified in this section for all other permitted signs. Permit-exempt signs, or the structures they are attached to, may still be subject other applicable code and ordinance requirements.

- (a) Signs and/or notices issued by any court, officer or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;
- (b) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines, or similar devices that are not of a size or design as to be visible from a street or by any person other than those using the machine or device;
- (c) Any sign that is located completely inside a building that is not visible from the exterior (See also the definition of “window sign”.);
- (d) Signs that are located within a stadium, open-air theater, park, arena or other outdoor use that are not intended to be visible from a public right-of-way or adjacent property, and can be viewed only by persons within such stadium, open-air theater, park, arena or other outdoor use;
- (e) Sign face changes where the sign structure is designed with interchangeable panels and one of the panels is replaced without changing the structure, including any changes to the total sign face area, height or alteration of the sign cabinet;
- (f) Certain temporary signs as established in [§155.06:\(G\)](#);
- (g) A single wall sign mounted flush on the façade of an individual dwelling unit that is not illuminated and does not exceed two square feet in area;
- (h) Signs that are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Ohio, Knox County, or the Village;
- (i) Any signs located on umbrellas, seating, or similar patio furniture in the M, I-1, I-2, or I-3 Districts provided umbrellas or furniture complies with this ordinance and such signs does not exceed four inches by 12 inches in size;
- (j) Signs installed or required by a governmental agency including the Village, Knox County, the State of Ohio, and the United States. Such signs may be installed in the right-of-way;
- (k) Any warning signs or traffic safety signs required by public utility providers;
- (l) Hand-held signs not set on or affixed to the ground;
- (m) Any address numbers required by the Village or Knox County;
- (n) Changes of copy on signs with changeable copy;
- (o) Any signs, including illuminated signs, or related decorations erected in observance of religious, national or state holidays which are not intended to be permanent in nature and which contain no advertising material; and
- (p) General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.

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**(C) PROHIBITED SIGN TYPES**

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The following types of signs are specifically prohibited within the Village:



- (1) Signs that are applied to trees, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way;
- (2) Signs that obscure architectural features (arches, transom panels, sills, moldings, cornices, windows, etc.);
- (3) Any sign or sign structure which in the opinion of the Zoning Inspector is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
- (4) Signs located in any bufferyard required by [§155.05:\(H\)](#);
- (5) No sign shall be installed, erected, or attached in any shape, manner, or form to block a fire escape or to any door or window that is required ingress and egress for fire safety;
- (6) Pennants, streamers and other similar type devices;
- (7) Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention except for electronic message centers permitted in accordance with this section;
- (8) Permanent off-premise signs;
- (9) Laser lights, beacons and searchlights, except for emergency purposes;
- (10) Any signs which imitate or resemble official traffic or governmental signs that are designed or used in a manner as to interfere with, mislead, or confuse drivers along streets;
- (11) Any sign located in a public right-of-way except as specifically provided for in the section;
- (12) Portable or moving signs or devices except as a temporary sign as provided in [§155.06:\(G\)](#);
- (13) Signs extending above the roof line of a structure or beyond the edges of any facade;
- (14) Any other sign type that is not specifically allowed by this section.

#### **(D) MEASUREMENTS**

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##### **(1) Sign Setback**

All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.

##### **(2) Sign Height**

The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of sign.

##### **(3) Sign Area**

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as established in this section.

- (a) The calculation of sign area shall not include any supporting framework, bracing or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of sign copy, as determined by the Zoning Inspector. See [Figure N](#).
- (b) For sign copy mounted or painted on a background panel, cabinet or surface distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the total area that encompasses the extreme limits of the background panel, cabinet or surface. See [Figure N](#) and [Figure Q](#).



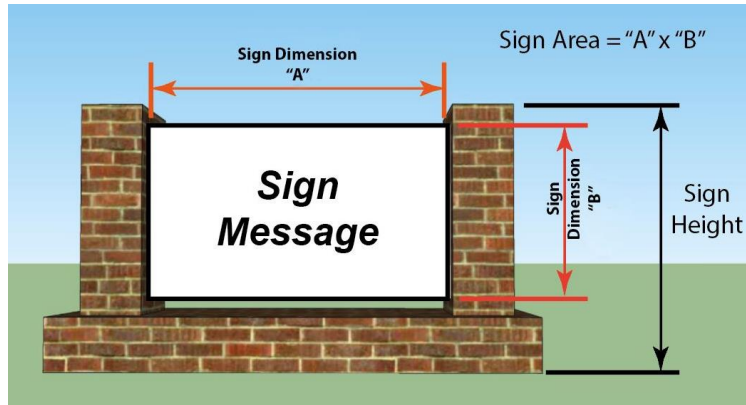


Figure N: Illustration of sign area calculation for a freestanding sign with a copy on a distinct, rectangular cabinet. The brick structural support is not included in the sign area calculation.



Figure O: Illustration of computing the sign area for wall signs with a background panel or cabinet.

- (c) For sign copy where individual letters or elements are mounted on a building façade or window where there is no background panel, cabinet or surface distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the total area that encloses all the letters or elements associated with the sign. See [Figure P](#).

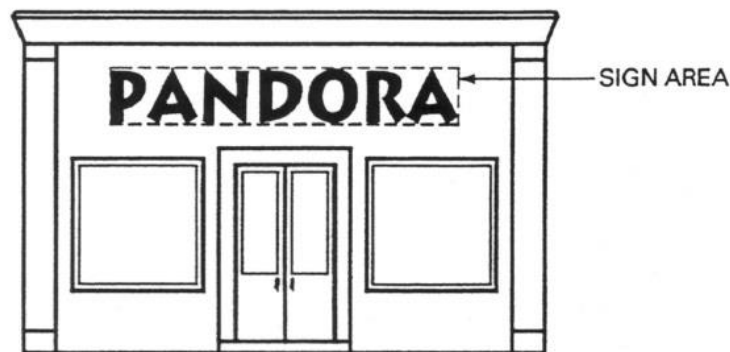


Figure P: Illustration of sign area calculation for wall signs with individual letters.

## **(E) GENERAL STANDARDS FOR ALL SIGNS**

Notwithstanding any other provisions of this section to the contrary, all signs shall be subject to the following:



**(1) Illumination**

- (a) No signs shall have flashing illumination or flickering, flashing, neon, simulated neon, or running lights of any kind.
- (b) Indirectly lighted signs may be displayed through the night, providing that the lighting complies with [§155.05:\(N\)](#) of this ordinance.

**(2) Sign Setbacks**

- (a) All signs shall be set back from the established right-of-way line of any street or highway so that they shall not interfere with the visibility of traffic, especially at corners and intersections
- (b) Wall signs shall be located no higher than the windowsill line of the second story of a building.

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**(F) PERMANENT SIGNS**

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**(1) Permanent Signs in the C District**

No permanent signs are permitted in the C District.

**(2) Permanent Signs in the R District**

Beyond signs permitted without a sign permit, one freestanding sign is permitted on each lot with a conditionally permitted use or a nonresidential use in the R District (e.g., schools, churches, parks, etc.) in compliance with the following:

- (1) The maximum sign area shall be six square feet with a maximum height of six feet.
- (2) Such sign shall not be illuminated.
- (3) The sign may include manual changeable copy.
- (4) The sign shall be set back a minimum of 10 feet from all lot lines.

**(3) Permanent Signs in the M District**

The following are permanent signs permitted in the M District:

- (a) If only one business is located on the lot, then such business shall be permitted a maximum of 30 square feet of sign area. If such lot is a corner lot, the maximum sign area may be increased to 45 square feet with no more than 30 square feet on any single building frontage.
- (b) If more than one business is located on a single lot, then there shall be a maximum of 45 square feet of sign area for the entire lot, regardless of whether the lot is a corner lot or other type of lot.
- (c) The sign area may be permitted on freestanding, projecting, awning, or wall signs.
- (d) Freestanding signs shall not exceed 12 feet in height.
- (e) Each business with a window or windows facing the street may place window signs that do not cover more than 25 percent of the total window area. Such signage shall not count toward the maximum sign area allowed in Paragraphs (a) and (b) above.
- (f) All signs must be an on-premise sign.
- (g) Illumination of all signs shall be diffused or indirect, directed downwards, and shall be arranged so as not to reflect direct rays of light into adjacent R Districts, into the public way, or above the horizontal plane. Awnings may not be illuminated from the inside. Only signs with opaque fields and translucent lettering may be internally illuminated.
- (h) Up to one sign on the lot may contain up to 12 square feet of manual changeable copy.

**(4) Permanent Signs in the I-1, I-2, and I-3 Districts**

The following are permanent signs permitted in the I-1, I-2, and I-3 Districts:



- (a) Each principal building is permitted a maximum of 30 square feet of sign area. If such lot is a corner lot, the maximum sign area may be increased to 45 square feet with no more than 30 square feet on any single building frontage.
- (b) The sign area may be permitted on freestanding, projecting, or wall signs.
- (c) All signs shall have no more than a one to three height-to-width or width-to-height ratio.
- (d) Freestanding signs shall not exceed 12 feet in height.
- (e) All signs must be an on-premise sign.
- (f) Illumination of all signs shall be diffused or indirect, directed downwards, and shall be arranged so as not to reflect direct rays of light into adjacent R Districts, into the public way, or above the horizontal plane.
- (g) Up to one sign on the lot may contain up to 12 square feet of manual changeable copy.

## **(G) TEMPORARY SIGNS**

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The following are the types of temporary signs allowed in the Village, including any applicable regulations for each type of sign.

### **(1) Standards Applicable to All Temporary Signs**

- (a) Temporary signs shall not be mounted, attached, affixed, installed or otherwise secured in a manner that will make the sign a permanent sign.
- (b) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles or structures.
- (c) Unless otherwise specifically stated, temporary signs shall not be illuminated.
- (d) No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.
- (e) Where a temporary sign is designed to have two sign faces (sidewalk signs or temporary yard signs), such sign faces shall be of the same size and mounted back-to-back. In the cases of an A-frame sidewalk sign, the sign faces shall be mounted back-to-back but may have an angular separation between faces to form the A-frame shape.
- (f) Temporary signs shall be constructed of a material that is substantial enough to withstand typical winds and weather for the duration of the placement.
- (g) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated.

### **(2) Temporary Sign Allowances**

- (a) [Table 10](#) establishes the allowances for temporary signs in all zoning districts. All sign types are subject to the general provisions above and the sign-type standards that follow the table.



**TABLE 10: TEMPORARY SIGN ALLOWANCES**

Message	Noncommercial Message	Commercial Message			
Zoning Districts	All Districts	R	M, I-1, I-2, or I-3		M, I-1, I-2, or I-3
Time Limit	Unlimited	Unlimited	Unlimited		7 Days per Quarter [1]
Maximum Number per Lot	Unlimited	Two signs	One sign	Two signs	32 Square Feet
Maximum Sign Area per Sign	6 Square Feet	6 Square Feet	12 Square Feet	6 Square Feet	32 Square Feet
Maximum Height	4 Feet	4 Feet	4 Feet	4 Feet	4 Feet
Permitted Sign Types	Window or Yard	Window or Yard	Sidewalk	Window or Yard	Banner, Yard, or Portable Changeable Copy Sign
Sign Permit Required	No	No	No		Yes

**NOTES:**

[1] A quarter shall be defined as evenly timed quarter of the calendar year (January to March, April to June, July to September, and October to December).

**(b) Sign Type Standards**

**(i) Banner Signs**

- A. Banner signs shall not be subject to the maximum height requirements of this section provided they are not attached above any roofline.
- B. Banner signs can only be affixed to a building.

**(ii) Sidewalk Signs and Portable Changeable Copy Signs**

- A. Only one sidewalk or portable changeable copy sign is allowed for each establishment on a lot.
- B. The sidewalk sign or portable changeable copy sign shall be limited to an A-frame sidewalk sign.
- C. There shall be no time limitation for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
- D. Such signs shall not exceed 36 inches in width by 48 inches in height.
- E. The sign may be located on a public or private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas. Additionally, such signs shall not be placed on pavement used for vehicles (e.g., driveways and parking lots).
- F. The width and placement of the sign shall be such so that there shall be a minimum width of five feet of clear and passable sidewalk or walkway for pedestrians.
- G. The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
- H. The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way.



- I. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
- J. The sign shall be internally weighted so that it is stable and windproof.
- K. The Village shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

**(c) Window Signs**

Temporary window signs shall not be affixed permanently to the window.

**(d) Yard Signs**

Temporary yard signs are prohibited in the right-of-way and shall also be set back a from adjoining lot lines a distance equal to the height of the sign.

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**(H) NONCONFORMING SIGNS**

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- (1) Any sign that was lawfully in existence at the time of the effective date of this ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified in this subsection. No legal nonconforming sign shall be enlarged, extended, structurally altered, or reconstructed in any manner, except as allowed for in this section and the nonconforming structure regulations in [§155.08: Nonconformities](#) shall not apply.
- (2) Legal nonconforming signs shall be maintained in good condition pursuant to [§155.06:\(I\)](#) and may continue until such sign is required to be removed as set forth in this section.
- (3) A nonconforming sign shall immediately lose its nonconforming designation and must be brought into compliance with these regulations or be removed if:
  - (a) The sign is structurally altered or replaced, not including the changing of a sign face when the sign is specifically designed for changeable sign faces or when a message is changed on a changeable copy sign;
  - (b) The sign is relocated, except signs that are required to be moved because of public right-of-way improvements;
  - (c) The sign is a legally nonconforming temporary sign that is still in place more than one calendar year from the effective date of this ordinance;
  - (d) The sign is damaged to an extent of greater than 50 percent of the estimated replacement value;
  - (e) The sign is not repaired within 60 days after it is damaged or such sooner period as may be required if the damage presents an immediate hazard; or
  - (f) The sign creates a hazard to vehicular and pedestrian traffic.
- (4) Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from compliance with the provisions of these regulations regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way.

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**(I) MAINTENANCE**

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- (1) All signs shall be maintained in a safe and good condition at all times to avoid becoming a deteriorated sign, including, but not limited to, the replacement of defective bulbs, parts or materials, painting, repainting, cleaning and other acts required for the maintenance of said sign and accessory landscaping.
- (2) All signs and sign structures shall be maintained in a safe and attractive condition in accordance with the Ohio Building Code (OBC), if applicable.



- (3) It shall be the responsibility of the property owner, or other entity having legal control or interest of the property, to maintain all signs and sign structures in accordance with this ordinance.
- (4) Failure to maintain a sign in accordance with this section shall be a violation of this ordinance, subject to [§155.07:\(F\)](#).



## **§155.07: Administration and Enforcement**

### **(A) POWERS RESERVED BY THE VILLAGE COUNCIL**

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- (1) All planning and zoning powers granted to villages under the Ohio Revised Code that are not specifically delegated herein, are expressly reserved to the Planning Commission except powers regarding zoning variances.
- (2) Zoning variances shall be submitted to, and determined by, the Village Council in accordance with [§155.07:\(E\)](#) and in accordance with the Ohio Revised Code and applicable Ohio case law.

### **(B) PLANNING COMMISSION**

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#### **(1) Re-Establishment and Appointment of the Planning Commission**

- (a) The Planning Commission, as it is presently formulated and functioning, is hereby authorized and/or re-authorized by the Village Council.
- (b) The Planning Commission shall consist of membership as determined by the Ohio Revised Code.
- (c) Vacancies shall be filled in the same manner for the un-expired terms.
- (d) Members of the Planning Commission shall serve until their successors are appointed.
- (e) Members of the Planning Commission shall be removable from their positions for cause upon the filing of a written complaint with the Chairperson of the Planning Commission and after public hearing thereon.

#### **(2) Officers**

- (a) The Planning Commission shall select a Chairperson, Vice-Chairperson, and a Secretary at its first meeting after January 1 of each year.
- (b) The Chairperson is to:
  - (i) Conduct the meetings of the Planning Commission according to the established rules of procedure; determine order of meeting agendas;
  - (ii) Keep each member apprised of meeting times, dates, and agendas;
  - (iii) Administer oaths to each person offering testimony for the consideration of the Planning Commission; and
  - (iv) Be responsible for the recording of each public meeting.
- (c) The Vice-Chairperson shall be responsible for the duties of the Chairperson in the Chairperson's absence.
- (d) The Secretary is to keep all minutes of the meetings.
- (e) The Zoning Inspector shall
  - (i) Keep the calendar of meetings and events pertaining to the Planning Commission;
  - (ii) Distribute a copy of documents, drawings, and other papers for each item of business which comes before the Planning Commission to each member;
  - (iii) Maintain records of and communicate all correspondence to and on behalf of the Planning Commission; and
  - (iv) Provide for appropriate notice to public and others of meetings.
- (f) The Planning Commission may elect to impose or eliminate other duties upon the officers and the Zoning Inspector as necessary.

#### **(3) Powers and Duties of the Planning Commission**

The Planning Commission fulfills the purposes of this ordinance through the execution of the following duties and powers:



**(a) Authorization of Zoning Certificates**

The Planning Commission shall review and decide on the authorization, after due consideration, of all zoning certificate application in accordance with the provisions of this ordinance unless the Zoning Inspector is explicitly authorized to review and make a decision on the subject zoning certificate application.

**(b) Authorization of Other Matters**

- (i)** It shall hear and decide on the authorization, after due consideration and in accordance with the provisions of this ordinance, of:
  - A.** Conditional use applications;
  - B.** Special land use review applications;
  - C.** Questions on the interpretation of the zoning map; or
  - D.** For any other reviews or decisions as the Planning Commission is authorized to review and/or make decisions on by this ordinance.
- (ii)** In considering an application for a conditional use, special land use review, or the interpretation of the zoning map, the Planning Commission shall give due regard to the nature and condition of all adjacent uses and strictures
- (iii)** In authorizing a conditional use or special land use, the Planning Commission may impose such requirements and conditions with respect to location, construction, maintenance and operation in addition to those expressly stipulated in this ordinance for the particular conditional use as the Planning Commission may deem necessary for the protection of adjacent properties and the public interest and the purposes of this ordinance.

**(c) Temporary Uses**

The Planning Commission shall review and decide on the authorization, after due consideration, of applications for the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this ordinance for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of a structure and is not a preliminary action to the application for a conditional use permit or zoning amendment. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than two months, subject to such conditions as shall safeguard the public health, safety, convenience, and general welfare.

**(d) Ordinance Violations, Fees, and Fines**

The Planning Commission shall review and decide, after due consideration, complaints regarding violations of this ordinance; further, it shall have the power to levy and collect any fees or fines in connection with the administration of this ordinance.

**(e) Ordinance Amendments**

The Planning Commission shall hear and make recommendations to Village Council regarding amendments or changes to the ordinance, including the detailed requirements of particular sections or the districts as reflected upon the Zoning Map of the Village.

**(f) Cooperation With Other Governmental Bodies**

The Planning Commission may request and receive any appropriate information, cooperation, assistance, or studies from any Village department, board, committee, agency, or commission and any county or township department, board, agency or commission and evaluate and comment upon decisions by other municipal agencies which affect the physical development and land use patterns in the Village. If the property subject to Planning Commission jurisdiction is governmentally owned, the government stands in the position of any other citizen and is subject to the provisions of this ordinance.



**(g) Experts**

The Planning Commission may consult technical experts or other persons as may be required to assist in the performance of these enumerated duties and powers or for such other tasks as Village Council may require. In the event that the Village Council makes appropriations available for such purpose, the experts or persons may be hired or paid for their services.

**(h) Historical Survey**

The Planning Commission may maintain a continuing survey of cultural or historical resources in the community, including all buildings, structures, sites, objects and areas of architectural, historical, or aesthetic significance, according to survey guidelines established by the Ohio Historic Preservation Office.

**(i) Historical Register**

The Planning Commission may keep a current register of all properties that are designated as part of a historic district or are designated historic sites and provide the Zoning Inspector with a current copy thereof. This register shall be kept available for public inspection at the Zoning Inspector's office.

**(j) Village Acquisition of Rights, Property**

The Planning Commission may make recommendations to the Village Council concerning the acquisition of development rights, easements, or property through eminent domain proceedings as necessary to further the purposes of this ordinance.

**(4) Planning Commission Meetings and Procedures**

- (a)** The Planning Commission may set a regular meeting time to discuss its business as necessary, provided that the Planning Commission meets not less than once every three months.
- (b)** Meeting times, dates, and locations shall be publicized as required by state law.
- (c)** Notice of meeting times, dates, and locations shall be sent 14 calendar days in advance to any landowner whose property is a matter before the Planning Commission where there is a public hearing with notice.
- (d)** In the event that notice cannot be provided to an owner by mail, notice may be made by publication in a newspaper of general circulation.
- (e)** Meetings shall be conducted according to Robert's Rules of Order, or any other method formally adopted as procedural policy by the Planning Commission that addresses: order of business, length of speech/presentation, number of speakers, length of meetings, continuations of meetings, and the effect of attendance by the landowner with business before the Planning Commission.
- (f)** All meetings of the Planning Commission shall be open to the public.
- (g)** All meetings of the Planning Commission shall be either video- or audio-taped; these records shall be kept in the office of the Planning Commission for no less than 45 days after the meeting.
- (h)** In the event an appeal of the Planning Commission's decision is filed, the taped record shall be maintained indefinitely, until the appeal is fully resolved through the appellate process.
- (i)** Unless the Planning Commission passes a rule to the contrary, applicants, owners, or a designated representative are required to attend any meeting or hearing upon their applications. Failure to attend may result in the rejection of the application without further proceedings, at the discretion of the Planning Commission.



**(5) Application to the Planning Commission**

- (a) Applications for any zoning certificate, special land use review, or conditional use permit subject to Planning Commission review shall be filed upon such forms as may be proscribed from time to time, and shall be accompanied by such maps, surveys, landscaping plans, data, and information so as to assure the fullest practicable presentation of facts for the permanent record.
- (b) Applications for special land use review applications and conditional use permits shall be submitted 21 days prior to the Planning Commission's meeting at which the application will be heard.
- (c) All other applications to the Planning Commission shall be submitted five days before the next scheduled meeting of the Planning Commission.

**(6) Review of Applications by Zoning Inspector**

- (a) The application shall be submitted with any required fee to the Zoning Inspector who shall determine if the application is complete.
- (b) If the application is complete, the Zoning Inspector may approve, deny, or approve with conditions any application for porch, roof, door, window, deck, patio, driveway, and sidewalk projects not exceeding 10,000 dollars in estimated project cost.
- (c) The Zoning Inspector may only approve with conditions in cases where the conditions would bring the application into compliance with the ordinance. Such conditions are binding on the applicant and failure to comply with the conditions shall be a violation of this ordinance.
- (d) The Zoning Inspector shall provide a written or verbal summary of any approved or denied application to the Planning Commission at their next scheduled meeting.
- (e) Where the decision is not within the authority of the Zoning Inspector as defined herein, the Zoning Inspector shall forward the application immediately to the Planning Commission for the scheduling of a meeting or other review.
- (f) If the application is denied by the Zoning Inspector, the applicant may appeal the decision to the Planning Commission who shall review it in accordance with [§155.07:\(B\)\(7\)](#), below.

**(7) Review of Applications by the Planning Commission**

**(a) Notice**

- (i) For applications that do not require a public hearing, no special notice shall be provided except for the general notice required of all Planning Commission meetings.
- (ii) For applications that require a public hearing, notification of the review shall be forwarded by ordinary mail to all property owners of record for lots that adjoin the lot subject to the application. Such notice shall be postmarked a minimum of 10 business days prior to any hearing or action on such application by any Village body. Further, such notice shall be posted at the Village Post Office at least seven days prior to any hearing or action on any application by any Village body. In order to facilitate the foregoing notice provisions and adequate community input, applications for conditional use permits shall be submitted to the Planning Commission at least 21 calendar days prior to any regular meeting at which they are to be discussed. Additional notice of the hearing shall be provided in accordance with state law, if required.

**(iii) Sign Notifications for Conditional Uses and Special Land Use Reviews**

- A. Applicants for conditional uses and special land use reviews shall be required to post signs regarding the public hearing on the property subject to the application.
- B. One sign shall be posted along each street frontage.



- C. All signs shall be evenly spaced along the street when more than one sign per property is required; set back no more than 25 feet from the property line; and erected in full view by the public.
  - D. The signs shall be made available by the Village but must be posted by the applicant at least 10 business days in advance of any public hearing.
  - E. The sign must remain in place until after the Planning Commission's decision.
  - F. The applicant shall be responsible for returning the sign to the Village within five business days following the public hearing.
- (b) In reviewing the application, the Planning Commission shall, at a minimum, consider the applicable review criteria of this section.
  - (c) Within 30 days of the Planning Commission's initial review of the application, the Planning Commission shall make a decision on the application. In making its decision, the Planning Commission may approve, approve with modifications or supplementary conditions, or deny the application. Any conditions or modifications are binding on the applicant and failure to comply with the conditions shall be a violation of this ordinance.
  - (d) In making its decision, the Chairperson shall verbally state the Planning Commission's findings of facts, its decision, and any conditions to the approval.
  - (e) If the Planning Commission is reviewing a conditional use application, only after approval from the Planning Commission may the applicant may apply for a zoning certificate.
  - (f) If the application is denied by the Planning Commission, the applicant may appeal the decision to the Village Council at the next regularly scheduled Village Council meeting. Failure to appear at that next regularly scheduled Village Council meeting waives the right to appeal the Planning Commission's decision to deny the application.

**(8) General Review Criteria**

General criteria for reviewing any application shall be:

- (a) The proposed structure or use shall be in conformance with all of the provisions of this section, and other applicable sections of this ordinance and any other planning documents of the Village;
- (b) The proposed structure or use is properly located in such a way as to generate a minimum of traffic on local streets;
- (c) The location, design, and occupancy of such a structure or use shall complement or enhance the surrounding residential neighborhoods and the Village's architectural design and character and not adversely affect such neighborhoods or architectural character;
- (d) The location, design, and occupancy of such a structure or use shall not cause harm of any sort to the surrounding residential neighborhoods or the Village's architectural design and character;
- (e) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided; and
- (f) The proposed structure or use shall not result in damage, inconvenience, or harm to adjacent property owners.

**(9) Review Criteria for Conditional Uses**

In addition to the review criteria in [§155.07:\(B\)\(8\)](#) above, decisions on a conditional use application shall be based on consideration of the following review criteria. All conditional use applications shall be subject to review under the criteria of this section, as applicable, and may also be subject to additional use-specific standards, as established in this ordinance.

- (a) The proposed conditional use is established as an allowed conditional use in the applicable zoning district;



- (b) The proposed use is consistent with the spirit, purposes and intent of the strategic plan, the general purposes of this ordinance, and the purposes of the zoning district in which the conditional use will be located;
- (c) The proposed use complies with any use-specific standards as may be established for the use in [§155.02:\(F\)](#);
- (d) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, comfort, prosperity or general welfare;
- (e) The proposed use will comply with all applicable development standards unless a variance is approved in accordance with this ordinance;
- (f) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted;
- (g) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- (h) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets, and adequate consideration has been given to the proximity of access drives to street intersections relative to the anticipated volume of traffic;
- (i) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- (j) The establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire or schools; and
- (k) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses that are permitted by right in the applicable zoning districts adjacent to the subject lot.

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## **(C) ZONING MAP AND ORDINANCE TEXT AMENDMENTS**

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### **(1) Applicability**

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Village Council may, by ordinance, amend, supplement, or change the regulations, zoning district boundaries, or zoning classification of property, now or hereafter established by this ordinance. or amendments thereof, in accordance with this section.

### **(2) Initiation**

- (a) For a zoning map amendment of a specific property, any person who has authority to file an application for such property may initiate an amendment by filing an application with the Zoning Inspector.
- (b) Only Village Council or the Planning Commission may initiate ordinance text amendments, however, any member of the public may request that the Planning Commission or Village Council consider a text amendment during their respective public meetings.
- (c) Village Council may initiate an ordinance text or zoning map amendment by referring a recommendation on an amendment to the Planning Commission.
- (d) The Planning Commission may initiate an ordinance text or zoning map amendment by adopting a motion to make such amendment.

### **(3) Ordinance Text or Map Amendment Review Procedure**

The review procedure for an ordinance text or map amendment shall be as follows:



**(a) Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with the Zoning Inspector and/or Planning Commission to informally discuss the application and any concept plans. Such meeting and related discussions shall not be binding on the Village.

**(b) Step 2 – Application**

- (i)** Applications shall be filed upon such forms as may be proscribed from time to time, and shall be accompanied by such data and information so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include, at a minimum, a map drawn to a scale of not less than 100 feet to the inch showing the land in question, its location, the length and location of each boundary thereof, the location of existing uses of all buildings and the principal use of all properties within 500 feet of such land.
- (ii)** Each such application shall be signed by at least one of the owners of each property within the area proposed to be reclassified.
- (iii)** Amendment applications initiated by the Planning Commission shall be accompanied by its motion pertaining to the proposed amendment.
- (iv)** Amendment application initiated by Village Council shall be referred to the Planning Commission for initiation of review.
- (v)** Upon the filing of an application for any amendment with the Clerk of Council, the Clerk shall prepare a statement giving the names and addresses of the owners of all properties lying within 500 feet of any part of the exterior boundaries of the premises of the zoning classification which is proposed to be changed. This statement shall also include the names and addresses of all owners of the properties within the area which is the subject of the amendment. Such notice shall be provided a minimum of 30 days in advance of the Village Council public hearing in Step 4. Additional notice of the hearing shall be provided in accordance with state law, if required.
- (vi) Sign Notifications for Zoning Map Amendments**
  - A.** Applicants for a zoning map amendment, including the Village, shall be required to post signs regarding the public hearing on the property subject to the application.
  - B.** One sign shall be posted for street frontage.
  - C.** All signs shall be evenly spaced along the street when more than one sign per property is required; set back no more than 25 feet from the property line; and erected in full view by the public.
  - D.** The signs shall be made available by the Village but must be posted by the applicant at least 10 business days in advance of any public hearing.
  - E.** The sign must remain in place until after the Planning Commission's decision.
  - F.** The applicant shall be responsible for returning the sign to the Village within five business days following the public hearing.

**(c) Step 3 – Planning Commission Review and Recommendation**

- (i)** The Planning Commission shall review the amendment application at the next regularly scheduled Planning Commission meeting or at a special meeting.
- (ii)** In reviewing the application, Planning Commission shall, at a minimum, consider the review criteria of this section.
- (iii)** The Planning Commission shall make a recommendation to Village Council, on the application, in the form of a resolution. In making its recommendation, the Planning Commission may recommend approval, approval with some modification, or denial of the application.



- (iv) The Planning Commission may solicit opinions from the public in written form, but the Planning Commission is not required to hold a special public hearing on the change in reaching its conclusions for its recommendation to Village Council.

**(d) Step 4 – Village Council Review and Decision**

- (i) Following receipt of the recommendation from the Planning Commission (Step 3), the application shall be placed on Village Council's agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or Village Council shall set a time for a public hearing on the proposed amendment.
- (ii) Notification of the public hearing shall be provided in accordance with [§155.07:\(C\)\(3\)\(b\).](#)
- (iii) Village Council shall review a text or zoning map amendment application during the public hearing. In reviewing the application, Village Council shall, at a minimum, consider the recommendation from Planning Commission and the review criteria of this section.
- (iv) Village Council shall adopt, adopt with some modification, or deny the recommendation of the Planning Commission.

**(4) Review Criteria**

The review of ordinance text or zoning map amendment applications by Planning Commission and Village Council shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (a) The proposed amendment is consistent with the strategic plan, other adopted or approved Village plans, and the stated purposes of this ordinance;
- (b) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- (c) The proposed amendment will promote the public health, safety, convenience, comfort, prosperity and general welfare;
- (d) The proposed amendment, if amending the zoning map, is consistent with the stated purposes of the proposed zoning district;
- (e) The proposed amendment, if amending the zoning map, follows lot lines or the centerlines of streets, railroads, or other rights-of-way.
- (f) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- (g) The proposed amendment will not constitute spot zoning where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances; and/or
- (h) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

**(5) Zoning Certificates and/or Building Permits**

Whenever the Village Council has accepted for review a change or amendment of the ordinance or zoning map as evidenced by resolution of record, no zoning certificate or building permit shall be issued within 60 days from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become nonconforming under the contemplated amendment or change.



**(6) Reapplication For Amendment Or Change Once Denied**

An application for a change in zoning classification or for modification of the ordinance which is substantially the same as one denied by Village Council shall not be processed or reviewed by Village Council within six months of the date of denial. This provision in no way limits the citizens' right to address the substantially same issue through the initiative and/or referendum process as provided by statute.

**(D) ZONING CERTIFICATE AND CERTIFICATES OF OCCUPANCY**

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**(1) Zoning Certificates Required**

- (a)** It shall be unlawful for any owner, lessee, or tenant to use or to permit the use of any structure, building, or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been authorized in accordance with this ordinance.
- (b)** No development permitted by this ordinance, including accessory and temporary uses, may be established or changed, no structure shall be used, erected, constructed, reconstructed, altered, razed, or removed, and no building used, occupied, or altered with respect to its use after the effective date of this ordinance until a zoning certificate has been secured.
- (c)** A zoning certificate shall show that such building or premises or a part thereof, and the proposed use of the premises, are in conformity with the provisions of this ordinance and shall be upon such form as the Planning Commission or Zoning Inspector shall provide or shall be endorsed upon the application submitted by the applicant.
- (d)** Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulation in compliance with all of the terms of this ordinance.

**(e) Zoning Certificate Exemptions**

- (i)** Notwithstanding, the foregoing requirements, no zoning certificate shall be required for the following improvements although the improvements shall still comply with the provisions of this ordinance:
  - A. Maintenance**

Routine maintenance and repair, not resulting in size increase of existing structures.
  - B. Like for Like Replacement, Repair, or Maintenance**

Replacement, repair, or routine maintenance of roof, siding, windows or doors, gutters or down spouts, or decking with material of comparable size and color, and in a manner which is considered to be "like for like" repair or replacement in the judgment of the Zoning Inspector. The Zoning Inspector shall have the authority to forward any question of whether work will be a like-for-like repair or replacement to the Planning Commission for a decision.
  - C. Minor Construction**

New construction costing less than 1,000 dollars that does not increase the size or affect the basic nature and use of an existing structure or lot.
  - D. Repair of Driveways or Sidewalks**

Repair or replacement of driveways or sidewalks.



**E. Emergency Construction, Repair, or Replacement**

Any construction, repair, or replacement for which a zoning certificate is otherwise required which in the discretion of the Zoning Inspector constitutes an emergency situation requiring prompt or immediate action to protect the property owner, neighbors of the property, occupant, or the Village from imminent harm to persons or property in any significant degree may proceed without prior consideration or approval of an application for a zoning certificate. In the event such an emergency is certified by the Zoning Inspector, the property owner making such repairs shall, at their earliest opportunity, and prior to the next regular meeting of the Planning Commission occurring after their emergency, file an application for a permit for the action taken on an emergency basis and such related repairs and improvement as are contemplated.

- (ii) The fact that a zoning certificate is not required for projects as set forth above herein, does not excuse the contractor performing such work from meeting all registration requirements for Village income tax purposes, as may be set forth elsewhere in the ordinances of the Village.

**(2) Duration of Zoning Certificate**

- (a) For new construction or new uses, an issued zoning certificate shall lapse and be null and void 12 months after the date of issuance unless the applicant requests an extension of time in advance of the lapse date.
- (b) An initial request for an extension shall be made in writing to the Zoning Inspector who may, if they are satisfied that acceptable progress on the project has been made, extend the certificate's validity by up to six months. Thereafter, if further extension is necessary, application to the Planning Commission is required.
- (c) The Planning Commission may grant an extension for the period of time found to be necessary for completion of the project, however, at the lapse of that period, the zoning certificate shall be null and void if the project has not been completed.
- (d) the zoning certificate may be revoked by the Planning Commission if, after complaint, notice, and a hearing thereon, it determines that a project is being executed in violation of the terms and conditions of the certificate or of this ordinance.

**(3) Certificate of Occupancy Required**

- (a) If a certificate of occupancy is required by the State of Ohio or Knox County, it shall be unlawful for any owner, lessee or tenant to occupy any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged unless such certificate of occupancy is obtained indicating that the building or use complies with all applicable regulations and requirements.
- (b) Such certificate of occupancy shall show and certify that such building, structure or premises has been constructed, altered, or improved in compliance with the provisions of all applicable codes and ordinances, and all conditions and requirements, if any, stipulated by proper authority.
- (c) The issuance of a certificate of occupancy in no way relieves any recipient thereof from compliance with all of the terms of this ordinance and all other applicable regulations.

**(4) Sign Permits Required**

For the construction, alteration, or location of any sign, other than a temporary sign, a sign permit is required to be obtained according to the provisions of [§155.06: Sign Standards](#); such permit shall continue to be valid indefinitely, until or unless the Planning Commission determines that the condition of the sign has changed so substantially as to constitute a violation of the provisions of this ordinance related to signs.



**(E) ZONING VARIANCES AND APPEALS**

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**(1) Purpose**

- (a)** The purpose of this section is to establish the procedure and review criteria for when a person files for a variance of the standards of this ordinance or appeals an administrative decision made in the administration of this ordinance.
- (b)** For the purposes of this section, both variances and appeals shall be heard by Village Council in the same manner but with different review criteria and initiation standards.
- (c)** The overall purpose of a variance is to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this ordinance. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.
- (d)** This overall purpose of an appeal is to allow for Village Council to consider a person's claims to have been aggrieved or affected by an administrative decision made in the administration or enforcement of this ordinance.

**(2) Applicability and Initiation**

**(a) Variances**

Any landowner desiring to apply for a variance to the village zoning regulations shall complete the application for variance and file it with the Zoning Inspector. An application for variance to the village zoning regulations shall be considered filed when it is delivered to the Zoning Inspector, or designee, along with the required filing fee. As used herein, landowner shall include any person or entity under contract with the owner of record for the sale of the property, where such contract is contingent upon receipt of a variance for the property.

**(b) Appeals**

- (i)** An appeal may be made regarding any administrative decision made in the administration and enforcement of this ordinance including, but not limited to, administrative decisions by the Zoning Inspector or Planning Commission.
- (ii)** Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this ordinance.
- (iii)** An appeal may not be made to Village Council when the Planning Commission is making a recommendation to Village Council as part of a legislative action such as an ordinance text or zoning map amendment.
- (iv)** Within 30 days of an administrative order, decision, determination, or interpretation, the person appealing the decision or their authorized agent shall submit all required information to the Zoning Inspector.
- (v)** Upon receiving the written appeal of an administrative order, decision, determination or interpretation, the Zoning Inspector shall transmit the written appeal with all papers, documents, and other materials related to the appealed order, decision, determination or interpretation to the Village Council. This material shall constitute the record of the appeal.



**(3) Notice and Review Procedure**

- (a) Notification of the review shall be forwarded by ordinary mail to all property owners of record for lots that adjoin the lot subject to the application. Such notice shall be postmarked a minimum of 10 business days prior to any hearing or action on such application by any Village body. Further, such notice shall be posted at the Village Post Office at least seven days prior to any hearing or action on any application by Village Council. In order to facilitate the foregoing notice provisions and adequate community input, applications for variance shall be submitted to the Village Council at least 21 calendar days prior to any regular meeting at which they are to be discussed. Additional notice of the hearing shall be provided in accordance with state law, if required.
- (b) The applicant, or the applicant's designee, shall appear at the hearing and give testimony in support of the application. In the event the applicant or applicant's designee fails to appear and give testimony at the hearing, it shall be conclusively presumed that the application has been withdrawn, and no action shall be taken. Any adjoining landowner, and any other person or entity owning real property in the village, may appear and present testimony in favor of, or in opposition to, the application.
- (c) All testimony shall be given under oath to be administered by the President of Council or the Mayor, and the Village shall maintain full and accurate minutes of the hearing.
- (d) In reviewing the variance application or appeal, the Village Council shall, at a minimum, consider the applicable review criteria of this section.
- (e) Within 45 days of the conclusion of the public hearing, Village Council shall make a decision on the application. In making its decision, the Village Council may approve, approve with modifications or supplementary conditions, or deny the application or appeal. Any conditions are binding on the applicant and failure to comply with the conditions shall be a violation of this ordinance.
- (f) In making its decision, the Village Council President, Mayor, or Clerk of Council shall verbally state the Village Council's findings of facts, its decision, and any conditions to the approval.
- (g) The decision of the Village Council shall become effective immediately.
- (h) Only after a decision of Village Council may the applicant proceed with any authorized actions.

**(4) Review Criteria for Area or Dimensional Variances**

Where an applicant is seeking an area or dimensional variance, the following factors shall be considered and weighed by the Village Council to determine if a practical difficulty exists that would justify approval of the variance. However, no single factor listed below may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts. The application for a variance shall not be based exclusively upon a desire to increase the value or income potential of the parcel of land or any structures or uses thereupon. The Village Council shall take into consideration:

- (a) 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 proximity to nonconforming and inharmonious uses, structures or conditions;
- (b) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (c) Whether the variance is substantial or is the minimum necessary to make possible the reasonable use of the land or structures;



- (d) 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;
- (e) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, or trash pickup;
- (f) Whether the property owner purchased the property without knowledge of the applicable zoning restriction;
- (g) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (h) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;
- (i) 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; and
- (j) Whether a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

**(5) Review Criteria for Use Variances**

In order to grant a use variance, the Village Council shall determine that strict compliance with the terms of this ordinance will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- (a) The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
- (b) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- (c) The hardship condition is not created by actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property provided the applicant was not previously aware of the zoning restriction);
- (d) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- (e) There is an existing building on the lot and such building, due to its design, cannot be reasonably reused for a permitted use in the district;
- (f) The granting of the variance will not adversely affect the public health, safety, convenience, comfort, prosperity or general welfare;
- (g) The variance will be consistent with the general spirit and intent of this ordinance; and
- (h) The variance sought is the minimum that will afford relief to the applicant.

**(6) Review Criteria for Appeals**

An administrative order, decision, determination or interpretation shall not be reversed or modified 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 ordinance.

**(7) Stay for Appeals**

A properly submitted appeal shall stay all administrative proceedings by the Village in furtherance of the action appealed, unless the Zoning Inspector certifies to the Village Council that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the Village Council or by a court of competent jurisdiction, for good cause shown.



**(8) Time Limit**

- (a) There shall be no time limits for work proceeding after a decision by Village Council on any appeals. However, any time limit related to the initial decision that was appealed shall start on the date of the Village Council's decision.
- (b) For variances, the applicant shall submit a completed application for a zoning certificate and start work within one year of the date the variance was approved or the approval shall expire.
- (c) Upon expiration of a variance approval, a new application, including all applicable fees, shall be required before a variance application will be reviewed.
- (d) Upon written request, one extension of six months may be granted by the Zoning Inspector if the applicant can show good cause for a delay.
- (e) As part of the variance approval, the Village Council may authorize alternative time limits for zoning certificate issuance based on the scale of the proposed development.

**(9) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Village Council shall have the right to appeal the decision to the Knox County Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

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**(F) ENFORCEMENT AND PENALTIES**

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**(1) Enforcement by Zoning Inspector or Village Marshal**

- (a) The office and position of the Zoning Inspector is established and continued by the passage of this ordinance.
- (b) The Zoning Inspector shall be appointed by the Mayor of the Village.
- (c) The Zoning Inspector shall be chosen based upon demonstrated interest, expertise, education, or experience in one or more of the following fields: architecture, planning, land use, engineering, law, utilities, art, business, or construction.
- (d) It shall be the duty of the Zoning Inspector and/or Village Marshal to enforce this ordinance in accordance with the administrative and other provisions of this ordinance.
- (e) The Zoning Inspector shall process all applications which the Zoning Inspector is authorized to process after they are filed in full compliance with and are complete in the terms of all of the applicable requirements contained in this ordinance.
- (f) When a decision has been returned to the Zoning Inspector by the Planning Commission authorizing a particular action, permit, or certificate, the Zoning Inspector shall issue or endorse such permit or certificate or take the required action within 15 days.

**(2) Enforcement by Others**

Any resident of the Village, including Village employees and officials, may take appropriate legal action to compel enforcement or compliance with the terms of this ordinance by an owner, the Zoning Inspector, the Planning Commission, or any other Village officer or authority. This remedy exists in addition to any other remedies provided by law to prevent unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use; to restrain, correct or abate a violation; to prevent the occupancy of a building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.



**(3) Compliance by Other Officials, Agencies, or Employees**

All departments, officials, and public employees of the Village, vested with the duty or authority to issue permits, certificates, or licenses, shall conform to the provisions of this ordinance and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void. The willful issuance of a permit or certificate in violation of this ordinance by any employee or agency may subject such to removal or other action.

**(4) Violations**

- (a)** It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, move, demolish, or use any building or land in violation of any of the provisions of this ordinance.
- (b)** It shall be unlawful to fail to abide by any condition or conditions under which an applicant for zoning is granted by the Zoning Commission.
- (c)** Violations of the parking provisions of this ordinance shall be subject to [§155.07:\(F\)\(7\)](#), below. All other violations shall be subject to [§155.07:\(F\)\(5\)](#) and [§155.07:\(F\)\(6\)](#), below.

**(5) Procedure Upon Discovery of Violations****(a) Written Notice of Violation**

- (i)** If the Zoning Inspector, Village Marshal, or their designee, finds that any provision of this ordinance is being violated, a written notice shall be sent to the person responsible for such violation.
- (ii)** Such notice shall:
  - A.** Be in writing;
  - B.** Identify the violation;
  - C.** Include a statement of the reason or reasons why it is being issued and refer to the applicable sections of this ordinance; and
  - D.** State the time by which the violation shall be corrected.
- (iii)** Service of notice of violation shall be as follows:
  - A.** 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 suitable age and discretion;
  - B.** By certified mail, return receipt requested, and addressed to the person or persons responsible at a last known address;
  - C.** If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing. Service shall be deemed complete when the fact of mailing is entered of record, provided the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
  - D.** By posting a copy of the notice form in a conspicuous place on the property where the violation is located.
- (iv)** Additional written notices may be sent at the Zoning Inspector, Village Marshal, or their designee's discretion.
- (v)** In the event a person notified of a violation desires to appeal the determination of the violation, the person shall deliver written notice of the appeal to the Zoning Inspector, including the grounds for the appeal, within 10 days of the date the notice was issued. The matter of the appeal shall be considered before the Village Council at the Village Council's next regularly scheduled meeting, and any potential penalty for the appealed violation shall be stayed pending the Village Council's consideration of the appeal.



**(b) Criminal Citation**

- (i) If no action is taken within the time period allowed for correction, or the violator's appeal to the Village Council is denied, a citation may be issued in accordance with this subsection. The violator shall, within 20 days of the date of the citation, pay the fine set forth in the citation to the Clerk of the Mount Vernon Municipal Court or the matter will be scheduled for a hearing at the Mount Vernon Municipal Court. If no action is taken within these 20 days, an additional citation shall accrue for each day thereafter that the violation remains in noncompliance. Each day the violation occurs after the initial citation is issued is deemed to be a separate offense.
- (ii) The citation shall be put in writing on an appropriate form, describe the offense charged, refer to the section of the ordinance violated, and order the violator to appear in the Mount Vernon Municipal Court at a stated time and place.
- (iii) Service of a citation shall be as follows:
  - A. 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 suitable age and discretion;
  - B. By certified mail, return receipt requested, and addressed to the person or persons responsible at a last known address;
  - C. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing. Service shall be deemed complete when the fact of mailing is entered of record, provided the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
  - D. By posting a copy of the notice form in a conspicuous place on the property where the violation is located.
- (iv) The citation, as herein provided, shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon, provided the use of such citations shall not prohibit the issuance of either additional citations in the event such violation is continued or repeated.

**(c) Emergency Enforcement**

Notwithstanding the foregoing, in cases when delay would seriously pose a danger to the public health, safety, or welfare, the Zoning Inspector, Village Marshal, or their designee, may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in [§155.07:\(F\)](#).

**(6) Penalties and Remedies for Violations****(a) Civil Penalty and Appeals**

Any act constituting a violation of this ordinance or a failure to comply with any of its requirements, including violations of any conditions or safeguards established in connection with the grant of a permit, variance, or conditional use, zoning certificate, or other approvals authorized through this ordinance, shall subject the violator to a civil penalty as specified by this ordinance. A civil penalty may not be appealed to the Village Council if the offender was sent a notice of violation in accordance with [§155.07:\(F\)](#) and did not appeal to the Village Council within the prescribed time.

**(b) Other Enforcement Actions**

Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

**(c) Initial Citation and Repeated Citations**

The penalty for each violation shall be as follows:



- (i) On the first offense, the penalty shall be a misdemeanor of the fourth degree, with a fine of 250 dollars;
- (ii) On a second offense (either as a continuing offense consecutive with the first offense, or committed within one year of the first offense), the penalty shall be a misdemeanor of the third degree, with a fine of 500 dollars;
- (iii) On a third offense (either as a continuing offense consecutive with the first and second offense, or committed within one year of the first and second offense), the penalty shall be a misdemeanor of the second degree, with a fine of 750 dollars;
- (iv) On a fourth and each subsequent offense (either as a continuing offense consecutive with the first, second, or third offense, or committed within one year of the first, second, and third offense), the penalty shall be a misdemeanor of the first degree, with a fine of 1,000 dollars.

**(d) Multiple Citations**

Each day that any violation continues, such violation shall be a separate offense for purposes of the penalties and remedies specified in this section.

**(e) Limitation on Zoning Approvals**

In the event a violator submits an application for consideration of a zoning matter to the Village Council or Planning Commission, such application shall not be approved during any time that the violator remains in violation of the ordinance. The only exception to this limitation is when the violator's application for consideration of a zoning matter is submitted to remedy the violation, in which situation the application may be approved, provided the application is otherwise in conformity with the ordinance and the Village Council or Planning Commission determines to approve the application.

**(f) Other Remedies**

In the event of a violation of this ordinance, Village Council, the Solicitor, the Zoning Inspector, the Village Marshal, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

**(7) Parking Violations and Penalties**

- (a) It shall be unlawful to park any vehicle in violation of any of the provisions of this ordinance.
- (b) For purposes of this [§155.07:\(F\)\(7\)](#), the person violating this ordinance regarding parking shall be the owner of the vehicle parked in violation of the ordinance, and each such person violating a provision regarding parking may be cited.
- (c) Any person violating any of the provisions of this ordinance regarding parking, including by parking on private property, shall be subject to the penalties for such violations shall be set out in [Table 11](#).
- (d) If the violator pays the penalty within 24 hours of the citation, the amount due shall be as stated in the "Penalty Within 24 Hours" column. If the violator fails to pay the citation within 24 hours, the amount due shall be as stated in the "Penalty After 24 Hours" column of [Table 11](#).
- (e) Whoever violates any provisions of this [§155.07:\(F\)\(7\)](#) regarding parking and has received a citation for the violation for which the violator has not paid shall have the vehicle towed or immobilized until all outstanding parking ticket violations and fees are paid in full and for the applicable immobilization or impoundment fee. Any immobilization or impoundment shall be made in accordance with this ordinance.



TABLE 11: PARKING VIOLATION AND PENALTIES		
Violations	Penalty Within 24 Hours	Penalty After 24 Hours
<b>Private Property Parking Violations</b>		
Parking on Private Property in Violation of this Ordinance	\$50.00	\$60.00
<b>Public Property and On-Street Parking Violations</b>		
Exceeding Parking Time in a 1 or 2 Hour Zone	\$20.00	\$30.00
Exceeding Parking Time in a 1 or 2 Hour Zone, Second Violation	\$25.00	\$30.00
Exceeding Parking Time in a 10 or 24 Hour Zone	\$20.00	\$30.00
Parking in a Restricted Zone	\$30.00	\$40.00
Parking on a Crosswalk	\$20.00	\$30.00
Parking on a Roadway	\$30.00	\$40.00
Parking Over Marked Lines	\$20.00	\$30.00
Parking within 10 Feet of Fire Hydrants	\$50.00	\$60.00
Parking Headed in the Wrong Direction	\$30.00	\$40.00
Parking in a Handicapped Zone	\$250.00	\$250.00
Parking in a Permitted Zone	\$100.00	\$100.00
<b>Other Fees</b>		
Boot Fee	\$50.00 (One-Time Fee)	

**(f) Immobilization or Impoundment**

- (i) If a parking violation is not paid for seven days, the Village will apply a boot to immobilize the vehicle.
- (ii) Once the boot is placed on a vehicle, the owners have until the following day to pay all violations plus the boot fee. If payment is made the boot will be removed immediately.
- (iii) If the fees are not paid the following day, the Village will call to have the vehicle towed to a local towing service. Once the towing service is on the scene the vehicle will be towed at the owners expense.
- (iv) Once the vehicle has been towed all parking violations plus the boot fee will need to be paid to the Village. The Village will issue a receipt for payment and the owner of the vehicle will take it to the towing service.
- (v) The towing service will not release the vehicle unless the owner provides proof of payment to the Village.

**(g) Parking for Special Events**

If a property owner desires to hold an event from time to time, which may temporarily exceed parking limits set forth in this ordinance, the property owner shall seek and obtain written permission from the Village. The request shall set forth the location, time, and duration of the proposed event, and shall be delivered to the Mayor or Village Administrator at least 24 hours in advance of the proposed event. To be effective, any permission to exceed parking limits granted by the Mayor or Village Administrator must be issued in writing.



## **§155.08: Nonconformities**

### **(A) PURPOSE**

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Within the districts established by this ordinance, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this ordinance, but that are prohibited, regulated, or restricted under the terms of this ordinance. The legitimate interests of those who lawfully established these nonconformities, especially when dealing with a person's residence, are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this ordinance that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this section or specifically addressed in this ordinance. This section has the further purposes for nonconformities:

- (1) To permit their continuance but control nonconformities so as to minimize any adverse effect on the adjoining properties and development;
- (2) To regulate their maintenance and repair;
- (3) To restrict their rebuilding if substantially destroyed;
- (4) To require their permanent discontinuance if not operated for certain periods of time; and
- (5) To require conformity if they are discontinued, and to bring about eventual conformity in accordance with the objectives of the strategic plan, plans adopted by the Village, and this ordinance.

### **(B) GENERAL PROVISIONS**

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- (1) Any structure, land, or use of land or a structure that existed at the time of the effective date of this ordinance, that was legally established under a previous ordinance amendment or versions, may be continued even if such use, building, structure, or use of land does not conform to the provisions of this ordinance.
- (2) An applicant for any development review procedure (e.g., zoning certificate, conditional use, etc.) that involves a nonconformity shall bear the burden of proof in demonstrating that the use, building, or structure, or combination thereof, was a legal nonconformity.
- (3) Passage of this ordinance in no way legalizes any illegal uses existing at the time of its adoption.

#### **(4) Existing Use Reclassified as a Conditional Use**

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use in the applicable district due to an ordinance text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval in accordance with [§155.07:\(B\)](#). Such use, provided it is conditionally permitted in the applicable district, shall not be considered a nonconforming use.

#### **(5) Nonconformities and Variances**

- (a) Whenever any nonconformity has been changed so that the use, structure, or condition conforms to the requirements of this ordinance, such use, structure, or condition shall no longer be defined as a nonconformity, nor shall the property or structure be returned to the former nonconformity.
- (b) When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the structure or lot shall no longer be considered nonconforming. In no case shall the resolved nonconformity be expanded or altered to create further nonconformities.



- (c) If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the structure or condition that remains a nonconformity shall still be subject to the provisions of this section.

### **(C) NONCONFORMING USES**

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Where, at the time of adoption of this ordinance, lawful uses of land or structures exist that would not be permitted by the regulations of this ordinance, the uses may be continued so long as they remain otherwise lawful and provided:

- (1) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land or structure than was occupied at the effective date of adoption or amendment of this ordinance.
- (2) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance.
- (3) No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this ordinance and the applicable zoning district.

#### **(4) Termination of Nonconforming Uses**

##### **(a) Termination of Use through Discontinuance**

When any nonconforming use is discontinued or abandoned for more than six months, any new use shall conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

##### **(b) Termination of Use by Damage or Destruction**

- (i) If any building or structure containing a nonconforming use is damaged, but not to an extent greater than 51 percent of the market value of the principal structure's reconstruction value, as established by the Knox County Auditor, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage. Such reestablishment of the use shall require the issuance of a zoning certificate, which must be issued within six months of the damage or the use shall not be reestablished.
- (ii) If any building or structure containing a nonconforming use is damaged beyond 51 percent of the principal structure's market value, as established by the Knox County Auditor, such structure and use may only be reestablished in accordance with this ordinance.
- (iii) Determination of the value shall be made by an insurance adjuster, fire department official, or other form of appraisal.

### **(D) NONCONFORMING STRUCTURES AND SITES**

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A nonconforming structure or site may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (1) Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this ordinance.
- (2) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.



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- (3) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this ordinance specified for such use, except the regulations to which the building did not conform prior to the change in use.
- (4) The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.
- (5) **Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**
- (a) If a nonconforming structure is damaged, but not to an extent greater than 51 percent of the structure's market value, as established by the Knox County Auditor, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage. Such reestablishment of the use shall require the issuance of a zoning certificate within six months of the initial damage. If an owner rebuilds a legally nonconforming structure under this provision, they may expand the structure provided any expansion or change does not increase the nonconformity that existed prior to the damage.
- (b) If a nonconforming structure is damaged beyond 51 percent of the structure's market value, as established by the Knox County Auditor, such structure shall only be rebuilt in compliance with the requirements of this ordinance. Such reconstruction shall require the application and issuance of all necessary zoning certificates.
- (c) If the owner voluntarily removes a nonconforming structure, or reduces the nonconformity of a nonconforming structure that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.
- (d) Determination of the value shall be made by an insurance adjuster, fire department official, or other form of appraisal.

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**(E) NONCONFORMING LOTS OF RECORD**

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A lot of record which does not comply with the lot or yard regulations of the district in which it is located on the effective date of this ordinance or any amendment thereto which made it nonconforming, may be used as follows:

- (1) If occupied by a building, such building may be maintained, repaired or altered. However, the building may not be enlarged in floor area unless the depth of front yard, total width of side yards, and the rear yard regulations are complied with as closely as possible as determined by the Planning Commission.
- (2) If vacant, the lot may be used for any use permitted in the applicable zoning district provided that any structure or building constructed on the lot shall be complied with as closely as possible as determined by the Planning Commission.

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**(F) NONCONFORMING SIGNS**

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See [§155.06:\(H\)](#) for the regulation of nonconforming signs.

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**(G) REPAIR AND MAINTENANCE**

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- (1) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this section.
- (2) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, including, but not limited to the Zoning Inspector, upon order of such official. Where appropriate, a zoning certificate for such activities shall be required.



## **§155.09: Definitions**

### **(A) GENERAL RULES OF INTERPRETATION**

The following rules shall apply for construing or interpreting the terms and provisions of this ordinance.

**(1) Meanings and Intent**

All provisions, terms, phrases, and expressions contained in this ordinance shall be interpreted in accordance with the general purposes set forth in [§155.01:\(B\): Purpose](#), and the specific purpose statements set forth throughout this ordinance. When a specific section of this ordinance gives a different meaning than the general definition provided in this section, the specific section's meaning and application of the term shall control.

**(2) Lists and Examples**

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

**(3) References to Other Regulations or Publications**

Whenever reference is made to a code, statute, ordinance, regulation, or document, it shall be construed as a reference to the most recent edition of such code, statute, ordinance, regulation, or document, unless otherwise specifically stated.

**(4) Delegation of Authority**

Any act authorized by this ordinance to be carried out by a specific official of the Village may be carried out by a designee of such official.

**(5) Technical and Nontechnical Terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**(6) Public Officials and Agencies**

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

**(7) Mandatory and Discretionary Terms**

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

**(8) 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 apply; and
- (2) “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

**(9) Tenses, Plurals, and Pronouns**

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Where a pronoun is used (he, she, they, it, etc.), such pronoun shall mean any pronoun unless the context of the particular usage clearly indicates otherwise.



**(10) Terms Not Defined**

If a term used in this ordinance is not defined in this section, the Zoning Inspector shall have the authority to provide a definition based upon the definitions used in accepted sources, including but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association. The Zoning Inspector may also rely on Webster's Dictionary or a similar source for the definition of terms.

**(B) DEFINITIONS**

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**Access**

A means of vehicular approach or entry to or exit from property.

**Accessibility Ramps**

Permanent or portable ramps utilized to provide a disabled person with accessibility to a structure.

**Active Recreational Uses**

Any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other similar outdoor facilities. Such uses may include accessory retail uses that are customarily incidental recreational uses including, but not limited to, souvenir or concession stands.

- **Active Recreational Uses (Small)** shall be further defined as any facility that contains a building of less than 10,000 square feet; does not include any outdoor gathering spaces that can accommodate more than 50 people; or is not of a size, scale, or intensity of use that poses a potential for significant impacts to adjacent properties related to noise, lighting, or traffic, as determined by the Planning Commission.
- **Active Recreational Uses (Large)** shall be further defined as any active recreational use that is not classified as an "active recreational use (small)."

**Adjoining or Abutting**

Having a common border with, or being separated from such common border by an alley or easement or right-of-way.

**Alley or Lane**

A public or private way not more than 20 feet wide affording only secondary means of access to property.

**Amateur Radio Antennas**

A system of cables, electrical conductors, insulators, metallic or nonmetallic tubing, poles, reflecting discs, rods, wires, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

**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

**Application**

An application for a certificate, permit, review, or other approval called for in this ordinance.

**Automotive Service Station**

Any structure or premises used for dispensing or sale of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site.

**Basement**

A story whose floor line is below grade at any entrance or exit or whose ceiling is not more than five feet above grade.

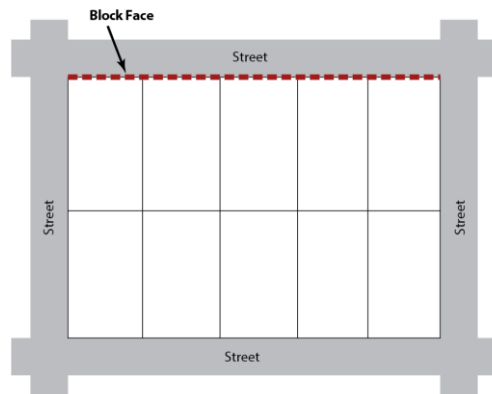


**Bed and Breakfast**

Any place of lodging that provides five or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests. This shall be defined as a principal use that is distinct from "short-term rentals."

**Block Face**

All lots that have frontage on the same street as the subject lot between an intersecting street or other boundary.



*Figure Q: Illustration of block face*

**Bufferyard**

A unit of land, together with any specified type and amount of planting and any structures which may be required thereon, between land of different uses to visually screen and eliminate or minimize conflicts between them.

**Building**

Any structure, of more or less permanent construction, having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals, or property. When separated by party walls, each portion of such building shall be considered a separate structure. The term shall be used synonymously with "structure," unless otherwise noted, and shall be construed as if followed by the words "parts or parts thereof."

**Building Height**

The vertical distance of a building as measured in [§155.02:\(H\)\(3\)](#).

**Building, Detached Accessory**

A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use.

**Building, Principal**

A building occupied by the main use of the lot on which said building is located.

**Business and Professional Offices**

Establishments providing executive, management, medical, dental, administrative, or professional services including, but not limited to, medical and dental clinics, real estate, banks and financial institutions, architecture, legal, travel, employment, advertising, design, engineering, accounting, and similar uses.

**Cemeteries**

A place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

**Certificate of Occupancy**

A document issued by authority of the State of Ohio or Knox County, Ohio, authorizing occupancy of buildings or structures for uses which, after inspection, are determined to be consistent with the terms of all applicable codes or ordinances and all conditions and requirements, if any, stipulated by such appropriate state or county authority.



**Commercial Message or Speech**

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.

**Commission**

The Village of Gambier Planning Commission.

**Community Gardens**

A single piece of land that is gardenized collectively by a group of people that may include individual garden plots designated for individual gardens.

**County**

Knox County, Ohio

**Cultural Institutions**

Public or private facilities use for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, theaters, cultural centers, and interpretative sites.

**Cutoff**

The point at which all light rays emitted by a lamp or light source are completely eliminated (cutoff) at a specific angle above the ground.

**Day Care Centers**

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, and 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.

**Decks**

A flat surface, that is not paved, which is capable of supporting weight similar to a floor, constructed outdoors and elevated from the ground, and that is either freestanding or attached to a building. Decks may also include stairways. Decks are unenclosed by solid or nonsolid walls or a roof.

**Demolish or Demolition**

The complete or substantial deterioration, removal or destruction of any building within any district, including buildings of historic significance (buildings more than 50 years old), whether by affirmative action taken or by passive action such as neglect.

**Development**

The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structures or buildings; or the division of a parcel of land into two or more parcels; or any use or change in use of any buildings or land; or any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this ordinance.

**Diameter**

With regarding to tree measurements, the diameter of a tree trunk shall be measured 12 inches above the ground.

**Drainage**

The removal of surface water or groundwater from land by drains, grading, ditches or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water-supply preservation and the prevention or alleviation of flooding.

**Driveway**

A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, structure, or a use of land.

**Dwelling**

A building designed or used exclusively as the living quarters for one or more families or housekeeping units.



**Dwelling Unit**

A single unit of one or more rooms providing complete, permanent independent living facilities for one family or, alternatively, one housekeeping unit including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel recreational vehicle, or other temporary or transient structure or facility. A dwelling unit shall not include a mobile home or recreational vehicle, camping equipment, or a manufactured home except for permanently sited manufactured housing that conform to the requirements for such uses.

**Dwelling Unit**

A single unit of one or more rooms providing complete, independent living facilities for one family, or alternatively by one housekeeping unit.

**Dwelling Unit, Accessory**

A secondary dwelling or dwelling unit that is added, created, or constructed on a parcel of land on which an existing dwelling or dwelling unit already exists. A secondary dwelling unit may or may not be attached to or a part of the pre-existing one.

**Dwelling, Multi-Family**

A building, or portion thereof, designed with four or more dwelling units.

**Dwelling, Single-Family**

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

**Dwelling, Three-Family**

A building, or portion thereof, designed with three dwelling units.

**Dwelling, Two-Family**

A building, or portion thereof, designed with two dwelling units.

**Educational Facilities (Post-Secondary)**

Any private or public post-secondary educational institution that includes, but is not limited to: colleges and universities, trade schools, business schools, seminaries, or any other institution providing collegiate level curriculum. Such use shall also include any related administrative and faculty offices, classrooms, auditoriums, commons, dormitories, laboratories, assembly and dining facilities, and all facilities and areas normally associated with these uses.

**Educational Facilities (Pre-K to 12)**

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See also "educational facilities (secondary)."

**Erosion**

Any removal and/or loss of soil by the action of water, ice, gravity, or wind. Erosion includes both the detachment and movement of soil particles.

**Essential Services**

The erection, construction, alteration, or maintenance by public utilities or Village departments, boards, or commissions, of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such Village utility or Village department, board, or commission or for the public health, safety, convenience, prosperity or general welfare, shall be exempt from the regulations of this ordinance. Provided, however, that the installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

**Family**

One or more persons, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this ordinance.



**Fence**

Any accessory wall or structure composed of wood, metal, stone, vinyl or other material erected in such a manner and positioned to enclose, partially enclose, screen or divide any premises or part of premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose, partially enclose, screen or divide any premises or any part of any premises shall be included within the definition of fence.

**Fence, Chain Link**

A fence consisting of loops of wire interconnected in a series of joined links with no permanent inserts or weavings.

**Fence, Deer Exclusion**

A special fence with a high-level of transparency that is used to specifically prevent access to deer in order to preserve gardens, landscaping, or other vegetation.

**Fence, Garden**

A welded or woven wire fence located in the side or rear yard of a residence, surrounding a single garden area, or multiple garden areas, not to exceed a total of 600 square feet.

**Fence, Living**

A fence or vision obstructing hedge consisting of the natural growth or placement of hedges, trees, bushes, plants or a combination thereof.



*Figure R: An image of a living fence.*

**Fence, Open**

A split-rail, board, picket, aluminum, iron or vinyl fence that provides at least 50 percent transparency through the fence.



*Figure S: An image of an open fence.*

**Fence, Privacy**

A fence which shall be less than seven feet tall from grade, constructed so as to prevent public view and provide seclusion.



**Fence, Tree and Plant Protective**

A fence constructed of minimally visible wire or synthetic open mesh material, with a maximum height of 9 feet, and a maximum total length of 20 feet, located within two feet of the tree, plant, or group of trees and/or plants the fence is protecting, measured from the trunk if the lowest branch is higher than nine feet from the ground, otherwise measured from the outermost perimeter of the tree, plant, or group of trees and/or plants the fence is protecting.



*Figure T: An image of a tree and plant protective fence.*

**Fence, Woven Wire**

A fence made out of woven wire and it has vertical and horizontal wires connected forming a grid

**Foot Candle**

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

**Forestry**

The science of developing, caring for, managing, and/or cultivating forests. For purposes of this Ordinance, Forestry does not include the harvesting or processing of timber.

**Frontage**

All the property abutting on one side of a street between intersecting streets, or between a street and a right-of-way, waterway, or a dead-end street, or a village or property boundary measured along the street line.

**Garage**

An accessory building primarily intended for and used for the enclosed storage or shelter of motor vehicles of the owner or occupant of the principal building that is attached or detached from the principal building.

**Glare**

The brightness of a light source which causes eye discomfort.

**Good Faith**

An intangible and abstract quality which encompasses, among other things, an honest belief, the absence of malice, and the absence of design to defraud or to seek unconscionable advantage over another.

**Government Buildings**

Buildings or office space utilized for the provision of services by the Village of Gambier, Knox County, the State of Ohio, or the Federal Government.

**Home Occupation**

A business, profession, occupation, or trade that is conducted within a residential dwelling unit or accessory building for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

**Hotels**

A building in which lodging, with or without meals, is offered for compensation and in which there are more than five sleeping rooms. Hotels may include typical accessory uses within the principal building including, but not limited to, swimming pools, bars, and restaurants.



**Housekeeping Unit**

Four or fewer unrelated persons occupying a single dwelling unit, living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a hotel or other group living arrangement. Such definition shall also include residential facilities that allow for more than five persons when permitted as a group home. This definition does not apply to a group temporarily occupying a bed and breakfast establishment or hotel.

**Kitchenette**

A room having the purpose of food storage and preparation, including a countertop, refrigerator, stove, and a sink with running water.

**Lot**

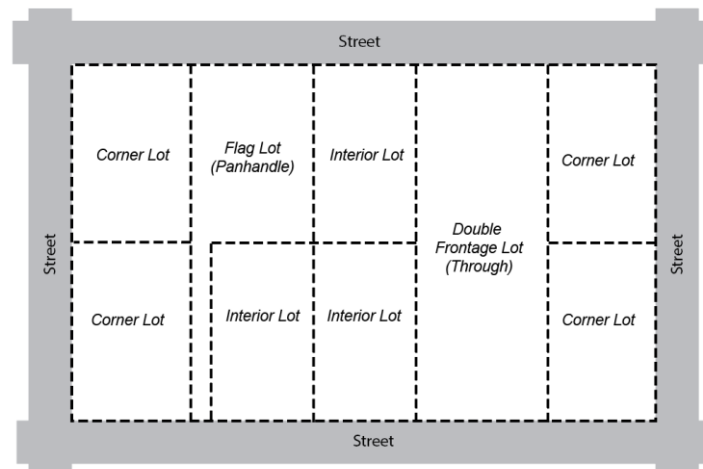
A parcel of land occupied, or to be occupied, by a main building and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required and having the minimum size required for a lot under the provisions of this ordinance. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage required in the zoning district in which the lot is located.

**Lot Area**

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See [§155.02:\(H\)\(1\)](#).

**Lot, Corner**

A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See [Figure U](#) and [§155.02:\(H\)\(2\)](#).



*Figure U: Illustration of typical lot types.*

**Lot, Curved or Cul-De-Sac**

A lot with frontage along a curved street or cul-de-sac. See [§155.02:\(H\)\(2\)](#).

**Lot, Double Frontage (Through)**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See [Figure U](#) and [§155.02:\(H\)\(2\)](#).

**Lot, Flag (Panhandle)**

A lot that has a frontage on, or is abutting, a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See [Figure U](#) and [§155.02:\(H\)\(2\)](#).

**Lot, Interior**

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See [Figure U](#) and [§155.02:\(H\)\(2\)](#).

**Lot, Nonconforming**

A lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.



**Mixed-Use Building**

A building that contains a commercial or office use and a residential use within a single building as provided for in this ordinance and where the residential uses are located on upper floors only.

**Mobile Home**

A trailer, which may or may not be equipped with wheels or other devices to be transported from place to place, which is fitted with parts for connection to utilities, and which may be installed on a relatively permanent site for use as a residence.

**Neglect**

To omit or fail to do a thing that can be done or is required to be done; also imports an absence of care or attention in the action or omission, or a designed refusal to perform a duty.

**Nursery Schools or Day Care Centers**

A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for an adult for a portion of a 24-hour day in a building other than the adult's home.

**Ordinance**

This Zoning Ordinance for the Village of Gambier, Ohio, adopted February 4, 2013, and any amendments lawfully enacted thereafter.

**Outdoor Dining**

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, that are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

**Outdoor Display or Sales**

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

**Owner**

Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land.

**Parking Lot**

An outdoor area made up of three or more marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking.

**Passive Recreation, Conservation, and Open Space**

Any park or recreational facility where there is minimal grading of the land or improvements that could include walking trails, flood control and watershed protection, noncommercial lakes, land conservation, walking and/or bike trails and other paths, fish and game preserves, and other passive areas.

**Permanently Sited Manufactured Home**

A building unit or assembly of closed construction as defined in the ORC and permitted where single-family dwellings are allowed.

**Person**

Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

**Personal Care**

In addition to room and board, personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.



**Personal Service Establishments**

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**Places of Worship**

A religious institution where a congregation of any denomination regularly participates in or holds religious services, meetings and other activities, including buildings in which the religious services are held and which may include accessory indoor uses such as, but not limited to, day care or educational institution facilities.

**Public Utilities**

Above-ground structures with a floor area of 200 square feet used for for storage, transmission, or facilities for water, sewerage, telephone, electric or gas and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission (PUCO). Such uses may also include salt storage or other outdoor activities necessary for the efficient operations of the local, State, or Federal Government.

**Quasi-Public, Fraternal, or Service Facilities**

A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit which is customarily carried on as a business. Such uses shall include sorority and fraternity lodges.

**Residential Facilities**

Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than 16 persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119 and 5123 of the Ohio Revised Code.

**Restaurants and Taverns**

- A tavern is an establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.
- A restaurant is an establishment with table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers, provided that no drive-through window is permitted.

**Retail Commercial Uses**

For the purposes of accessory uses, this term shall mean "retail establishments" that are accessory to the principal use.

**Retail Establishment**

Establishments primarily engaged in the sale of goods, materials, and general services to the public. Examples of this use type may include, but are not limited to, bookstores, antique stores, bakeries, grocery stores, and other similar uses.

**Right-of-Way**

A strip or area of land dedicated for use as a public roadway, railroad, or dedicated for other public uses. For streets, the right-of-way typically includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Satellite Dishes**

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

**Screening**

A method of visually shielding or obscuring a structure, parking, mechanical equipment, refuse collection center or incompatible land use, from another and from public view by fencing, walls, beams or densely planted vegetation.



**Sedimentation**

The settling out of soil particles which are transported by water or wind. Sedimentation occurs when the velocity of water or wind in which soil particles are suspended is slowed to a sufficient degree and for a sufficient period of time to allow the particles to settle out of suspension or when the degree of a slope is lessened to achieve the same result.

**Setback Line**

A line established by this ordinance generally parallel with and measured from the lot line or the right-of-way, whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this ordinance. For example, a front yard setback line is the line formed by applying the minimum front yard setback from any applicable front lot lines.

**Setback, Building**

The setback required from any right-of-way and the principal or accessory building as established in this ordinance.

**Setback, Front**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the front lot line. See [§155.02:\(H\)\(2\)](#).

**Setback, Rear**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the rear lot line. See [§155.02:\(H\)\(2\)](#).

**Setback, Side**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and a lot line that is shared with another lot where such lot line is defined as a side lot line. See [§155.02:\(H\)\(2\)](#).

**Short-Term Rental**

The leasing of any residential property, either the entire dwelling unit or individual rooms, for a period of time less than 30 consecutive days to one additional family or housekeeping unit. This use includes, but is not limited to homes or rooms being rented through services such as AirBnB, VRBO, HomeAway, etc. This shall be defined as an accessory use that is distinct from “bed and breakfast.”

**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, illumination or projected images.

**Sign Area, or Area of Sign**

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 [§155.06:\(D\)\(3\)](#).

**Sign Height**

The vertical distance of a sign, from top to bottom, as measured in accordance with [§155.06:\(D\)\(2\)](#).

**Sign, A-Frame**

A freestanding sidewalk sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

**Sign, Awning**

A permanent sign painted on, printed on or attached flat against the surface of an awning.

**Sign, Banner**

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary “yard sign.”



**Sign, Freestanding**

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building or other structure.

**Sign, Nonconforming**

Any sign which was erected legally prior to the adoption of this ordinance, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign standards.

**Sign, Off-Premise**

A sign displaying advertising that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located

**Sign, On-Premise**

A sign displaying advertising that pertains to a business, person, organization, activity, event, place, service, or product that is principally located or primarily manufactured or sold on the premises on which 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 and that is constructed of rigid, non-flexible materials.

**Sign, Portable Changeable Copy**

A temporary sign designed so that the characters, letter or illustrations can be changed or rearranged manually (no digital) without altering the sign display surface.

**Sign, Projecting**

A permanent sign that is affixed perpendicular to a building or wall and extends more than 18 inches beyond the face of such building or wall.

**Sign, Sidewalk**

A temporary sign that may be placed outside, during business hours, in accordance with this ordinance and all other applicable ordinances and resolutions. See definition of "sign, A-frame."

**Sign, Temporary**

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

**Sign, Wall**

A permanent sign attached directly to an exterior wall of a building and which does not extend above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

**Sign, Window**

Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building.

**Sign, Yard**

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

**Skilled Nursing**

In addition to room and board, those nursing services and procedures employed in caring for the persons who require training, judgment, technical knowledge, and/or skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

**Skilled Nursing or Personal Care Facilities**

A long-term or short-term residential facility that provides skilled nursing services or personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as a hospital or residential facility.



**Solar Energy System**

An energy conversion system, including panels, appurtenances and mechanical equipment, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user.

**Special Land Use Review**

A procedure that allows the Planning Commission to consider approving a use that is not otherwise specifically allowed by this ordinance and is not considered similar to any allowed use.

**Stored**

To have placed or left in a location for later use or disposal or to provide a space for, whether temporarily or permanently.

**Story**

That portion of a Building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

**Street**

Any public or private way dedicated to public travel. The word “street” shall include the words “road,” “highway,” and “thoroughfare.”

**Structural Alteration**

Any change in the structural members of a building, such as walls, columns, beams, girders, roofs, windows, porches, or doors. This includes the removal or addition thereof.

**Structure**

That which is constructed on or under the ground or attached or connected thereto, including but not limited to: buildings, barriers, bridges, bulkheads, chimneys, fences, garages, outdoor seating facilities, parking areas, platforms, pools, poles, streets, tanks, tents, towers, sheds, signs, walls and walks; and excluding trailers and other vehicles whether on wheels or other supports.

**Subdivision**

The division of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites, or lots.

**Swimming Pool**

Any pool, open tank, or man-made body of water not located within a completely enclosed Building, and containing, or normally capable of containing, water to a depth at any point greater than three feet or capable of holding in excess of 750 gallons of water.

**Transmission Towers**

Any antenna, structure or other transmission device created or erected for the purpose of holding equipment used in the transmission, reception or relay of signals for radio, telephone, television, cellular telephone, or other communications media.

**Type-B Day Care Homes**

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 may be 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 Home shall be counted. A Type B Home does not include a residence in which the needs of children are administered, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.

**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 located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.



**Use, Conditional**

A use which may be appropriate or desirable in a specified zoning district, but requires special approval through the conditional use approval process (See [§155.07:\(B\).](#)) because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

**Use, Nonconforming**

Any building or land lawfully occupied by a use that was in accordance with the zoning regulations, if any, in existence when the use commenced and which, through subsequent enactments or changes of zoning regulations either prior to the passage of this ordinance or by the passage of this ordinance or amendments thereto, does not conform or did not conform thereafter with the use regulations of the district in which it is situated.

**Use, Permitted**

A use which is permitted in a specified zoning district through either a zoning certificate, as may be applicable.

**Use, Permitted with Standards**

A use which is permitted in a specified zoning district through zoning certificate, as may be applicable, provide such use meets the additional use-specific standards set forth in this ordinance.

**Use, Principal**

The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, permitted with standards, or conditionally permitted.

**Use, Temporary**

A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.

**Variance**

A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty.

**Veterinary Clinic**

A building where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Such uses shall not have any outdoor facilities for the boarding or keeping of animals.

**Village**

The Village of Gambier, Ohio.

**Village Administrator**

A staff employee of the Village responsible for day-to-day Village activities, projects and employees.

**Village Council**

The Village Council

**Village Solicitor**

An attorney licensed in the State of Ohio hired by the Village to handle legal matters and projects on behalf of the Planning Commission, the Village Council and the Village.

**Wall, Masonry**

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure and constructed of stone or brick.

**Wetland**

An area of half (½) of an acre or more where standing water is retained for any portion of the year. Wetlands include all areas designated as “marsh” in the Hydrologic Investigations Atlas of the U.S. Geologic Survey and all areas designated as wetlands by the Army Corps of Engineers or the Soil Survey of Knox County of the Soil Conservation Service.

**Woodland**

Either an area of planted material on one or more contiguous Lots or parcels of an individual landowner and/or related landowners, that consists of 30 percent or more canopy trees having a 16-inch or greater caliper measurement, or any grove consisting of eight or more trees having a 10-inch or greater caliper measurement within a 5,000 square foot area, or an area that conforms to both.



**Woodland, Mature**

Either an area of planted material on one or more contiguous lots or parcels of an individual landowner and/or related landowners, that consists of 30 percent or more canopy trees having a 16-inch or greater caliper measurement, or any grove consisting of eight or more trees having an 18-inch or greater caliper measurement within a 5,000 square foot area, or an area that conforms to both.

**Woodland, Young**

Either an area of planted material on one or more contiguous lots or parcels of an individual landowner and/or related landowners, that consists of 70 percent or more canopy trees having a 2.5-inch caliper measurement or greater, or a tree plantation for commercial or conservation purposes where 70 percent or more of the canopy trees have 2.5-inch or greater caliper measurement within a 5,000 square foot areas, or an area that conforms to both.

**Yard**

An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this ordinance. See [§155.02:\(H\)\(2\)](#) for rules of measurement and determination for all yard types.

**Yard, Front**

Unless otherwise stated in [§155.02:\(H\)\(2\)](#), a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

**Yard, Rear**

Unless otherwise stated in [§155.02:\(H\)\(2\)](#), a rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

**Yard, Side**

Unless otherwise stated in [§155.02:\(H\)\(2\)](#), a side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

**Zoning Certificate**

A document issued by the Zoning Inspector stating that a proposed development or activity complies with this ordinance as established in [§155.07:\(D\)](#).

**Zoning District**

A portion of the territory of the Village as shown on the Zoning Map within which certain uniform regulations and requirements apply.

**Zoning Inspector**

The Zoning Inspector of the Village or their staff members. Unless otherwise designated by the Planning Commission, the Village Administrator shall act as the Zoning Inspector.

**Zoning Map**

An accurate map depicting the Village of Gambier, Ohio, and indicating the official boundaries of the zoning districts established by this ordinance.



## Appendix A: Zoning Map

