

VILLAGE OF ST. HENRY

ZONING CODE

ADOPTED JUNE 2021



PREAMBLE

AN ORDINANCE OF THE VILLAGE OF ST. HENRY, OHIO, ENACTED IN ACCORDANCE WITH THE PROVISIONS OF THE OHIO REVISED CODE, DIVIDING THE VILLAGE INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE; DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT, AND GENERAL WELFARE.

THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE, VILLAGE OF ST. HENRY, MERCER COUNTY, STATE OF OHIO, TWO-THIRDS OF THE MEMBERS THERETO CONCURRING:

Chapter 150 - Zoning Regulations

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Zoning Forms

- Application for Zoning/Building/Demolition Permit
- Statement of Zoning Violation
- Notice of Zoning Violation
- Revocation of Zoning Permit
- Application for Appeal

Application for Variance
Application for Conditional Use Permit
Application for Zoning Map Amendment
Application for Zoning
Text Amendment
Notice of Public Hearing to Newspaper
Notice of Public Hearing to Property Owner

Village of St. Henry
Adopted February 2021

150.0 GENERAL REGULATIONS

150.1 Title

This Ordinance shall be known and may be cited as the “Zoning Code of the Village of St. Henry”, except as referred to herein, where it shall be known as “this Zoning Code”.

150.2 Intent

The intent of this Zoning Code is to promote and protect the public health, safety and general welfare of the Village in accordance with the planning process reflected in the contents of this Zoning Code and in the zoning map of the Village by:

- A. Dividing the Village into zones or districts within which specific regulations contained in this Zoning Code control the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, commerce, industry, or other specific uses.
- B. Regulating the intensity of land use through control of the amount of lot area on which construction is authorized and a determination of the area of open space surrounding any man-made improvements upon the land.
- C. Facilitating the orderly, efficient, and appropriate growth and development within the Village.
- D. Protecting residential, business, commercial, and industrial land uses from encroachment by incompatible land uses that would not be conducive to the public health, safety, and general welfare.
- E. Regulating certain nonconforming uses of land, buildings, and structures.
- F. Promoting a pattern of rational land use relationships among residential, business, commercial, and industrial uses for the purposes of promoting the public health, safety and general welfare.

- G. Establishing development densities by zoning district that economize the provision of water, sewer, streets and highways, fire and police protection, schools, parks, recreation facilities, and other government services.

The intent is to implement in accordance with the comprehensive plan for the Village of St. Henry as manifested in this Zoning Code and its companion zoning map, Design Criteria, and Construction Standards and Drawings of and in various planning studies which have been or will be approved by Council from time to time.

150.3 Interpretation

In their interpretation and application, the provisions of this Zoning Code shall be the minimum requirements adopted for the promotion of the public health, safety, convenience, order, prosperity, and general welfare. Except as otherwise provided in Section 150.005, it is not intended by this Zoning Code to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules, regulations, or permits previously adopted or issued pursuant to law, relating to the use of buildings and land. St. Henry as manifested in this Zoning Code and its companion Zoning Map, Design Criteria, and Construction Standards and Drawings of and in various planning studies which have been or will be approved by Council from time to time.

150.4 Separability

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

150.5 Repeal of Conflicting Ordinances

All Ordinances in conflict with this Zoning Code or inconsistent with the provisions of this Zoning Code are hereby repealed to the extent necessary to give this Zoning Code full force and effect.

150.6 Pending Applications for Building Permits

Nothing herein contained shall require any change in plans construction, size, or designated use of any building structure, or part thereof, for which a building permit has been granted before the enactment of this ordinance and the construction of which, from such plans, shall have been started within 90 days of the date of enactment of this ordinance, or for any construction which was legally started without a building permit or before the enactment of this zoning ordinance.

150.050 DEFINITIONS

150.51 Construction of Language

For the purposes of this Zoning Code, certain terms or words used herein shall be interpreted as follows:

- A. The word "PERSON" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense.
- C. The singular number includes the plural, and the plural number includes the singular.
- D. The word "SHALL" is mandatory, and the word "MAY" is permissive.
- E. The word "BUILDING" includes the word "STRUCTURE."
- F. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- G. The word "lot" includes the words "plot" or "parcel."
- H. In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.
- I. Regardless of capitalization, definitions are standard.

Terms not herein defined shall have the meaning customarily assigned to them.

150.52 Definitions

ACCESSORY STRUCTURE AND BUILDINGS

Accessory buildings and structures are subordinate structures that are located on the same lot on which the principal building is situated and are reasonably necessary and incidental to the conduct of the primary or principal use of such building. A building is considered an accessory structure if the footprint exceeds twenty-five (25) square feet and/or six (6) feet in height at the peak of the roof. Examples of an accessory structure are detached garage/carport, cabanas, gazebos, pool or pump house, storage sheds, garden sheds, decks, and fences. Accessory structures do not include playhouse(s), play equipment, sidewalks, ground level patios or driveways. The height of an accessory structure shall not exceed the height of the principal structure. The dimensions to be measured will apply to the foundation size or footprint of the accessory structures. With the exception of fences all accessory structures and buildings shall not be located in the front yard of a lot.

ADULT ENTERTAINMENT FACILITIES

A facility used for the purpose of adult entertainment as described in Section 150.322 Adult Entertainment Facilities.

AGRICULTURE

The use of land for the purpose of growing and harvesting crops; for raising livestock, poultry, or honeybees for personal use only; forestry, nurseries, or orchards; for the non-commercial, on-farm storage of any other similar agricultural or horticultural use. This includes the sale of produce grown on the premises.

ALLEY

(See Thoroughfare)

ALTERATION

Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders.

ANIMAL GROOMING

An activity where the principal business is domestic pet hygiene including washing, brushing, shearing and nail cutting.

ANIMAL HOSPITAL

Any building or structure used for treatment and care of injured or ailing animals administered by a Doctor of Veterinary Medicine licensed to practice in the state.

ANIMAL LIVESTOCK

Animals kept or raised on farms such as cattle, horses, pigs, goats, or sheep for personal use only.

AUTOMOBILE REPAIR, PAINTING, AND BODY SHOPS

Places where the following services may be carried out: the sale of engine fuels, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame, or fender straightening and repair, and overall painting, undercoating, rust protection, paint protection, and fabric protection of automobiles.

AUTOMOBILE SERVICE STATION

A place where gasoline, or any other automobile engine fuel, stored only in underground tanks, kerosene or motor oil, and lubricants or grease, for operation of motor vehicles, are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles, not including storage of inoperable vehicles.

AUTOMOBILE WASHING FACILITIES

Area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.

BARS, TAVERNS, AND NIGHTCLUBS

Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor and other alcoholic beverages for consumption on the premises. The sale of food may also be a part of the operation.

BASEMENT

A story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground. (See “Story”) (See illustration, Exhibit “E” following this Section.)

BED AND BREAKFAST INNS

A residential, single-family dwelling or portion thereof, which is owner-occupied, that has as a secondary use of the structure, one to five guestrooms for rent. Guests shall not stay longer than 14 consecutive days. Breakfast shall be the only meal served and the kitchen shall not be remodeled into a commercial kitchen. The facility shall be located in an existing structure and a structure cannot be built for this purpose. The operator of the Inn shall live on the premises.

BEGINNING OF CONSTRUCTION

“Beginning of Construction” means the utilization of labor, equipment, and materials for the purpose of erecting or altering a structure.

BLOCK

Property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest street and railroad right-of-way, un-subdivided acreage, waterway, or between any of the foregoing and any other barrier to the continuity of development or corporate lines of the Village.

BOARDING OR LODGING HOUSES

A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided.

BUILDING

A building is a structure, designed, intended, or used for shelter, enclosure, or protection of persons, animals, chattels, or property.

BUILDING HEIGHT

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof surface.

BUILDING LINE

(See Setback Line)

BUILDING, PRINCIPAL

A building in which is conducted the main or principal use of the lot on which such building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

BUILDING SERVICES AND SUPPLIES

Building supplies and services facilities, including facilities for plumbing and heating equipment, sheet metal shops and similar uses.

BUSINESS, PROFESSIONAL, AND ADMINISTRATIVE OFFICES

Uses that include, but are not limited to, corporate offices; insurance; real estate; law; engineering; architecture; management and consulting; accounting; bookkeeping and investment; data processing services; advertising, commercial art and public relations; news syndicates; travel agencies; personnel and employment services; and detective and protective services.

CAR WASH (See Automobile
Washing Facilities)

CARRY-OUT

A place of business where food and beverages are purchased for consumption on or off the premises. These can include photo kiosks and freestanding automatic teller machines.

CEMETERY

Land used or intended to be used for the disposition of deceased persons and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CHILD DAY CARE CENTER

Any place in which child day care is provided, with or without compensation, for eight or more children at any one time; or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for at least eight children at any one time. In counting children for the purposes of this definition, any child under 6 years of age who is related to a licensee, administrator, or employee and who is on the premises shall be counted.

CLINIC (See Medical Offices
and Clinics)

COMMERCIAL ENTERTAINMENT FACILITIES

Any profit-making activity which is generally related to the entertainment field. These facilities include motion picture theaters, sports arenas, tennis, racquetball, and handball courts, health clubs, bowling centers, and similar entertainment activities.

COMMERCIAL OUTDOOR RECREATION FACILITIES

Any outdoor profit-making activity which is generally related to the recreation field. These facilities include amusement parks, drive-in theaters, carnivals, fairgrounds, golf driving ranges, golf courses, miniature golf courses, racetracks, skating rinks, and similar outdoor activities.

COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY

A state licensed or authorized home for children or adults which is operated by the state or a political subdivision or pursuant to a license issued by or to a contract with the state or a political subdivision.

Community-oriented residential social service facilities include the following categories; agency group homes for children or adults, residential homes for children or adults, or residential homes for children or adolescents 18 years of age or under, dependent or neglected, who have been adjudged delinquent, and who for various reasons cannot reside with their natural family.

CONDITIONAL USE

A use that is permitted, but only by application to the BZA in each specific instance, and after determination by the BZA that all regulations and standards of this Zoning Code applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the BZA may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses and the neighborhood, and/or in order to improve the public health, safety, morals, convenience, order, prosperity, and general welfare.

CONDOMINIUM

A building or group of buildings in which units are individually owned, but the structure, common areas, and facilities are owned on a Proportional, undivided basis by all of the owners.

CONSTRUCTION TRADE FACILITY

These activities include heavy construction, building, electrical, heating and air conditioning, masonry, plumbing, painting, wallpapering, roofing, glazing, but does not include salvage materials or debris.

CONVENIENCE STORE

Retail stores that cater to the motoring public where the sale of food items such as hot or cold drinks, prepackaged foods and tobacco, roadmaps, magazines and other publications; automotive maintenance items such as brake fluid, oil, polishes, anti-freeze, and similar products; and other retail items that may be readily purchased. A convenience store may also sell gasoline. This does not include drive-in or drive-through windows.

CORNER LOT

(See Lot)

DAY CARE CENTER

(See Child Day Care Center)

DISTRICT

A portion of the incorporated area of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Code.

DRIVE-IN

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the "drive-in" service.

DWELLING

Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING, MULTI-FAMILY

A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

DWELLING, SINGLE-FAMILY

A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING, TWO-FAMILY

A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING UNIT

A building, or a portion thereof, designed for occupancy of one family for residential purposes and having living, cooking, sleeping, and sanitation facilities.

EASEMENT

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of that property.

EDUCATIONAL INSTITUTIONS, ELEMENTARY, JUNIOR HIGH, AND HIGH SCHOOLS Public, private, and/or religious schools including grades K through 12.

ELDERLY HOUSING FACILITIES

Residential developments specially designed to house retired and elderly persons and which may include a mixture of living options including apartments, group quarters, and nursing care facilities.

ERECTED

Includes the terms built or constructed, altered, or reconstructed. "Erected" also includes moving of a building or structure onto a lot or any physical operations on the premises which are required for construction. Excavation, fill drainage, and the like shall be considered an operation of erection.

FACTORY-BUILT HOUSING

A factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Zoning Code, "factory-built housing" shall include the following:

- A. **Manufactured Home** - Any vehicle not self-propelled transportable in one or more sections which, in the traveling mode, is 8 body-feet or more in width or 40 body-feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying

that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards. Manufactured Home is sometimes referred to as a Manufactured Home.

- B. Modular Home - Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes, including permanent foundations.

FAMILY

A person living alone, or 2 or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding or lodging house or a hotel, provided, however, that “family” shall not include more than four persons unrelated to each other by blood, marriage, or legal adoption.

FENCE

A structure, other than part of a building, of sufficient strength and dimension to prevent straying from within or intrusion from without.

FINANCIAL ESTABLISHMENTS

Facilities including banks, savings and loan associations, credit unions, finance companies, loan offices, and safe deposit companies.

FLOOR AREA OF A RESIDENTIAL BUILDING

The sum of the gross horizontal area of the several floors of a residential building, excluding garages, basement floor areas, roofed porches, and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING

(To be Used in Calculating Parking Requirements)

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

FRONT LOT LINE

(See Lot)

FRONT YARD

(See Yard)

FUNERAL HOME

A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel and residency shall also be permitted.

GARAGE; PRIVATE

An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned or used by the occupants of the building to which it is an accessory.

GAS STATION (See
Auto Service Station)

GENERAL MERCHANDISE STORES

Facilities including department, variety, discount, home furnishing, grocery, retail sales and drug stores.

HEAVY EQUIPMENT RENTAL, SALES, SERVICES, AND STORAGE

Facilities including rental, sales, service, and storage of semi-tractor trailers, agricultural equipment, and construction equipment.

HOME OCCUPATIONS

An accessory use which is an activity, profession, occupation, service, craft, or revenue- enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within a residence without any significant adverse effect upon the surrounding neighborhood.

HOTEL

A building occupied as the temporary abode of individuals who are lodged with or without meals in which there are 10 or more sleeping rooms and which shall have no provision made for cooking in any individual room or apartment. A "hotel" may include a restaurant or cocktail lounge, public banquet halls, ballrooms, meeting rooms, or other commercial uses.

HOUSEHOLD ITEMS REPAIR SHOP

Repair of items normally found in the household including, but not limited to, shoes, watches, clocks, jewelry, appliances, and similar items.

INDUSTRIAL, ENCLOSED

Any industrial use conducted entirely within an enclosed building of any size for the manufacturing, fabricating, processing, heavy repair, servicing, or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 150.317 Nuisance Performance Standards, of this Zoning Code.

INDUSTRIAL, OPEN

Any industrial use which requires both building and open area for the manufacturing, fabricating, processing, heavy repair, servicing or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 150.317 Nuisance Performance Standards, of this Zoning Code.

JUNK YARD OR SALVAGE YARD

An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and any area of more than 200 square feet used for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings. Two or more inoperative or unregistered vehicles shall be construed to be a "junk yard". (Not permitted in the Village).

KENNELS Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets.

LIBRARIES

A public or private repository for literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, kept for reading or reference.

LIVESTOCK SLAUGHTERING FACILITY

Facility which activities include a hog feedlot, wholesale hogs, wholesale meat and meat products, meat packing plant, and meat processing.

LOADING SPACE

A loading space is an off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT

For the purpose of this Zoning Code, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- B. A portion of a lot of record.
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT COVERAGE

The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, including swimming pools/ponds, accessory structures or any part thereof, but excluding projecting roof eaves.

LOT LINE

(See illustration, Exhibit "B" following this Section.)

- A. Front - A street right-of-way line forming the boundary of a lot.

- B. Rear - The lot line that is most distant from, and is, or is most parallel with, the front lot line. If a rear lot line is less than 15-feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet, lying wholly within the lot, parallel to the front lot line.
- C. Side - A lot line which is neither a front lot line nor a rear lot line.

LOT MEASUREMENTS A lot shall be measured as follows:

- A. Depth - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the front building setback line.

LOT, MINIMUM AREA OF

The total horizontal area within the lot lines of a lot, computed exclusive of any portion of the right-of-way of any public or private street.

LOT OF RECORD

A lot which is part of a subdivision recorded in the office of the Mercer County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES

Terminology used in this Zoning Code with reference to corner lots, interior lots, and through lots is as follows:

- A. Corner Lot - A lot located at the intersection of two or more streets. (See illustration, Exhibit "B" following this Section).
- B. Interior Lot - A lot with only front yard on a street. (See illustration, Exhibit "B" following this Section).
- C. Through Lot - A lot other than a corner lot with front yard on more than one street. Through lots abutting two streets may be referred to as double frontage lots. (See illustration, Exhibit "B" following this Section).

LUMBER YARDS AND BUILDING MATERIALS; SALE AND STORAGE

Buildings or premises used for the storage and sale of lumber and building materials.

MEDICAL OFFICES AND CLINICS

Offices of physicians, dentists, and other health practitioners and medical and dental laboratories. Establishments primarily engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and do not require in-patient care.

MINI-WAREHOUSE (See Self-Service Storage Facility)

MANUFACTURED HOME
(See Factory-Built Housing)

MOBILE HOME COURT

Any plot of ground upon which two or more trailer coaches or Manufactured Homes occupied for dwelling or sleeping purposes may be located. Only permitted within a Planned Unit Development.

MOTEL (See Hotel)

MULTI-FAMILY DWELLING
(See Dwelling)

NIGHTCLUB (See Bars, Taverns, and Nightclubs)

NONCONFORMITIES

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Zoning Code or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

NURSERIES AND GARDEN SUPPLIES STORE

A space, including an accessory building or structure, used for the growing and storage of live trees, shrubs, or plant materials offered for retail sale on the premises, including products used for gardening or landscaping.

NURSING HOME

An establishment which specializes in providing necessary health and related services to those unable to care for themselves.

OFF-STREET PARKING

The provision of parking facilities for a specified use, to be provided on the same lot or lots as the use they are intended to serve, and not on any public street or public right-of-way.

OPEN SPACE

That part of a lot, including courts or yards, which is open and unobstructed by structures from its lowest level to the sky, accessible to all tenants upon the lot.

PARKING LOT

An area providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than five vehicles.

PARKING SPACE; OFF-STREET

For the purpose of this Zoning Code, an off-street parking space shall consist of an area adequate for parking a passenger vehicle with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PERSONAL SERVICES

Services of a personal nature, including beauty and barber shops; individual laundry and dry-cleaning establishments; laundromats; photo studios and photofinishing; tailoring; clothing rental; and other services performed for persons or their apparel.

PET SHOPS Any building or structure used for the sale, other than casual sale, of domestic pets and pet supplies.

PLACES OF WORSHIP

Establishments of recognized religious organizations operated for worship or for promotion of religious activities.

PLANNED UNIT DEVELOPMENT (PUD)

Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots, or building sites, site plans, and design principles for all buildings intended to be located, constructed, used, and related to each other, and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations including all lands and buildings, with a program for provision, operation, and maintenance of the areas, improvements, and facilities necessary for common use by the occupants of the development. (See Section 150.500 - Planned Unit Developments.)

PLANNING COMMISSION

The Village of St. Henry Planning Commission as established by ORC Chapter 713.01.

POOL, SWIMMING

(See Swimming Pool)

PRE-EXISTING USE

An existing use of the type listed as a special use in the zoning district that was lawfully established on the effective date of this Zoning Code.

PRINCIPAL USE The primary or predominant use of any land or improvement on it.

PRIVATE CLUB

An association organized and operated not for profit by persons who are bona fide members paying dues, and which owns, hires, or leases premises, the use of which is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or single body chosen by the members at their annual meeting. Food, meals,

and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objectives of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county, and local laws.

PRIVATE SCHOOLS

Private schools, including but not limited to, business or commercial schools, dance or music academies, kindergarten, nursery, play, and special schools other than educational facilities.

PROFESSIONAL OFFICES (See Business, Professional, and Administrative Offices)

PUBLIC OFFICES AND PUBLIC BUILDINGS

Establishments for local, county, regional, state or federal government agencies.

PUBLIC RECREATION FACILITIES

Parks, playgrounds, golf courses, sports arenas, gymnasiums, community centers, swimming pools, skating rinks, tennis, racquetball and handball courts, senior citizen and youth centers, arboretums, hiking and jogging trails, ice skating rinks, nature areas, picnic areas, tot lots, and arid wildlife sanctuaries, but not including commercial recreation and entertainment facilities listed elsewhere in this Zoning Code.

REAR LOT LINE

(See Lot Line)

REAR YARD

(See Yard)

RECONSTRUCTED

Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders; the consummated act of which may be referred to herein as "altered".

RECREATIONAL VEHICLE Includes travel trailers, campers, camp cars, truck campers, boats, and boat trailers.

RESTAURANT, FAST FOOD

An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state of consumption within the restaurant building, with a motor vehicle parked on the premises, or off the premises, as a carry-out order; and whose principal method of operation includes the following characteristics; food and/or beverages which are usually served in edible containers or in paper, plastic, or other disposable containers.

RESTAURANT; STANDARD

An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

RIGHT-OF-WAY

A strip of land taken or dedicated for use as a public way. In addition to the roadway it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

SATELLITE SIGNAL RECEIVERS

Dish-type Satellite Signal-Receiving Antennas, earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

- A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
- B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer, or transmit signals.
- C. Not including telecommunications towers.

SCREENING

The placement of landscaping or fencing on a lot in a manner to reduce negative effects resulting from the location of two or more dissimilar uses next to or near one another.

SEAT

For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

SELF-SERVICE STORAGE FACILITY

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or materials.

SERVICE GARAGE (See Automobile Repair, Painting, and Body Shops)

SERVICE STATION (See Automobile Service Station)

SETBACK LINE

A line established by the Zoning Code, generally parallel with and measured from the lot line, defining the limits of a yard in which no portion of any principal structure other than an accessory building may be located, unless otherwise provided in said Code. (See Yard)

SIDE LOT LINE

(See Lot Line)

SIDE YARD (See
Yard)

SIGN

A name, identification, description, display, or illustration which is affixed, painted, or represented, directly or indirectly, upon a building structure, parcel, or lot, and which directs attention to an object, product, place, activity, person, institution, organization, or business. (See Section 150.700 Signage.)

SINGLE-FAMILY DWELLING

(See Dwelling)

STORY

That part of a building between the surface of a floor and the ceiling immediately above. (See Basement). (See illustration, Exhibit “E” following this Section.)

STREET (See
Thoroughfare)

STRUCTURAL ALTERATION

Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SWIMMING POOL

A structure constructed or placed below or above ground, which contains water in excess of 24 inches in depth and is suitable or utilized for swimming or wading.

TAVERN (See Bars, Taverns, and
Nightclubs)

TEMPORARY USE OF BUILDING

The temporary use of land or a building during periods of construction, or for special events. (See Section 150.312- Temporary Uses.)

THOROUGHFARE

The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. Alley - A right-of-way used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Arterial Street - A general term denoting a highway used primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- C. Collector Street - A thoroughfare, whether a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- D. Cul-de-sac - A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

THROUGH LOT

(See Lot)

TRAILER PARK (See
Manufactured Home Court)

TRANSPORTATION TERMINALS

Trucking and motor-freight terminals, express and hauling establishments, rail terminals, landing strips and heliports.

TWO-FAMILY DWELLING

(See Dwelling)

USE

The purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied or maintained.

UTILITY SERVICE COMPANIES Utility buildings, telephone exchanges, and transformer stations or uses other than general offices.

VARIANCE

A modification of the strict terms of this Zoning Code, where 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 this Zoning Code which would result in unnecessary and undue hardship for a use variance or practical difficulty for an area variance.

VEHICLE SALES, RENTAL, AND SERVICE

The sales, service, and rental of new and used cars, trucks, trailers, motorcycles, Manufactured Homes, recreational vehicles, snowmobiles, and boats. This does not include semi-tractor trailers, farm equipment, and construction equipment.

VILLAGE ADMINISTRATOR

The Village Administrator is appointed by the Mayor and approved by Village Council to administrate and enforce the Zoning Code. The Administrator may be provided with the assistance of such other persons as the Mayor may direct.

VISION CLEARANCE ON CORNER LOTS

A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 10 feet above the established street grade. The street grade is measured at the intersection of the centerlines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 20 feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot. (Refer to the Village of St. Henry Construction Standards and Drawings)

WAREHOUSE A building used principally for the storage of goods and materials.

YARD

An open space on the same lot with a main building, unoccupied, and unobstructed by structures from the ground upward, except as otherwise provided in this Zoning Code.

- A. Front Yard - An open space extending in full width of the lot, the depth of which is the minimum permitted horizontal distance between the front lot line and the nearest point of the main building. For corner lots and through lots, all sides of a lot adjacent to streets shall be considered Front Yard.
- B. Rear Yard - An open space extending the full width of the lot, the depth of which is the minimum permitted horizontal distance between the rear lot line and the nearest point of the main building.
- C. Side Yard - 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.

ZONE See District.

ZONING PERMIT

The document issued by the Village Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

150.053 ILLUSTRATIONS/EXHIBITS

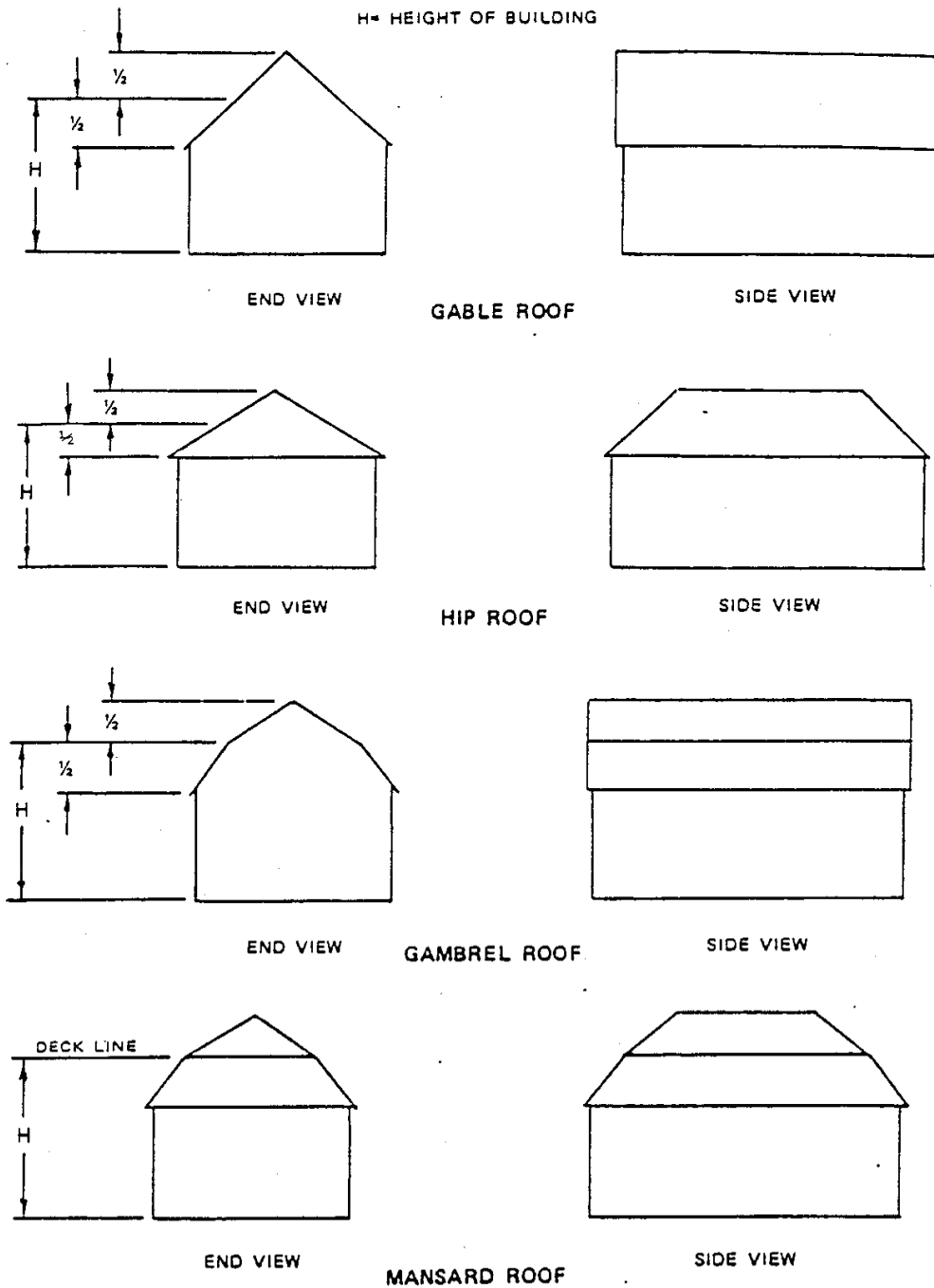


Illustration - Exhibit "A"
Roof Types and Building Height

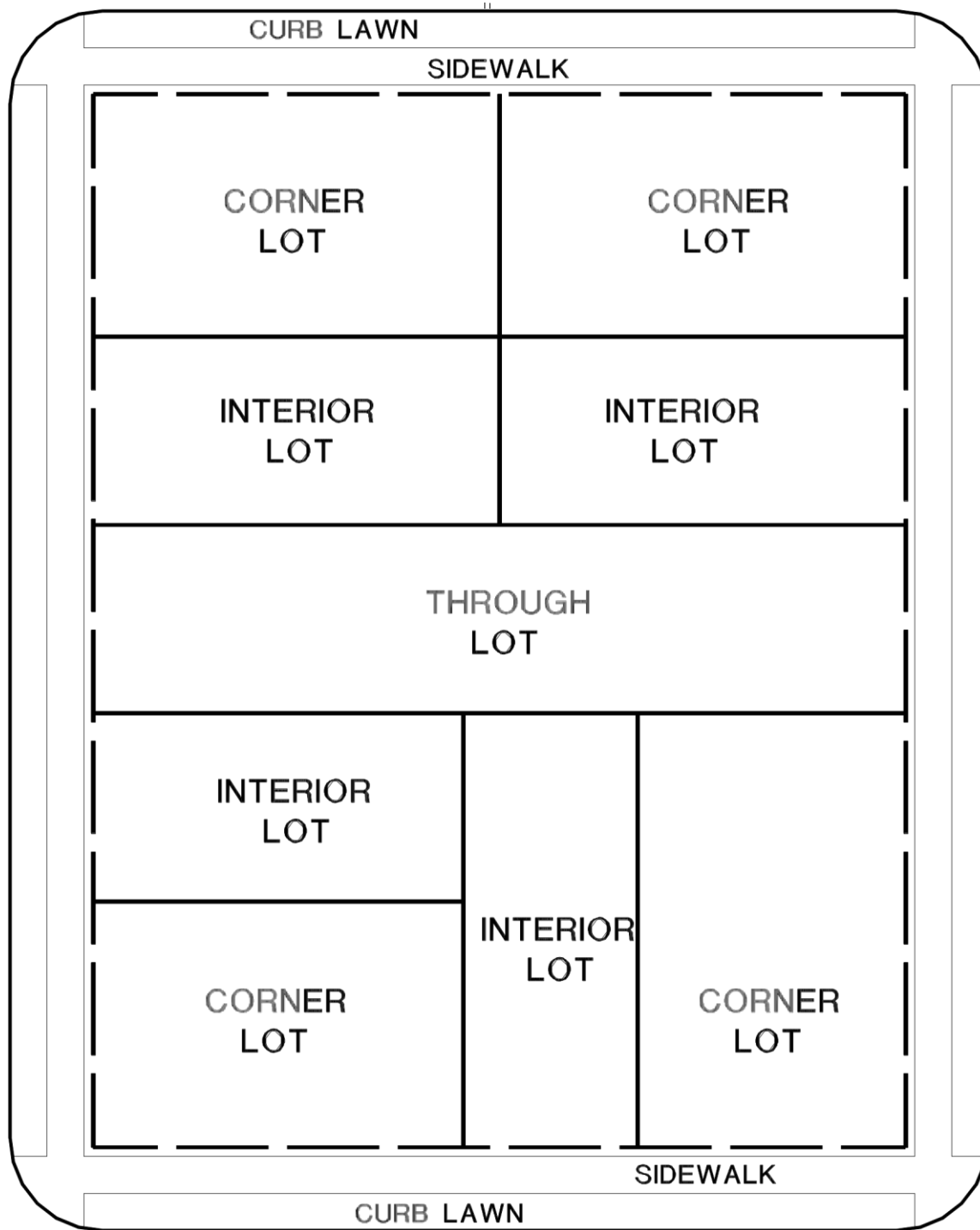
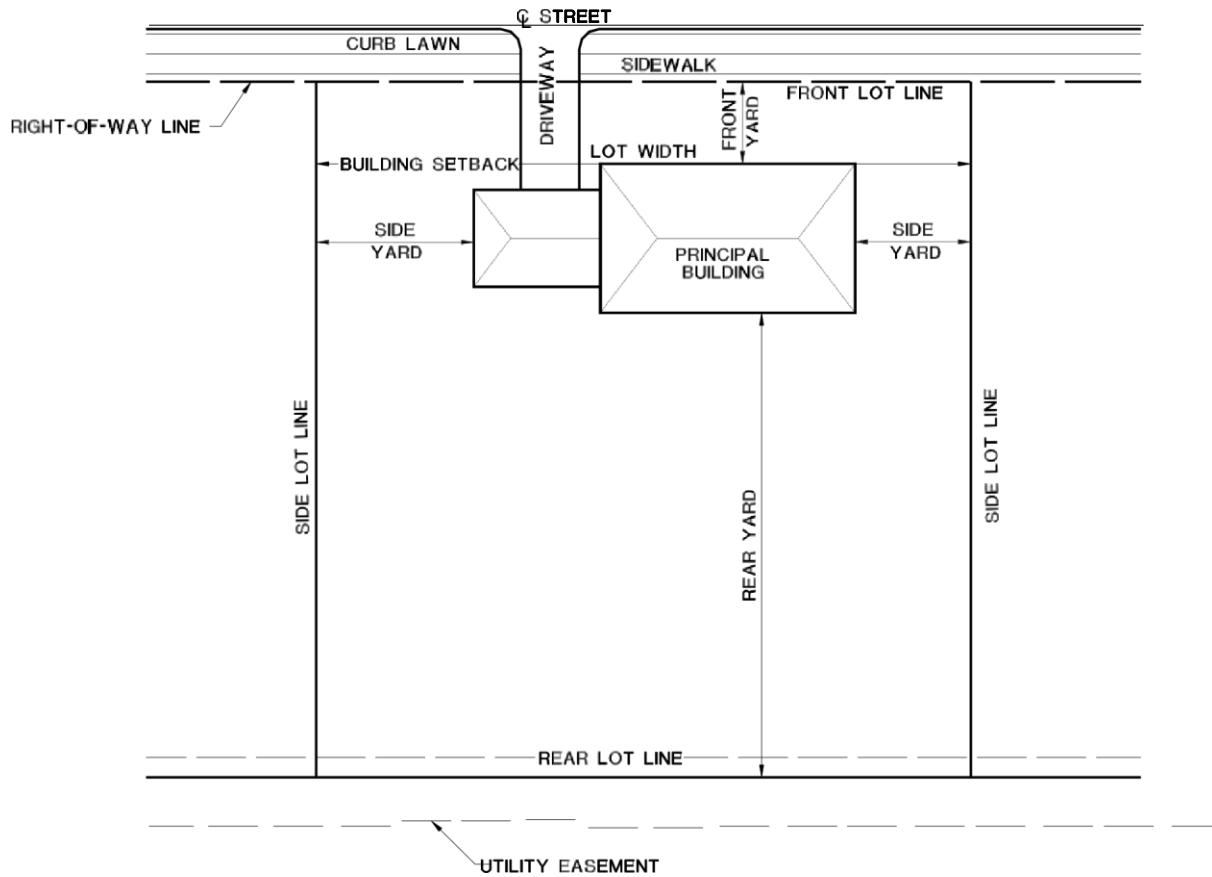


Illustration - Exhibit "B"
Types of Lots



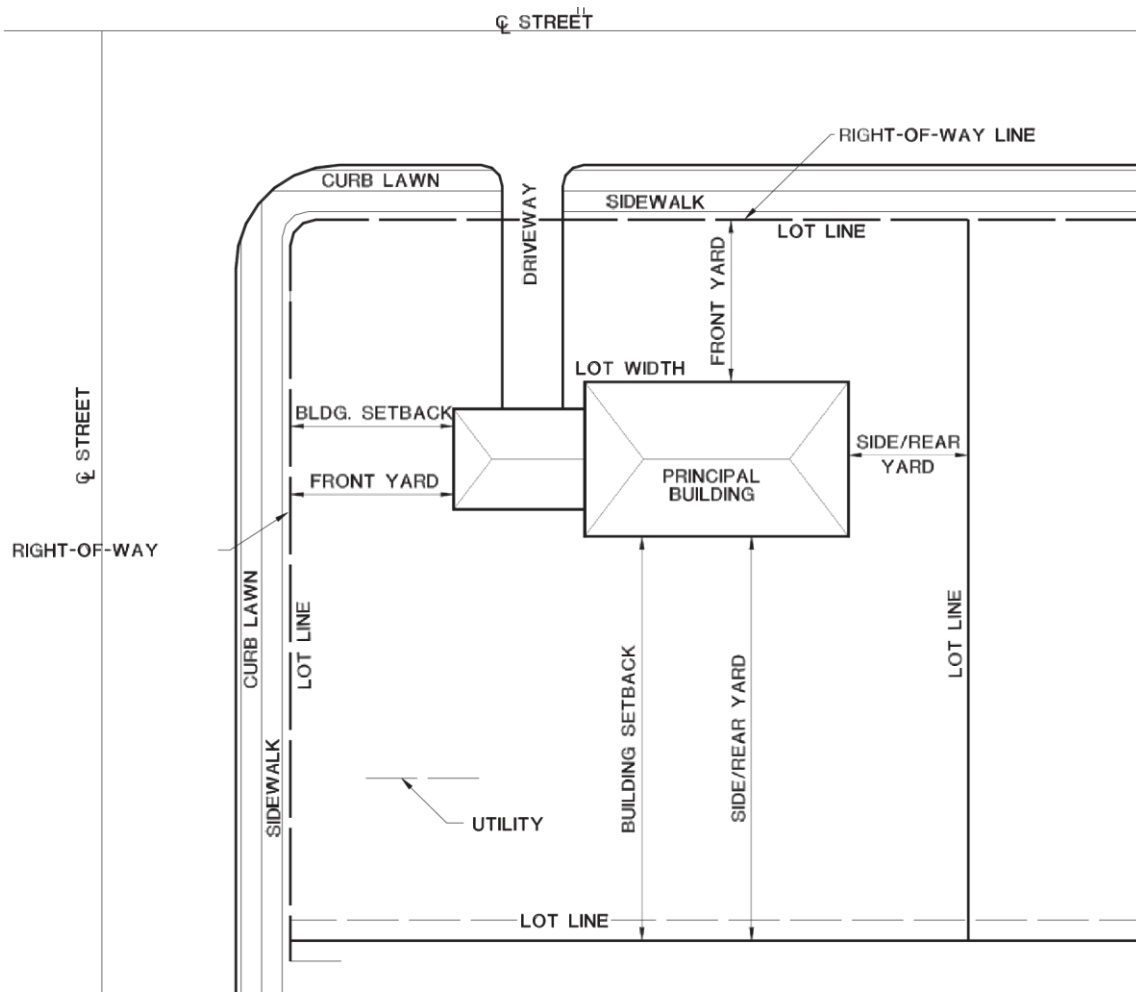
LOT AREA - TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY

LOT WIDTH - MEASURED AT BUILDING SETBACK LINE

Illustration - Exhibit "C"

Interior Lot

Building - Principal and Lot Terms



LOT AREA - TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY LOT WIDTH - MEASURED AT BUILDING SETBACK LINE

**Illustration - Exhibit
“D” Corner Lot
Building - Principal and Lot Term**

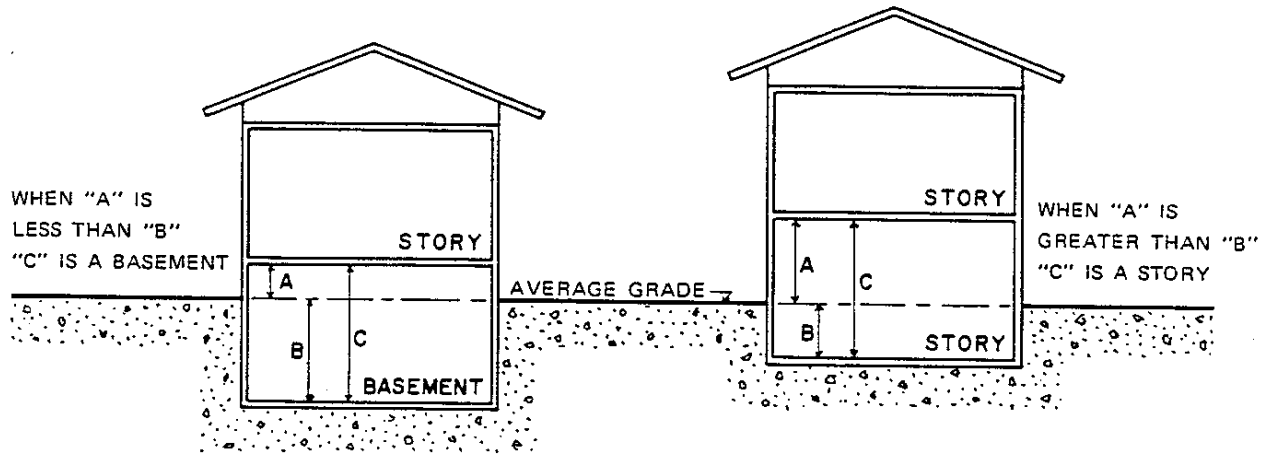


Illustration - Exhibit "E"
Basement and Story

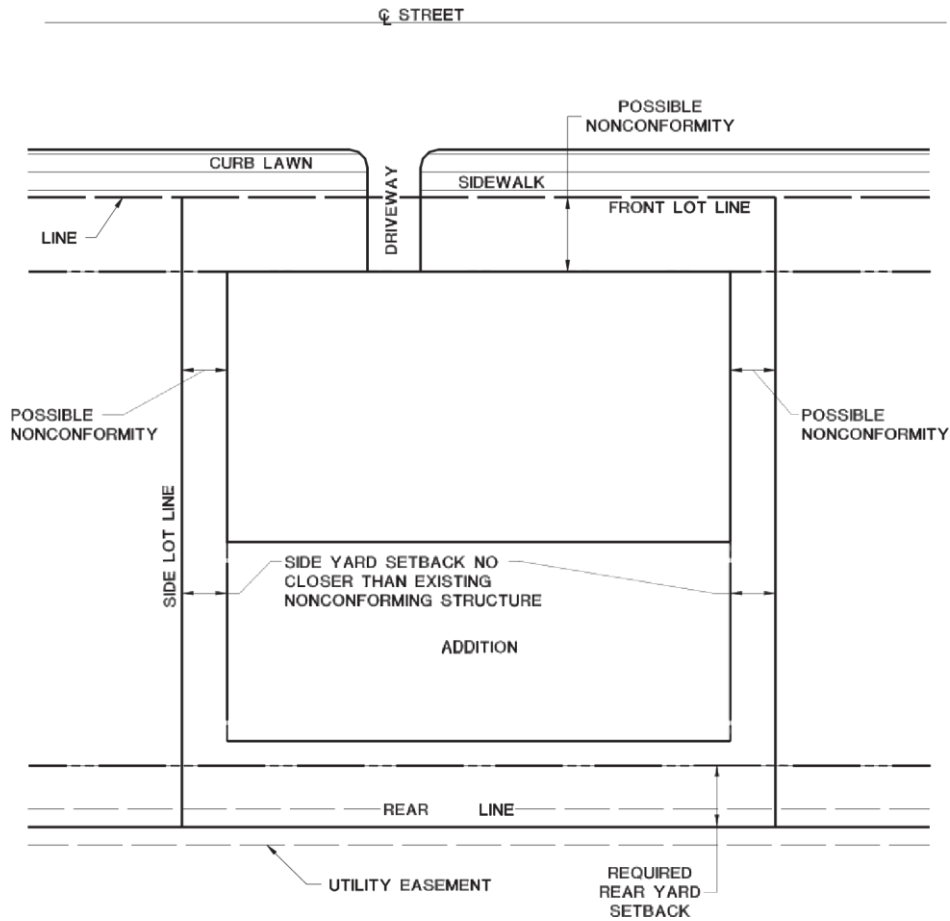


Illustration – Exhibit “F”
Examples for Additions to Nonconforming Structures
See Section 150.459

150.100 ESTABLISHING DISTRICTS AND ZONING MAP

150.101 Intent

The intent of this article is to establish zoning districts in order to realize the general purpose set forth in the Preamble of this Zoning Code, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

150.102 Establishment of Districts

The following zoning districts are hereby established for the Village of St. Henry, Ohio:

- A. R-1 Single-Family Residential District
- B. R-2 Single-Family Residential District
- C. R-3 Two-Family Residential District
- D. C-1 Commercial District
- E. C- I Commercial/ Industrial District
- F. I-1 G e n e r a l Industrial District

150.103 Zoning District Map

- A. The districts established above shall be situated as shown on the official zoning map, which, together with all data, references, explanatory material, and notations thereon, is hereby officially adopted as part of this Zoning Code and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.
- B. The official zoning map shall be identified by the signature of the mayor and clerk of the Village Council. If, in accordance with the provisions of these Zoning Regulations, changes are made in district boundaries or other matter portrayed on the official zoning map, these changes shall be made on the official zoning map within 30 normal working days after effective date of the amendment.
- C. The original and one copy of the official zoning map are to be maintained and kept up to date; one copy on public display in the Village Council chambers, accessible to the public, and shall be final authority as to the current zoning status of lands, buildings, and other structures in the Village.

150.104 Rules for Map Interpretation

- A. When definite distances in feet are not shown on the official zoning district map, the district boundaries on the official zoning district map are intended to be along existing street, alley, or property lines or extensions of or from the same, and if the exact location of such line is not clear it shall be determined by either supplemental detail drawings or rules of interpretation, adopted by the concurring vote of four members of the Board of Appeals.

- B. When the streets or alleys on the ground differ from the streets or alleys on the official zoning district map the Zoning Board may apply the district designation of the map to the property on the ground in such manner as to conform to the intent and purposes of this Section in the judgment of said Board.
- C. Whenever any street, alley, railroad right-of way, or other public way is vacated by official action of the Council, the zoning district adjoining each side of street, alley, railroad right- of-way, or public way shall automatically extend to the center of such vacated way and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoin district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area. Any vacation of right-of-way or public way shall be subject to Ohio Revised Code, Section 723.041 and the right of permanent easement of any utility located on, over, or under such vacated public way or part thereof shall continue.
- D. Lands which may hereafter through annexation become incorporated areas of the Village, shall be included in the zoning district it is contiguous to, unless such area being annexed is at least equal to or larger than that “minimum size” required by Section 150.103 Minimum Size Requirements for the creation of a new R-1 Single-Family Residential zoning district, in which case such territory being annexed shall be included in the R-1 Single-Family Residential District until otherwise changed by amending these Zoning Regulations by ordinance after public hearing. Further, in the event territory annexed is touching at the edge or boundary of more than one existing zoning district, it shall be zoned per the better class district.

150.105 Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary not specifically indicated on the official zoning map.

- A. Where district boundaries are so indicated as approximately following the centerlines of streets, or street right-of-way lines, such centerlines, street lines, or right-of-way lines shall be construed to be said boundaries.
- B. Where district boundaries are so indicated as to approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they approximately parallel the centerlines or street lines of streets, or the centerlines or right-of-way lines, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as

indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.

- D. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.
- E. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.
- F. Whenever any street, alley, railroad right-of-way, or other public way is vacated by official action of the Village Council, the zoning district adjoining each side of such street, alley, railroad right-of-way, or public way shall automatically extend to the center of such vacated way and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area. Any vacation of right-of-way or public way shall be subject to Ohio Revised Code Section 723.041 and the right of permanent easement of any utility located on, over, or under such vacated public way or part thereof shall continue.

150.106 Zoning Upon Annexation

Whenever any area is annexed to the Village, 150.104.D, the petitioner shall execute and deliver such documents as may be required by the Village Council to rezone such area to the zoning category designated by the Village Planning Commission and the Village Council.

150.107 Procedure and Requirements to Determine That a Use is Substantially Similar

Where a specific use is proposed that is not listed or provided for in these Zoning Regulations, the Board may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in these Zoning Regulations. If the Board finds that a use is substantially similar to a specific use listed in these Zoning Regulations, the substantially

similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in these Zoning Regulations.

Upon making a determination that a proposed use is substantially similar, the Board shall notify the Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within 30 days of its receipt by the Council, such substantially similar use determination by the Board shall become effective.

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Council, but remedy may be sought by the appellant through the submission of an application for amendment.

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

- A. The compatibility of the proposed use with the general use classification system as specified in these Zoning Regulations.
- B. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by these Zoning Regulations as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
- C. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in these Zoning Regulations.

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in these Zoning Regulations, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

150. 200 DISTRICT REGULATIONS

150. 201 Compliance with Regulations

The Regulations for each district set forth by this Zoning Code shall be the minimum Regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified for the district in which it is located.
- B. Except as otherwise provided in this Zoning Regulations, no building or other structure shall be erected or altered:
 - 1. To provide for greater height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area;
 - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than required in its district, or in any other manner be contrary to the provisions of these Zoning Regulations.
- C. Except as otherwise provided in this Zoning Code, no yard of a lot existing at the time of passage of these Zoning Regulations shall be reduced in dimension or area below the minimum requirements set forth in the district. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements set forth in the district.
- D. These Zoning Regulations shall not repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; provided that where these Zoning Regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger lots or yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations the provisions of these Zoning Regulations shall control.

150.202 Summary of Zoning District Requirements

VILLAGE OF ST. HENRY ZONING REGULATIONS

Zoning District	Minimum Lot Area (1)	Minimum Lot Width(2)	Minimum (8) Front Yard Setback (2)	Minimum Side Yard Setback (4)	Minimum Rear Yard Setback (5)	Maximum Height (6)
R-1 SINGLE- FAMILY RESIDENTIAL	11,000 sq. ft.	90 feet	30 feet	7.5 feet	20 feet	35 feet or 2½ stories
R-2 SINGLE- FAMILY RESIDENTIAL	7,200 sq. ft.	60 feet	30 feet	7.5 feet	20 feet	35 feet or 2½ stories
R-3 TWO-FAMILY RESIDENTIAL Single-Family Dwellings and other Permitted Uses	7,200 sq. ft.	60 feet	25 feet	7.5 feet	20 feet	35 feet or 2½ stories
Two-Family Dwellings	3,600 sq. ft per unit	50 feet per unit	25 feet	7.5 fee	25 feet	35 feet or 1½ stories
Multi-Family Dwellings	3,600 sq. ft. per unit	40 feet per unit	25 feet	7.5 feet	25 feet	35 feet or 1 ½ stories
C-1 CENTRAL COMMERCIAL	5,000 sq. ft.	50 feet	30	10 feet*	10 feet*	45 feet
C I COMMERCIAL/ INDUSTRIAL	7,500 sq. ft.	75 feet	35 feet	15 feet*	20 feet**	45 feet

I-1 INDUSTRIAL	10,000 sq. ft.	100 feet	30 feet	15 feet**	30 feet**	None
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*Except when abutting an R-District, it must be 30 feet.

**Except when abutting an R-District, it must be 40 feet.

- (1) Lot, Minimum Area of; also Illustration Exhibits "C" and "D"
- (2) Lot Measurement, Width; also Illustration Exhibits "C" and "D"
- (3) "D" Yard, Front Yard; also Illustration Exhibits "C" and "D"
- (4) Yard, Side Yard; also Illustration Exhibits "C" and "D"
- (5) Yard, Rear Yard; also Illustration Exhibits "C" and "D"
- (6) Building Height; also Illustration Exhibit "A"
- (7) Except when an adjacent building is closer to the front line when then it should line up with the adjacent building
- (8) Maximum Front yard set-back is within 5 feet of the minimum

150.210 R-1 Single-Family Residential District

150.211 Intent

The intent of this district is to provide low- to medium-density, single-family dwellings, plus those public and private facilities serving the residents of the area.

150.212 Principal Permitted Uses

A. Residential Uses

1. Single-family – Minimum 1,500 Square foot living area

B. Public and Recreational Uses

1. Educational Institutions, Elementary, Junior High, and High Schools
2. Libraries
3. Public Parks
4. School Property

150.213 Conditional Uses

A building or premises may be used for the following purposes in the R-1 Single-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

A. Residential Uses

1. Residential Planned Unit Developments subject to the provisions of these Regulations -
Planned Unit Developments
2. Multi-Family Units and Condominiums

B. Public and Recreational Uses

1. Public Buildings of all Types
2. Cemeteries
3. Museums
4. Child Day Care Centers
5. Places of Worship

C. Business Offices

1. Medical Offices and Clinics
2. Commercial

D. Agricultural

E. Other uses, which in the opinion of the zoning board of appeals, are similar to the permitted uses, benefit from the proposal location & do not create any significant objectional influences.

150.214 Prohibited Use

No building or structure in this district shall be used by any commercial or industrial establishment.

150.215 Height and Area Regulations

The maximum height and minimum lot requirements within the R-1 Single-Family Residential District shall be as follows:

General Requirements for dwellings:

Minimum Lot Area	11,000 square feet
Minimum Lot Width	90 feet
Minimum Front Yard Setback	30 feet from property line
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	20 feet
Maximum Height	35 feet
Minimum Living Area per Multi-unit dwelling	850 sq feet per unit
Minimum Living Area for Single-family dwellings	1,500 sq feet

150.216 Cross References

- Supplemental District Regulations, 150.300
- Conditional Uses; Substantially Similar Uses, 150.400
- Planned Unit Developments, 150.500
- Off-Street Parking and Loading Facilities, 150.600
- Signage, 150.700
- Zoning Permit Requirements and Enforcement, 150.950

150.220 R-2 Single-Family Residential District

150.221 Intent

The intent of this district is to provide medium-density, single-family dwellings, plus those public and private facilities serving the residents of the area. This area is generally characterized as being in the older portion of town with smaller lots.

150.222 Principal Permitted Uses

- A. Residential Uses

1. Single-Family Detached Dwellings – 1,200 sq. foot minimum

B. Public and Recreational Uses

1. Educational Institutions, Elementary, Junior High, and High Schools
2. Libraries
3. Public Parks
4. School Property

150.223 Conditional Uses

A building or premises may be used for the following purposes in the R-2 Single-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

A. Residential Uses

1. Residential Planned Unit Developments subject to the provisions of these Regulations – Planned Unit Development
2. Family/Multi-Family
3. Conversion of older single-family residential units to two-family units
4. Condos

B. Public and Recreational Uses

1. Public Buildings of all Types
2. Cemeteries
3. Museums
4. Child Day Care Centers
5. Commercial
6. Places of Worship
7. Other uses, which in the opinion of the zoning board of appeals, are similar to the permitted uses, benefit from the proposed location & do not create any significant objectional influences.

150.224 Prohibited Uses

No building or structure within this district shall be used by any commercial or industrial establishment.

150.225 Height and Area Regulations

The maximum height and minimum lot requirements within the R-2 Single-Family Residential District shall be as follows:

General Requirements for Dwellings:

Minimum Lot Area	7,200 square feet
Minimum Lot Width	60 feet
Minimum Front Yard Setback	30 feet from property line or maintain alignment with existing structures
Minimum Side Yard Setback	7.5 feet
Minimum Rear Yard Setback	20 feet
Maximum Height	35 feet
Minimum Living Area per multi-unit dwelling	850 square feet per unit multi-unit dwelling
Minimum Living Area for single-family dwellings	1,200 square feet

150.226 Cross References

Supplemental District Regulations, 150.300
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.230 R-3 Two-Family Residential District

150.231 Intent

The intent of this district is to provide a sound housing mix plus those public and private facilities serving the residents of the area. This district recognizes the development of other than single-family dwelling units and permits 1 dwelling on each lot.

150.232 Principal Permitted Uses

- A. Residential Uses – 1,000 square per dwelling unit
 - 1. Single-Family
 - 2. Two-Family Dwellings

- B. Public and Recreational Uses
 - 1. Educational Institutions, Elementary, Junior High, and High Schools
 - 2. Places of Worship
 - 3. Libraries

4. Public Buildings of all Types
5. Public Parks

150.233 Conditional Uses

A building or premises may be used for the following purposes in the R-3 Two-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

A. Residential Uses

1. Boarding or Lodging Houses
2. Bed and Breakfast Inns
3. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.
4. Elderly Housing Facilities
5. More than 1 Dwelling/Lot
6. 2½ Story Dwellings
7. Condos
8. Multi-Family Dwellings

B. Public and Recreational Uses

1. Cemeteries
2. Museums
3. Child Day Care Centers
4. Nursing Homes

C. Business Offices

1. Medical Offices and Clinics

D. Agricultural

- E. Other uses, which in the opinion of the zoning board of appeals, are similar to the permitted uses, benefit from the proposed location & do not create any significant objectional influences.

150.234 Prohibited Uses

No building or structure within this district shall be used by any commercial or industrial establishment.

150.235 Height and Area Regulations

The maximum height and minimum lot requirements within the R-3 Two-Family Residential District shall be as follows:

General Requirements for Single-Family Dwellings and Other Permitted Uses:

Minimum Lot Area	7,200 square feet
Minimum Lot Width	measures at setback
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	7.5 feet
Minimum Rear Yard Setback	20 feet
Maximum Height	35 feet
Minimum Living Area for single-family dwellings	1,000 square feet

General Requirements for Multi-Family Dwellings:

Minimum Lot Area	3,600 square feet per unit
Minimum Lot Width	50 feet per unit
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	7.5 feet
Minimum Rear Yard Setback	25 feet
Maximum Height	35 feet
Minimum Living Area per multi-unit dwelling	850 square feet per unit

150.236 Cross References

Supplemental District Regulations, 150.300
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.250 C-1 Commercial District

150.251 Intent

This district is intended to provide an integrated collection of buildings, structures and uses designed to supply a majority of the daily needs of Village residents.

150.252 Principal Permitted Uses

- A. Public and Recreational Uses
 - 1. Places of Worship
 - 2. Libraries
 - 3. Public Buildings of all Types
 - 4. Public Parks
 - 5. Museums
 - 6. Hospitals
 - 7. Private, Clubs

- B. Business and Professional Office Uses
 - 1. Business, professional, and administrative offices
 - 2. Medical offices and clinics

- C. Retail Commercial and Service Uses
 - 1. General Merchandise Stores
 - 2. Personal Services
 - 3. Restaurants, Standard
 - 4. Restaurants, Fast Food
 - 5. Financial Establishments
 - 6. Commercial Planned Unit Developments
 - 7. Funeral Homes
 - 8. Animal Hospitals, Veterinary Clinics
 - 9. Pet Shops and Animal Grooming
 - 10. Private Schools
 - 11. Bowling Center
 - 12. Arcade, Pool Halls
 - 13. Household Items Repair Shops
 - 14. Vehicle Sales and Rentals
 - 15. Printing, Publishing, Lithographing, Binding, and Computer-Based Establishments

- D. Road Service and Commercial Entertainment Uses
 - 1. Automobile Service Stations
 - 2. Bars, Taverns, Nightclubs, and Dance Clubs
 - 3. Convenience Stores
 - 4. Motels and hotels

150.253 Conditional Uses

A building or premises may be used for the following purposes in the C-1 Commercial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations – Conditional Use Permits.

- A. Residential Uses
 - 1. Single-Family
 - 2. Bed and Breakfast Inns

- B. Public and Recreational Uses
 - 1. Educational Institutions, Elementary, Junior High, and High Schools
 - 2. Cemeteries
 - 3. Child Day Care Centers

- C. Retail Commercial and Service Uses
 - 1. Kennels

- D. Road Service and Commercial Entertainment Uses
 - 1. Automobile Repair, Painting, and Body Shops
 - 2. Automobile Washing Facilities
 - 3. Drive-Through Carry Outs
 - 4. Commercial Recreational and Entertainment Facilities

- E. Other uses, which in the opinion of the zoning board of appeals, are similar to the permitted uses, benefit from the proposed location & do not create any significant objectional influences.

150.254 Prohibited Uses

- A. Dwelling Units, except those specifically allowed under the conditionally-permitted uses.

- B. Industrial Establishments

150.255 Height and Area Regulations

The maximum height and minimum lot requirements within the C-1 Central Commercial District shall be as follows:

General Requirements for All Permitted Uses:

Minimum Lot Area	5,000 square feet
Minimum Lot Width	50 feet per

Minimum Front Yard Setback	30 feet from property line or to maintain alignment with existing structures
Minimum Rear Yard Setback	10 feet***
Minimum Rear Yard Setback	10 feet***
Maximum Height	45 feet

*** Except when abutting an R-District, it must be 20 feet.

150.256 Cross References

Supplemental District Regulations, 150.300
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.260 C-I Commercial And Light Industrial District

150.261 Intent

The C-I Commercial and Light Industrial District is intended to provide property to meet the heavy commercial and light industrial needs of the village. It is to be utilized in areas along major roads with good access. The minimum lot dimensions are intended to provide adequate room for larger businesses than the Commercial District, fire operations, firefighting clearance, off-street parking and on-site drainage retention.

150.262 Principal Permitted Uses

- A. All uses for Commercial District
- B. Animal Hospitals/Clinics
- C. Automotive Filling Stations, Painting, Repair Service, Sales and Washing
- D. Assembly and Enclosed Light Manufacturing
- E. Building/Construction and Related Trades
- F. Farm Implement Sales
- G. Food Processing
- H. Garment Manufacturing, Processing and Repair
- I. Machine Shops, Enclosed
- J. Marinas
- K. Lumber Yards
- L. Nurseries
- M. Personal Services
- N. Pet Shops and Animal Grooming/Kennels
- O. Plumbing/Heating/Electrical Shops
- P. Retail Businesses
- Q. Scientific Research Facilities
- R. Season Storage Facilities
- S. Self Service Storage Facilities
- T. Transportation Terminals
- U. Tool and Die, Enclosed
- V. Utility Service Companies
- W. Vehicles Sales, Rental and Service
- X. Warehousing
- Y. Wholesale Businesses
- Z. Mixed Uses of the Above

150.263 Conditional Uses

A building or premises may be used for the following purposes in the C-I General Commercial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Adult Entertainment Facilities
- B. Child/Adult Day Care Centers
- C. Hospitals
- D. Hotels/Motels
- E. Manufacturing, (Heavy, Enclosed)
- F. Schools
- G. Outdoor Entertainment
- H. Mixed Uses of the Above

150.264 Prohibited Uses

- A. Residence and Dwelling Units

150.265 Height and Area Regulations

The maximum height and minimum lot requirements within the C-I General Commercial District shall be as follows:

General Requirements for All Permitted Uses:

Minimum Lot Area	5,000 square feet
Minimum Lot Width	50 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	10 feet***
Minimum Rear Yard Set Back	25 feet****
Maximum Height	45 feet

*** Except when abutting an R-District, it must be 20 feet.

**** Except when abutting an R-District, it must be 40 feet.

150.266 Cross References

Supplemental District Regulations, 150.300
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.270 I-1 General Industrial District

150.271 Intent

The purpose of this district is to provide for industrial manufacturing and related operations and other uses that by virtue of their characteristics should be isolated from residential and commercial uses. These uses perform essential functions for the Village including employment and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

150.272 Principal Permitted Uses

- A. Public and Recreational Uses
 - 1. Public Building of all Types

- B. Road Service and Commercial Entertainment Uses
 - 1. Automobile Repair, Painting, and Body Shops
 - 2. Self-Service Storage Facilities

- C. Light Industrial
 - 1. Farm Implement Sales
 - 2. Grain Bins and Grain Elevators
 - 3. Construction Trades and Offices
 - 4. Building Services and Supplies
 - 5. Plumbing and Heating Shops
 - 6. Wholesale Distributors
 - 7. Lumber Yards and Building Materials Sales and Storage
 - 8. Heavy Equipment Rentals, Sales, Service, and Storage
 - 9. Transportation Terminals
 - 10. Utility Service Companies
 - 11. Machine Shop

12. Tool and Die
13. Assembly and Manufacturing
14. Warehousing
15. Garment Manufacturing, Repair and Processing
16. Planned Industrial Developments

150.273 Conditional Uses

A building or premises may be used for the following purposes in the Industrial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Public and Recreational Uses
 - 1. Child Day Care Centers

- B. Business Office Uses
 - 1. Business, Professional, and Administrative Offices

- C. Retail Commercial and Service
 - 1. Printing, Publishing, Lithographing, Binding, and Computer-Based Establishments
 - 2. Livestock Slaughtering Facility

- D. Road Service and Commercial Entertainment Uses
 - 1. Automobile Service Stations
 - 2. Automobile Washing Facilities
 - 3. Adult Entertainment Facilities

- E. Light Industrial Uses
 - 1. Wireless Telecommunications Facilities

- F. Other uses, which in the opinion of the zoning board of appeals, are similar to the permitted uses, benefit from the proposed location & do not create any significant objectional influences.

150.274 Height and Area Regulations

The maximum height and minimum lot requirements within the I Industrial District shall be as follows:

General Requirements for all Permitted Uses:

Minimum Lot Area	10,000 square feet
Minimum Lot Width	100 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	15 feet**

Minimum Rear Yard Setback 30 feet**
Maximum Height None
** Except when abutting an R-District, it must be 40 feet.

150.275 Cross References

Supplemental District Regulation,
150.300
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.300 SUPPLEMENTAL DISTRICT REGULATIONS

150.301 Intent

The purpose of Supplemental District Regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

150.302 Accessory Structures

- A. It is the purpose of this Zoning Code to regulate accessory structures in order to promote public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.
- B. Except as otherwise provided in this Zoning Code, an accessory use or structure shall be permitted in association with a principal use or structure provided that:
 - 1. It shall be 50% or less of the gross floor area of the principal structure.
 - 2. It shall not contain or be used as a dwelling unit.
 - 3. It shall not exceed 18 feet in height and not exceed height of the primary structure.
 - 4. It shall meet all yard requirements of the principal use except the structure shall be no closer than 10 feet to the side and 20 feet to the rear lot lines, no closer than 3 feet from a recorded easement. See section 150.311 for permissible location of fences.
 - 5. No accessory structure shall be built without a primary structure having been constructed.
 - 6. Any accessory structure with a footprint of less than 150 square feet may be placed no closer than 5 feet from the rear and side property lines.
- C. All accessory structures require a Zoning Permit.

150.303 Satellite Dish Antenna Regulations

Satellite dish antennas shall be permitted as an accessory structure in all zone districts, and are subject to requirements as follows:

- A. Ground-mounted satellite dishes installed in residential districts shall be limited to rear yard areas of the rearward portion of the lot or parcel.

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- B. Setbacks for all satellite dish installations shall be a minimum of 10 feet from any property line, a minimum of 15 feet from public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Village Administrator.
- C. Roof-mounted satellite dishes shall be limited to a maximum diameter of 6 feet or less and such installations shall be located on the rearward portion of the roof as viewed from the front yard. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
- D. All satellite dish antennas shall be properly grounded, resistant to lightning strikes, and meet all Electrical Code requirements.
- E. All satellite dish antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- F. Maximum diameter of any satellite dish shall not exceed 12 feet.
- G. Maximum overall height for ground-mounted satellite dish antenna systems shall not exceed 15 feet.
- H. Placement of satellite dish antenna systems within any easement shall be prohibited.
- I. A Zoning Permit shall be required prior to installation of any satellite dish antenna system. Installation instructions, sketches, site plans, or other documents shall be submitted in accordance with the Village Administrator's requirements, for the purpose of verification of each of the provisions of this Section. Small satellite dishes under 3 feet in diameter may be placed anywhere on the property with the minimum height clearance of 7 feet and do not require a Zoning Permit.

150.304 Radio and Television Antenna Regulations

Radio and television antennas shall be permitted as an accessory structure in all zone districts, and are subject to requirements as follows:

- A. Ground-mounted antenna systems installed in residential districts shall be limited to side and rear yard areas except for guy wires and antenna elements.
- B. Setbacks for all antenna system installations shall be a minimum of 5 feet from any property line, a minimum of 15 feet from public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the

Building Inspector. Placement of antenna systems within an easement shall be prohibited.

SUPPLEMENTAL

- C. Roof-mounted antenna systems shall be located on the rearward portion of the roof as viewed from the front yard and shall be limited to a maximum height of 15 feet above the highest roof peak. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
- D. Ground-mounted antenna systems in residential and commercial districts shall not exceed a maximum overall height of 50 feet.
- E. All antenna systems shall be properly grounded, resistant to lightning strikes, and meet all Electrical Code requirements.
- F. All antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- G. A Zoning Permit shall be required prior to installation of any antenna system. Installation instructions, sketches, site plans, or other documents shall be submitted in accordance with the Village Administrator requirements, for the purpose of verification of each of the provisions of this Section.

150.305 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties

- A. Under those circumstances where the development of either a single-family residential project is proposed to occur adjacent to or abutting property zoned and/or used for industrial or commercial purposes, or in the case where an industrial or commercial project is proposed to occur adjacent to or abutting property zoned or used for single-family residential purposes, the owner or developer of the project must undertake improvements to provide for the creation of a suitable transition and buffer between the noncompatible uses. The purpose of the buffer is to obscure noncompatible uses and diminish the impact that the industrial or commercial activity may have on the environment found in the single-family residential area. It is intended to protect the interest of the existing or future occupant of the residential area. This requirement would only be triggered when new development occurs; it does not apply to existing conditions.
- B. The following provisions shall apply with respect to screening:

1. Screening shall be provided for one or more of the following purposes:
 - a. A visual barrier to partially or completely obstruct the view of structures or activities.
 - b. An acoustic screen to aid in absorbing or deflecting noise.
 - c. A physical barrier to contain debris and litter

2. Screening may consist of one of the following, or a combination of two or more, as determined by the Village Administrator or BZA, in the event of an appeal, variance, or conditional use:
 - a. A solid masonry wall.
 - b. A solidly constructed decorative fence.
 - c. A louvered fence.
 - d. A dense vegetative planting.
 - e. A landscaped mounding.

3. Height of screening shall be in accordance with the following:
 - a. Visual screening walls, fences, plantings, or mounds shall be a minimum of 6 feet high in order to accomplish the desired screening effect, except in required front and side yards where the maximum height shall not be greater than 3-1/2 feet. Fences in front yards are not permitted to be solid fences. Plantings shall be minimum of 4 feet in height at the time of planting.
 - b. A dense vegetative planting with a minimum height of 4 feet at planting and a mature height of at least 6 feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.

4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least 15 feet of dense planting or a solid masonry wall in combination with

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decorative plantings. The height shall be adequate to absorb noise as determined by Village Administrator in relation to the nature of the use.

5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.
6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.
7. The installation of the buffer and transition area must not interfere with existing storm water drainage flow patterns or utilities which may be located within easement areas, unless suitable measures are undertaken to alleviate problems that might be caused by the installation of the buffer.

8. The buffer must commence on the lot line between the subject properties, unless precluded by insurmountable problems posed by the location of the utilities or easement, on the property which is subject to development. If insurmountable condition prohibit the commencement of the buffer and transition are on the property line, the commencement shall occur in an area as close as possible to the common lot line. The Village Administrator may permit the instillation of the obscuring wall on the opposite side of an alley, street, or right-of-way when mutually agreeable to the affected property owners.

150.306 Principal Building Per Lot

Only one principal building shall be permitted on each lot in any residential district, subject to the provisions established in each district. However, in all districts permitting enclosed light or heavy industrial and/or commercial uses, it is permissible to erect more than one principal building devoted to such industrial use on the same lot. The development of Planned Unit Developments, as well as approved site plans, shall also be exempt from this provision.

150.307 Parking and Storage of Vehicles and Trailers

A. Commercial Vehicles

1. No commercial vehicles, including commercial tractors, trucks, buses, manufactured homes, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building.
2. No commercial vehicles, including commercial tractors, trucks, buses, manufactured homes, semi-trailers, shall be parked on a public right-of-way for more than 4 hours.
3. No commercial vehicles will be permitted to park in a strictly residential zone between the hours of 10:00 p.m. and 6:00 a.m.

B. Non-Commercial Vehicles

No trailer, motor home, camper, recreational vehicle, boat, boat trailer, snowmobile, snowmobile trailer, all-terrain vehicle, aircraft, or motorcycle, nor any truck larger $\frac{3}{4}$ ton, shall be parked on a public right-of-way for more than 72 hours.

150.308 Abandoned and Junked Vehicles

A. Definitions

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. Abandoned Motor Vehicle

- a. Any motor vehicle which is left on private property for more than 48 hours without the permission of the person having the right to the possession of the property.
- b. Any motor vehicle which is left on public property for 48 hours or longer without permission of the Chief of Police of the Village of St. Henry.

2. Junked Motor Vehicle

Any motor vehicle meeting any three of the following criteria:

- a. 3 years old or older.
- b. disabling damage, such damage including, but not limited to, any of the following:
 - 1) Missing or deflated tire.
 - 2) Missing wheel.
 - 3) Missing transmission.
 - 4) Missing motor.
- c. Fair market value less than \$750.00.
- d. Inoperative.
- e. Unregistered or improperly licensed.

3. Inoperative Motor Vehicle

Any motor vehicle not moved for 30 consecutive days shall be presumed inoperative.

4. Motor Vehicle

Any device, including major parts thereof, in, on, or by which any person or property is or may be transported, including devices used exclusively on stationary rails or tracks, and devices designed to be pulled, drawn, or towed by a motor vehicle, but not including devices moved by human or animal power.

5. Private Property

Any real property within the Village which is privately owned or operated.

6. Public Property

Any public street, highway, alley, sidewalk, boulevard, bikeway, property open to the public for vehicular travel or parking, and any other property owned or operated by the Village and any right-of-way thereof.

7. Person

Any individual, firm, partnership, company, unincorporated association, or corporation.

B. Storing, Parking, or Leaving Junked or Abandoned Motor Vehicles Prohibited

1. No person shall store, park, or have any motor vehicle which is in a junked, abandoned, inoperative, dismantled, or partially-dismantled condition, whether attended or not, within the Village upon any public or private property for a period of time of 48 hours or longer.
2. The presence of a junked, abandoned, inoperative, dismantled, or partially-dismantled motor vehicle, on private or public property, is a public nuisance which may be abated as such in accordance with the provisions of these Zoning Regulations.
3. This Section shall not apply to any motor vehicle on private property which is stored in conformity with these Zoning Regulations or if the motor vehicle is a collector's vehicle, as defined in the Ohio Revised Code 4501.01 (F).
4. No person shall be prevented from storing or keeping, or restricted in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unregistered collector's vehicle stored in the open.

C. Disposition of Junked Vehicle

1. No person in charge or control of any private property within the Village, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any junked, inoperative, dismantled, or partially-dismantled motor vehicle to remain on such property longer than 7 days after notice is served, in any manner provided by the Ohio Rules of Civil Procedure for service of summons in civil actions, to remove the motor vehicle from such property. A copy of said notice shall also be conspicuously affixed to the motor vehicle if the surrounding facts and circumstances make it practicable to do so.
2. If no person in charge or control of any such property can be found, notice to such persons may be published once in a daily newspaper for general circulation within the Village. Such motor vehicle shall be removed by such person within 7 days after publication.
3. This Section shall not apply with regard to any motor vehicle described in Section 150.308 B.3.
4. The person in charge or control of the private property upon which the motor vehicle is located and the registered owner of the vehicle shall have the duty to abate the nuisance by removing the vehicle from the premises.
5. The notice required by this Section shall contain the following information:
 - a. The motor vehicle is considered junked.
 - b. The motor vehicle will be removed 7 days thereafter, impounded, and subsequently disposed of.
 - c. The person in charge or control of the private property upon which the motor vehicle is located and the registered owner of the motor vehicle will be held jointly and severally responsible for all costs incidental to the removal, storage, and disposal.
 - d. The person in charge or control of the private property upon which the motor vehicle is located and the registered owner of the motor vehicle may avoid fines and costs by removing the motor vehicle from the Village or enclosing such vehicle in an appropriate structure.
 - e. The date and the address and telephone number of the Village department to contact for information.
 - f. Any person to whom the notice is directed may file with the 7-day period of compliance a written request for a hearing.

- g. The movement of a vehicle from private property to any public right-of-way, or to another location under circumstances constituting a violation of these Zoning Regulations, shall not constitute compliance with a notice prescribed by this Section.
- h. Whoever violates this Section is guilty of a minor misdemeanor on a first offense; on a second offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense, such person is guilty of a misdemeanor of the third degree.

D. Request for Hearing

Any person to whom notices are directed pursuant to Section 150.308 C or their duly authorized agents, may file a written request for a hearing before the zoning board within the 7-day period of compliance for the purpose of defending against the charges by the Village.

E. Procedure for Hearing

A hearing requested pursuant to Section 150.308 D shall be held as soon as practicable after the filing of the request. Persons requesting a hearing shall be advised of the time and place of said hearing. The scope of said hearing shall be limited to the following issues:

1. Whether the person requesting the hearing is in charge or control of the private property as charged; and
2. Whether the motor vehicle is junked or inoperative as charged.

At any such hearing, the Village and the persons to whom notices have been directed may introduce such witnesses and evidence as each party deems necessary. The Village Administrator, or his designee, shall then either affirm, reverse, or modify the order.

F. Impounding of Vehicles; Redemption

1. If a violation of Section 150.308 C has not been remedied within the 7-day period of compliance, or in the event that a request for a hearing is filed as prescribed in Section 150.308 D, a hearing is held, and the existence of the violation is affirmed, the vehicle may be impounded.
2. The impoundment and redemption of such vehicle shall follow the procedure set forth in Section 4513.60 - 4513.65 ORC

3. The movement of a vehicle from a private property to any public right-of-way, or to another location under circumstances constituting a violations of Section 150.308 B, shall not remedy a violation of Section 150.308 B, and a vehicle so moves remains subject to impoundment by police.

150.309 Required Refuse Collection Areas

The refuse collection areas provided by all multi-family residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall, fence, or shrubbery of at least 4 feet in height, unless within an enclosed building or structure.

Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Village Administrator. Storage areas of proper density in residential districts shall utilize such additional screening as required in this Zoning Code.

150.310 Removal of Litter

A. Notice to Remove Litter

1. When the Mayor or his designated agent determines that litter has been placed on lands in a municipal corporation, and has not been removed, and constitutes a detriment to public health, the Mayor or his designated agent shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him that litter is on the land, and that it must be collected and removed within 7 days after the service of the notice.
2. As used in this Section and Sections 150.310 B and 150.310 C, “litter” includes garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.
3. If the owner or other person having charge of the land is a nonresident of the Village corporation whose address is known, the notice shall be sent to his address **OR PERSONAL SERVICE** by certified mail. If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the County.
4. This section does not apply to land being used to operate a duly licensed and zoned junk yard, scrap metal processing facility, or similar business.

B. Failure to Comply

No owner, occupant, or any other person, firm, or corporation, having the care of a lot or land, shall fail to comply with the notice provided for in Section 150.310 A within 7 days from the receipt thereof.

C. Procedure When Owner Fails to Comply with Notice

1. If the owner, occupant, or any other person, firm or corporation, having the care of lands mentioned in Section 150.310 A, fails to comply with the notice provided for in Section 150.310 A, the Village shall cause such litter to be removed. Such removal shall be at the owner's expense and the costs, together with an administrative fee of 20% assessed against the lot or land. Such administrative fee shall not exceed \$200.00.
2. Notice of such assessment shall be given to the owner of the lot or land charged therewith, or his agent, either in person or left at the usual place of residence or sent by mail, and all assessments not paid within 10 days after the giving of such notice shall, after approval by Village Council, be certified with the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

150.311 Fences

- A. Fences constructed within a rear yard shall not be higher than 72 inches and side yard shall not be higher than 48 inches. All fences are considered an accessory structure with the exception of setbacks. Fence setbacks shall be 2 feet unless the permit is accompanied by a letter from adjoining property owners agreeing to allow the fence to be placed on the agreed property line.
- B. No fence, wall, or hedge shall rise over 48 inches in height on any required front yard except on corner lots where it shall not rise over 36 inches. No fence, wall, or hedge planting shall interfere with visibility from a driveway or public right-of-way. The Village Administrator is hereby empowered to cause all obstructions to be removed in the interest of public safety.
- C. All support structures shall face to the inside.
- D. It shall be the property owner's responsibility to ensure that all fences shall be erected within the property.
- E. All fence installation or modification requires a Zoning Permit.
- F. If a fence is placed in an easement the owner resumes responsibility of all removal and replacement if the easement is exercised.

150.312 Projections into Required Yards

- A. Chimneys, flues, sills, pilasters, and other similar features may project into a required side yard a maximum of 12 inches. Roof overhangs may extend into a required side yard, a maximum of 12 inches.
- B. No structure may project into a required front yard. However, steps, not porches, may extend from the dwelling into the required front yard a maximum of 10 feet.

150.313 Visibility at Intersections

Vision clearance as defined in these Regulations is required on all corner lots at the street corner. The Village Administrator is hereby empowered to cause all obstructions to be removed in the interest of public safety.

150.314 Temporary Uses

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring a Temporary Use Permit, at least 7 days before the instigation of such use an application for a Temporary Use Permit shall be made to the Village Administrator, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

Temporary uses of public land are exempt from the requirements of this Section.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

- A. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of 1 year, except that two extensions not to exceed 6 months each may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the Temporary Use Permit, whichever occurs first.
- B. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of 1 year, except that 6-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the Temporary Use Permit, whichever occurs first.
- C. Temporary sales and services may be permitted within parking areas within any commercial district. A Zoning Permit valid for a period not to exceed 4 consecutive days shall only be issued three times within any 12-month period to any individual or

organization. The application for the Temporary Use Permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Village Administrator shall not issue a permit for such temporary use if he determines that it encroaches upon more than 25% of the required parking area.

- D. Temporary retail sales and services, such as the sale of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A Temporary Use Permit valid for a period not to exceed 2 consecutive days shall only be issued three separate times for any particular lot within any 12-month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license, and a written statement from the property owner giving permission for such use. This Section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the Temporary Use Permit shall be prominently displayed at the site.

150.315 Swimming Pools/Ponds

Swimming pools or ponds in excess of 24 inches in depth shall comply with the following requirements:

- A. The swimming pool/pond is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- B. The swimming pool/pond may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than 3 feet off the easement and/or directly under any type of electrical wiring.
- C. The swimming pool/pond, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. Fence shall be at least 4 feet in height, and it shall be maintained in good condition with a self-closing, latching gate and lock. A UL approved hard-locking cover is acceptable in lieu of a fence. Above-ground pools that have integral fences or railings and have a swing up securing/locking ladder or latching gate is acceptable in lieu of fence.
- D. All swimming pools/ponds require a Zoning Permit.

150.316 Home Occupations

- A. Home occupations are conditionally permitted in the R-1, R-2, and R-3 Districts.

- B. Only members of the immediate family occupying such dwelling shall be employed in such occupation.
- C. The use of the dwelling unit for the home shall be clearly subordinate to its use for residential purposes by its occupants, and not more than 33% of the first floor of the principle structure shall be used in conducting the home occupation.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of conducting the home occupation other than one sign, not exceeding 2 square feet in area, non-illuminated, and not located on or projecting over any right-of-way.
- E. No electrical or mechanical equipment shall be used except such as may be used for domestic or household purposes. In addition, electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuation in line voltage outside the dwelling unit or which creates noise not normally associated with residential uses shall be prohibited.
- F. No offensive noise, vibration, smoke, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effect shall be produced therein or therefrom.
- G. No additional parking demand shall be created.
- H. The following uses shall be prohibited as home occupations:
 - 1. Appliance repair;
 - 2. Light assembly, manufacturing, or fabricating;
 - 3. Motor vehicle repair, painting or body work, including reupholstery, detailing, or washing;
 - 4. Small engine repair, lawn and garden equipment repair;
 - 5. Veterinary offices, kennels;
 - 6. Warehousing of any type; and welding or machine shop.
- I. All owners of home occupations shall register for Village Income Tax.

150.317 Nuisance Performance Standards

No land or structure, in any district, shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard, including potential hazards: noise or vibration, smoke, dust, odor, or other form of air pollution: heat, cold, dampness, electrical, or other substance, condition, or element: in such a manner or in such amount as to adversely affect the adjoining lots or surrounding areas.

The following minimum standards shall apply to all uses:

- A. Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion, such safety devices being standard in the industry. Burning of waste materials in open fire is prohibited at any point. There shall be no

open fire in residential zoning at any time. The only exception is open burning with prior notification to the Fire Department, the Village Administrator, and the Mercer General Health District for either the prevention or control of disease or pests or for ceremonial purposes. Ceremonial fires shall be less than 5 feet by 5 feet and shall burn no longer than 3 hours. Fires allowed by this Section shall not be used to burn garbage, landscape waste or any other waste material. The fuel used shall be a clean fuel that is fuel chosen to minimize the generation and emission of air contaminants

- B. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution: No emission of air pollutants shall be permitted which violate the minimum requirements of the Mercer County Department of Health. Dust and other airborne pollutants shall be minimized through the paving or landscaping of the lot area around any building.
- C. Glare, Heat, and Exterior Light: Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.
- D. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accord with standards approved by the Ohio Department of Health or such other governmental agency as shall have jurisdiction of such activities.
- E. Noxious Gases: Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere shall be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.
- F. Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way to produce intense, earth-shaking vibrations which are discernable without instruments at the property lines of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- G. Odor: Any use, activity, or operation which releases odors to the atmosphere shall be so controlled as to ensure that it will produce no public nuisance or hazard at or beyond the nearest lot.

150.318 Residential Design and Appearance Standards

Single-Family, Two-Family, and Multi-Family residential dwellings, whether of modular or site-built construction, shall comply with the following design and appearance standards:

- A. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
- B. Minimum roof pitch requirements entailing a 4-inch vertical rise for each 12 inches of horizontal run. (See Illustration - Exhibit "A" in Section - Definitions.)
- C. Exterior siding shall be one or a combination of materials such as brick, stone, stucco, clapboard or clapboard-simulated vinyl or metal, wood shingles, shakes, or similar material (no smooth, ribbed, or corrugated metal, fiberglass, or plastic); siding must extend to the ground level, or to the top of the foundation when a solid concrete or masonry perimeter foundation is used.
- D. Structure size shall be a minimum width of 25 feet.
- E. Attached enclosed garages with overhead doors for single-family and two-family residences for each dwelling are required on all new structures.

150.319 Automobile Filling Station

Automobile filling stations are conditionally-permitted in the C Commercial District and I Industrial District provided that they meet the conditions outlined below:

- A. The minimum site shall contain 12,000 square feet.
- B. The minimum yard requirements shall be as follows:
 - 1. Front Yard – 40 feet for all buildings, 15 feet for all gasoline pumps
 - 2. Side Yard – 20 feet
 - 3. Rear Yard – 40 feet
- C. The minimum frontage shall be 100 feet.
- D. Development Plan shall be submitted with the application.

1. There shall be a minimum of two separate driveways providing ingress and egress to and from the property located not closer than 20 feet from one another.
 2. All hydraulic lifts, oil pits and all lubricants, greasing, automobile washing, and repair equipment shall be enclosed entirely within the automobile service station building.
 3. The entire lot area, exclusive of the area covered by the building, shall be paved or landscaped. A 4-inch high curb shall separate all paved areas from all landscaped areas.
 4. The light from exterior lighting shall be so shaded, shielded or directed that light intensity or brightness shall not be objectionable to surrounding development.
 5. A solid fence, wall, or evergreen hedge 6 feet high shall be constructed or planted, and maintained in good condition, where the service station site is located adjacent to Residential zoning districts.
- E. No outdoor storage of dismantled automobiles shall be permitted.
- F. Not more than one pole sign shall be permitted.

150.320 Animals

No animals, birds, insects, reptiles, livestock, or poultry of any kind shall be raised, bred or kept on any lot except dogs, cats, or other household pets, which are kept for domestic purposes only, and are not kept, bred, or maintained for any commercial purposes. No more than two dogs and two cats may be kept on any lot, except such dogs or cats, in excess of such numbers are less than 6 months of age. All animals must be restrained on the owner's lot and owners shall take all steps necessary to ensure the same.

150.321 Adult Entertainment Facilities

A. Intent

This Section is based upon the Village's recognition of certain possible adverse secondary effects of adult entertainment facilities and thereby protects the health, safety, and welfare of the citizens; protects the citizens from increased crime; preserves the quality of life;

preserves the property values and the character of surrounding neighborhoods and businesses; deters the spread of urban blight and protects against the threat to health from the spread of communicable and social diseases.

B. Definitions

Specific words and terms as used in this Section are defined as follows:

1. Adult bookstore, adult novelty store, or adult video store means an establishment, from which minors are excluded, having as a substantial or significant portion of its stock for trade, sale, or rental of the following:
 - a. Books, magazines, other periodicals or printed material, photograph films, motion pictures, films, video cassettes, slides, computer media, or other visual representations which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas", which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".
 - b. Instruments, devices, or paraphernalia which is designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
 - c. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult book store, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".
2. Adult cabaret means a nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which features:
 - a. Persons who appear nude or in a state of nudity or semi-nudity;
 - b. Live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas"; or

- c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
3. Adult drive-in theater means a drive-in theater for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons.
4. Adult entertainment means performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specified anatomical areas or specified sexual activities.
5. Adult entertainment facilities means any of the following uses: adult bookstores, adult novelty stores, adult video stores, adult drive-in theaters, adult photography studios, adult cabarets, massage establishments, finger-painting studios, adult motels, adult motion picture theaters, or any other similar personal service or entertainment facilities which emphasize nudity and/or sexual activities as an entertainment medium.
6. Adult motel means a motel, hotel, or similar commercial establishment which:
 - a. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertise the availability of this sexually-oriented type of material by means of a sign visible from a public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets, or leaflets, radios, or televisions; or
 - b. Offers a sleeping room for rent for a period of less than ten hours; or
 - c. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten hours.
7. Adult mini-motion picture theater means an enclosed building with a capacity of less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
8. Adult motion picture theater means an enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by an

emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

9. Mainstream performance house means a theater, concert hall, auditorium, or similar establishment, which regularly features movies or live performances such as plays or concerts which are not distinguished or characterized by an emphasis on the depiction, description, or display or the featuring of "specified anatomical areas" or "specified sexual activities" and where such depiction, if any, is only incidental to the primary purpose of any performance.
10. Nude model studio means a place where a person, who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
11. Nude or state of nudity means the showing, representation, or depiction of human male or female genitals, bare buttocks, anus, or the areola or nipple of the female breast with less than full, opaque covering of any portion thereof below the top of the nipple or of uncovered male genitals in a discernibly turgid state.
12. Semi-nude means a state of dress in which the clothing covers no more than the genitals, pubic region and the areola of the female breast, as well as portions of the body covered by supporting straps or devices.
13. Specified anatomical area means less than completely and opaquely covered human genitals, pubic region, buttocks, or the areola or nipple of the female breast; human male genitals in a discernibly turgid state even if completely and opaquely covered.
14. Specified sexual activities means human genitals in a state of sexual stimulation or arousal; acts, real or simulated, of human fondling, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

C. Regulations

Adult entertainment facilities and like uses, shall be a conditional use within an I Industrial District and subject to the following conditions:

1. No adult entertainment facility shall be established within 1,000 feet of any area zoned for residential use.
2. No adult entertainment facility shall be established within a radius of 1,000 feet of any school property, library, or teaching facility, whether public or private, governmental or commercial, which includes schools, libraries, or teaching facilities if attended by persons under 18 years of age.
3. No adult entertainment facility shall be established within a radius of 1,000 feet of any park, recreational facility, or camp attended by persons under 18 years of age.
4. No adult entertainment facility shall be established within a radius of 1,000 feet of any other adult entertainment facility or within a radius of 1,000 feet of any two of the following establishments (or of any one establishment which combines to any degree any two of the following activities), whether within this Village or any other political subdivision:
 - a. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - b. Pawn shops.
 - c. Pool or billiard halls.
 - d. Pinball palaces, halls, or arcades.
 - e. Dance halls or discotheques.
5. No adult entertainment facility shall be established within a radius of 1,000 feet of any church, synagogue, or permanently established place of religious services which is attended by persons under 18 years of age.
6. All building openings, entries, windows, etc., for adult uses shall be located, covered, or surfaced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
7. In granting any such conditional use, the BZA may prescribe any conditions that it deems necessary in the public interest. However, no conditional use shall be approved by the BZA unless it finds that the use for which such approval is sought, is not likely to be dangerous or detrimental to nearby properties, that the use will not be contrary to any program of conservation, or improvement, either residential or nonresidential, or be contrary to the public safety, and general welfare of the Village.

8. The measure of distances for purposes of this Section shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel, i.e., "as the crow flies".
9. Nothing contained in this Code shall apply to the premises of any mainstream performance house or museum.
10. Any establishment offering live dancing performances shall adhere to the following regulations:
 - a. The dancing performances shall be confined to a clearly defined stage or platform area that is elevated at least two feet above the normal floor elevation of the establishment.
 - b. There shall be a clearly defined and delineated three-foot "buffer" area or space between the aforesaid stage or platform and any area of the establishment in which customers are customarily seated and/or served.
 - c. Said "buffer" zone shall be clearly and permanently delineated by rail, rope, enclosure, or other similar means.
 - d. All dancing or entertainment shall be confined to the stage or platform area as defined herein.
 - e. At no time during the performance shall the patrons or the entertainers be permitted to encroach on the aforesaid "buffer" zone.
 - f. The entertainers and patrons are prohibited from commingling with or touching one another while the entertainers are on stage or platform.

D. Savings Clause

If any sentence, clause, or part of this Section is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this Section and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of Council that this Section would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included.

150.322 Manufactured Homes on Individual Parcels (Lots)

It is the intent of this ordinance that no Manufactured Home shall be permitted in any zoning district except those which exist in other districts prior to the enactment of this ordinance.

Manufactured Homes which are in place on individual parcels (lots) at the enactment of this ordinance may continue, provided the following conditions are met:

- A. An existing Manufactured Home is a vehicle or mobile structure more than 40-feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.
- B. An existing Manufactured Home may be replaced by a newer Manufactured Home of the same or larger size as long as the minimum zoning lot requirements of the district in which it is located are met.

If in so replacing the existing Manufactured Home, it is not physically possible to meet the minimum zoning lot requirements of this ordinance, the replacement will be permitted as long as the yard setbacks of the existing Manufactured Home being replaced are maintained. In no way shall the nonconforming yard setbacks be decreased.

- C. If an existing Manufactured Home is removed from said individual parcel (lot) for a period of 3 months or longer, the use of the parcel (lot) reverts to that for which that district is zoned, and no Manufactured Home will be permitted thereafter.

150.323 Recreational Vehicles, Water Craft, Dirt Bikes, Motorized Sport Vehicles, and Utility Trailers

- A. In any residential district, the above items may not be stored in any front yard area and must be at least 3 feet from any lot line.
- B. Stored, is not intended to prevent temporary parking for:
 - 1. Pre-season preparations.
 - 2. Required, in season repair/maintenance.
 - 3. After season storage preparations.
 - 4. Advertising the vehicle for sale.

150.324 Bed and Breakfast Inns

Bed and Breakfast Inns may be approved when the following conditions are met:

- A. The applicant shall provide a site plan showing the lot proposed to contain the Bed and Breakfast Inn, existing structures, proposed improvements, parking, signage, and screening and a floor plan indicating the proposed operations.
- B. The Bed and Breakfast Inn shall maintain a register listing the name, address, phone number, and dates of stay of all paying guests. The registry shall be made available for inspection by the Village.
- C. No more than five persons - two adults and three children- may occupy each guestroom.
- D. There shall be no change in the outside appearance of the building or lot or other visible evidence of the conduct of the Bed and Breakfast Inn that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a single-family dwelling.
- E. Signage shall be permitted as non-illuminated, not to exceed two feet square, and not to be placed above the first story and as indicated in Section 150.700 Signage.
- F. One off-street parking space shall be provided for every guestroom in addition to the off-street parking otherwise required for a one-family dwelling. All off-street parking shall be screened in accordance with Section 150.600 Off-Street Parking and Loading Facilities. Off-street parking for guests may be double-stacked. On-street parking on public rights-of-way (where permitted) adjacent to the lot may be counted to reduce the number of parking spaces required.
- G. No kitchen or cooking facilities shall be permitted within the individual guestrooms.
- H. The percentage of structure occupied by the Bed and Breakfast Inn shall be no more than 50% of the gross floor area of the single-family dwelling.
- I. The applicant shall submit the proposed Bed and Breakfast Inn to the Mercer County Community Development Department for review, and a written certificate of occupancy shall be presented to the Village Administrator prior to the issuance of a Zoning Permit.
- J. The plans for the proposed Bed and Breakfast Inn shall be reviewed by the Village of St. Henry, and a Zoning Permit shall not be issued by the Village Administrator until the Fire Chief has inspected the Bed and Breakfast Inn.
- K. The applicant shall submit the proposed Bed and Breakfast Inn to the Mercer County Health Department for review.
- L. Other appropriate conditions may be prescribed by the BZA on an individual basis.

150.325 Automobile Washing Facilities

- A. All washing activities shall be carried on within an enclosed building, except for entrance and exit doors which may be left open during the hours of operation.
- B. The minimum site size shall be 15,000 square feet, with no less than 100 feet of frontage.
- C. Automobile washing structures shall be located at least 50 feet from any adjoining residential property and shall be no closer than ten feet from side property lines.
- D. Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than 50 feet to any adjacent residential property and at least 20 feet from a public right-of-way.
- E. Water or residue from the washing process shall not be allowed to drain from the site containing such establishment.
- F. All parking and access drives shall be hard-surfaced and dust-free.
- G. The following waiting and parking requirements shall be minimum requirements:
 - 1. A minimum of three off street waiting spaces shall be provided for every bay of a self-service washing facility, and a minimum of five off street waiting spaces shall be provided for every bay with automatic or assembly line type washing facilities. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
 - 2. A minimum of two parking spaces shall be provided at the exit end of each washing bay for drying and hand finishing of vehicles.
 - 3. One parking space for each regular employee of the premises with a minimum of two employee parking spaces for the site.
- H. A solid fence, wall, or evergreen shrubbery at least 6 feet in height shall be required when an automobile washing facility is adjacent to a Residential District, or adjacent to any residential property.
- I. Access shall only be from arterial or commercial collector streets to which the automobile washing facility shall adjoin. Alleys shall not be used for access to or from an automobile washing facility, nor shall alleys be used for maneuvering, waiting, or parking purposes.

150.326 Wireless Telecommunications Facilities

- A. The purpose of this Section is to regulate the placement, construction, and modification of wireless telecommunications facilities and their support structures in order to protect the public health, safety, and welfare, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace. Specifically, the purposes of the Section are:
1. To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of the Village.
 2. To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities.
 3. To minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
 4. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
 5. To avoid potential damage to adjacent properties caused by towers and wireless telecommunications facilities by ensuring such structures are soundly designed, constructed, and modified; are appropriately maintained; and are fully removed.
 6. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.
 7. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

B. Applicability

All towers, antenna support structures, and wireless telecommunications facilities any portion of which are located within the Village are subject to this Ordinance except as provided in this Ordinance, any use being made of an existing tower or antenna support structure on the effective date of this Ordinance shall be deemed a nonconforming structure and allowed to continue, even if in conflict with the terms of this Ordinance. Any tower site that has received approval in the form of a permit by the Village, but has not yet been constructed or located shall be considered a nonconforming structure so long as such approval is current and not expired.

C. Definitions

Specific words and terms as used in this Section are defined as follows:

1. Antenna - Any panel, whip, dish, or other apparatus designed for communications

through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.

2. Antenna Support Structure - Any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.
3. Co-location - The use of a wireless telecommunications facility by more than one wireless telecommunications provider.
4. Emergency - A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
5. Equipment Shelter- The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
6. FAA - The Federal Aviation Administration and any legally-appointed, designated, or elected agent or successor.
7. FCC - Federal Communications Commission and any legally-appointed, designated, or elected agent or successor.
8. Monopole - A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.
9. Person - Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or non-profit.
10. Tower - A self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. The term tower shall not include amateur radio operator's equipment as licensed by the FCC.
11. Wireless Telecommunications Facility - Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, the term wireless telecommunications facilities shall not include:

- a. Any satellite earth station antenna 2 meters in diameter or less which is located in an area zoned Business or Industrial.
- b. Any satellite earth station antenna 1 meter or less in diameter, regardless of zoning category.
- c. Antennas used by amateur radio operators.

D. Standards Applicable to All Wireless Telecommunications Facilities

1. Construction Standards - All wireless telecommunications facilities and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally-sound and, at a minimum, in conformance with Ohio Basic Building Code.
2. Natural Resource Protection Standards - The location of the wireless telecommunications facility shall comply with all natural resource protection standards established either in this Zoning Ordinance or in other applicable regulations, including those for floodplains, wetlands around water protection, and steep slopes.
3. Historic or Architectural Standards Compliance - Any application to locate a wireless telecommunications facility on a building or structure that is listed on a federal, state, or local historic register, or is in a historic district established by the Village, shall be subject to review by the County Building Commissioner to ensure architectural and design standards are maintained.
4. Color and Appearance Standards - All wireless telecommunications facilities shall be painted a non-contrasting gray or similar color minimizing its visibility unless otherwise required by the FCC, FAA, and/or by historical or architectural standards imposed. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Village.
5. Advertising Prohibited - No advertising is permitted anywhere upon or attached to the wireless telecommunications facility.
6. Artificial Lighting Restricted - No wireless telecommunications facility shall be artificially lit except as required by the FAA.
7. Co-Location - All wireless telecommunications facilities shall be subject to the co-location requirements set forth in this Section.
8. Abandonment - All wireless telecommunications facilities shall be subject to the abandonment requirements set forth in this Section.

9. Setback from Edge of Roof - Any wireless telecommunications facility and its appurtenances permitted on the roof of a building shall be set back 1 foot from the edge of the roof for each 1 foot in height of the wireless telecommunications facility. However this setback requirement shall not apply to antennas that are less than 2 inches in thickness mounted to the sides of antenna support structures and do not protrude more than 6 inches from the side of such an antenna support structure. This requirement is subject to change by the Village upon review of the photo simulation provided in compliance with this Section.
10. Security Enclosure Required- All towers and equipment shelters shall be enclosed either completely or individually as determined by the Village. No Fencing Shall be permitted in a residential zone. The Village and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof top of the structure or building is secure.
11. Existing Vegetation and Buffer Plantings - Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the Village. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.
12. Access Control and Emergency Contact - "No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of who to contact in the event of an emergency.

E. Co-Location Requirements

1. Exemption from Proof of Co-Location Availability - Persons locating a wireless telecommunications facility on a publicly-owned property shall be exempted from the requirements herein regarding presentation of proof that co-location is not available. However, persons locating a wireless telecommunications facility on publicly-owned property shall continue to be subject to the requirements contained in this Section.
2. Exemption from Certain Requirements - Persons locating a wireless telecommunications facility on a publicly-owned property identified by the Village to be suitable for such purposes shall be exempt from the requirements of this Section.
3. Co-Location Design Required - No new tower shall be constructed in the Village unless such tower is capable of accommodating at least one additional wireless telecommunications facility owned by another person.

4. Technically-Suitable Space - Authorization for a tower shall be issued only if there is no technically-suitable space reasonably available on an existing tower or structure within the geographic area to be served.
5. Application Requirements - With the permit application, the applicant shall list the location of every tower, building, or structure within 3 miles that could support the proposed antenna. The applicant must demonstrate that a technically-suitable location is not reasonably available on an existing tower, building, or structure within such area. If another communication tower owned by another party within such area is technically-suitable, applicant must show that an offer was made to the owner of such tower to co-locate an antenna on a tower owned by the applicant on reciprocal terms within the geographic area, and the offer was not accepted. If such co-location offer has not been attempted by the applicant, then such other tower is presumed to be reasonably available.

F. Wireless Telecommunications Facilities in Residential Districts

1. Permitted Principal Use - No wireless telecommunications facility is permitted as a principal use on a lot.
2. Accessory Structure - The following wireless telecommunications facilities are permitted as an accessory structure on a lot, subject to the following requirements:
 - a. Tower - No wireless telecommunications tower is permitted as an accessory structure within a residential district without conditional use approval under the guidelines of this Section.
 - b. Antenna - An antenna for a wireless telecommunications facility may be attached to an existing residential building four or more stories in height or to an existing nonresidential structure subject to the following conditions:
 - 1) Maximum Height - The antenna shall not extend more than 20 feet above the roof of the existing building or top of the existing structure.
 - 2) Separate Equipment Shelter - If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located aboveground within any required front or side yard.
 - 3) Vehicular Access - Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.
3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:

- a. Tower - A wireless telecommunications tower may be an accessory structure to a public or institutional use within a residential zoning district, provided the BZA finds the following standards have been met:
 - 1) Minimum Lot Size for Principal Use - The minimum lot size for principal use for which the tower is accessory shall be 5 acres.
 - 2) Minimum Setback from Property Lines and Residential Structures – The minimum setbacks and yard requirements shall be established by the BZA.
 - 3) Maximum Height - The height of such tower shall be subject to approval by the BZA and be the minimum height necessary.
 - 4) Equipment Shelter - The minimum setbacks, height limits, bulk requirements, and screening standards shall be established by the BZA during the conditional use process. Such shelter shall not be located aboveground in any required front or side yard.

- b. Antenna - The BZA may approve the location of an antenna extending more than 20 feet above the roof of an existing building or structure.
 - 1) Attachment to Existing Building - An antenna for a wireless telecommunications facility may be attached to an existing residential building four or more stories in height or to an existing nonresidential structure subject to the following conditions:
 - I. Roof Setback - The pole structure supporting such antenna shall be set back 1 foot from the edge of such roof for each 1 foot of height above such roof. This requirement shall not apply to antennas 2 inches or less in thickness without a supporting pole structure.
 - II. Separate Equipment Shelter - If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located aboveground within any required front or side yard.
 - III. Required Buffer- A buffer shall be planted in accordance with this Section.
 - IV. Vehicular Access - Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or

concrete. G. Wireless Telecommunications Facilities in Business and Professional Districts

1. Permitted Principal Use- The following wireless telecommunications facilities are permitted as a principal use on a lot, subject to the following requirements:
 - a. Tower
 - 1) Maximum Height - The maximum height shall be less than 200 feet. Towers 200 feet or more in height shall require approval as a conditional use under the guidelines of this Section.
 - 2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - 3) Minimum Setback from Residential Structure - No tower shall be located less than 200 feet from a structure used as a residence.
 - 4) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.
2. Accessory Structure - The following wireless telecommunications facilities are permitted as an accessory structure on a lot, subject to the following requirements:
 - a. Tower
 - 1) Maximum Height - The maximum height shall be less than 200 feet. Towers 200 feet or more in height shall require approval as a conditional use under the guidelines of this Section.
 - 2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - 3) Minimum Setback from Residential Structure - No tower shall be located less than 200 feet from a structure used as a residence.
 - 4) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.
 - b. Antenna - The antenna shall not be attached to a residential structure.
3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on lots subject to the following requirements:
 - a. Tower 200 Feet or More in Height

- 1) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - 2) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
 - 3) Equipment Shelter- The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.
- b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.

H. Wireless Telecommunications Facilities in Industrial Districts

1. Permitted Principal Use - The following wireless telecommunications facilities are permitted as a principal use on a lot, subject to the following requirements: a. Tower

- 1) Maximum Height - The maximum height of such tower shall be less than the distance of such tower from the nearest property line.
- 2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
- 3) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
- 4) Equipment Shelter- The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.

2. Accessory Structure - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:

a. Tower

- 1) Maximum Height - The maximum height of such tower shall be less than the distance of such tower from the nearest property line.
- 2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.

- 3) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
 - 4) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.
- b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.
3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:
- a. Tower
 - 1) Maximum Height - Any height of such tower in excess of the distance of such tower from the nearest property line shall require approval of the BZA.
 - 2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - 3) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
 - 4) Equipment Shelter- The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.
 - b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.

I. Abandonment of Tower

1. Required Notification - All providers utilizing towers shall present a report to the Village notifying it of any tower facility located in the Village whose use will be discontinued and the date this use will cease. Such report shall be filed with the Village 30 days prior to the cessation date. If at any time the use of the facility is discontinued for 180 days, the Village Administrator may declare the facility abandoned. The 180-day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility will receive written notice from the Village Administrator and be instructed to either reactivate use of the facility within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the Village will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.

2. Required Notice to Owner - The Village must provide the tower owner a 30-days' notice and an opportunity to be heard before the BZA before initiating such action. After such notice has been provided the Village shall have the authority to initiate proceedings to either acquire the tower and its appurtenances attached thereto at the current fair market value at that time or in the alternative, order the demolition of the tower and all appurtenances.
3. Right To Public Hearing By Owner - The Village shall provide the tower owner with the right to a public hearing before the BZA which public hearing shall follow the 30-day notice required in this Section. All interested parties shall be allowed an opportunity to be heard at the public hearing.
4. Order of Abatement or Demolition - After a public hearing is held pursuant to this Section, the Village may order the abatement or demolition of the tower. The Village may require licensee to pay for all expenses necessary to acquire or demolish the tower.

J. Application and Review Requirements

1. Required Information for Applications - All applications for wireless telecommunications facilities including towers shall include the information required under this Section.
2. Plot Plan Required - When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than 1 inch equals 100 feet shall be submitted. This plot plan shall indicate all building and land uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plans.
3. Photo Simulations Required - Photo simulations of the proposed wireless telecommunications facility from affected residential properties and public rights-of-way taken at designated locations shall be provided.
4. Proof Why Nonresidential Tower Location Not Feasible - In applying for authorization to erect a tower within any residential district, the applicant must present sufficient evidence as to why it is not technically-feasible to locate such tower in a more appropriate nonresidential zone. This evidence shall be reviewed by the Village. If the Village refutes the evidence, then the tower is not permitted.
5. Technical Necessity - The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There shall be an explanation of why a tower and the proposed site are technically necessary.

6. Land Owner Support and Access - Where the wireless telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and vehicular access is provided to the facility.
7. Required Site and Landscaping Plan - The applicant shall present a site and landscaping plan showing the following:
 - a. Specific placement of the wireless telecommunications facility on the site.
 - b. The location of existing structures, trees, and other significant site features.
 - c. Type and locations of plant materials used to screen the facilities.
 - d. The proposed color of the facilities.
8. Co-Location and Removal Agreement - The applicant shall present signed statements indicating that:
 - a. The applicant agrees to allow for the potential co-location of additional wireless telecommunications facilities by other providers on the applicant's structure or within the same site location; and
 - b. The applicant agrees to remove the facility within 180 days after its use is discontinued.
9. Review Procedure - Once an application for the placement or expansion of a wireless telecommunications facility has been submitted and accompanied by a \$100 nonrefundable application fee, the application shall be reviewed by the Planning Commission within 30 days after submission of all necessary information required in this Section.
10. Denial by Village - Any decision to deny a request to place, construct, or modify a wireless telecommunications facility and/or tower shall be in writing and supported by evidence contained in a written record.

K. Variances

Any request to deviate from any of the requirements of this Ordinance shall require approval of a variance in conformance with the procedure set forth in the Zoning Ordinance.

L. Separability

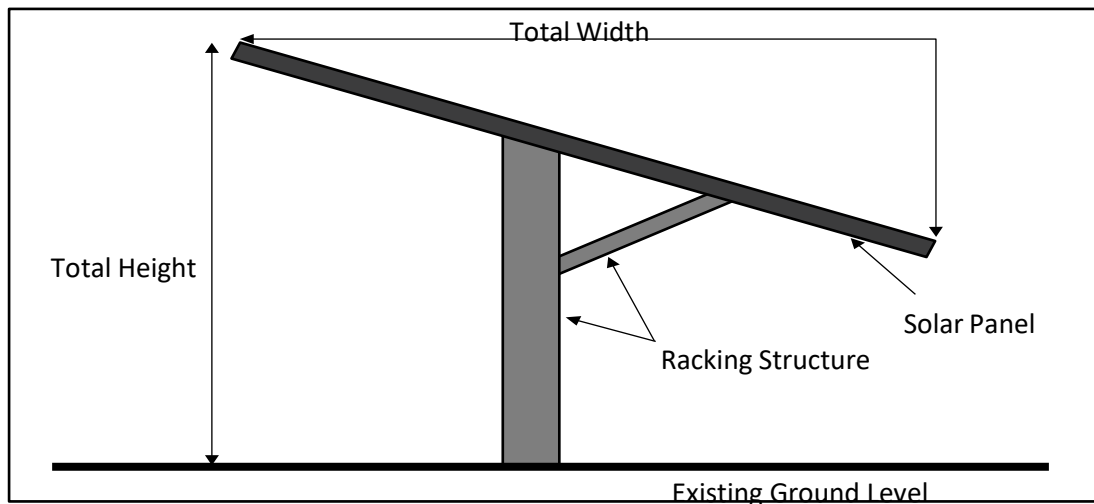
Should any section, clause, paragraph, sentence, item, phrase, or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional or invalid such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

150.327 Intent Solar Energy Zoning Ordinance Provisions

A. Definitions

As used in this Zoning Code:

1. Roof-Mounted Solar Energy Collector: A solar energy collector that is attached to a building's roof on the parcel of land including solar shingles.
2. Commercial Solar Energy System: A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms.
3. Ground Mounted Solar Energy Collector: A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located (Figure 1).
4. On-Site: A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted
5. Racking: Racking is any structure or building material used in the mounting of a solar panel (Figure 1).



6. Solar Collector: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.
7. Solar Energy: Radiant energy (direct, diffuse, and reflective) received from the sun.
8. Solar Energy System: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.
9. Solar Panel: A panel consisting of an array of solar cells used to generate electricity directly from sunlight.
10. Solar Shingles: A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

B. Site Regulations

On-Site Solar Energy Regulations:

1. All Solar Energy Collectors
 - a. The installation of any solar panel (on-site or commercial) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.
 - b. It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
 - c. All panels shall have tempered, non-reflective surfaces.
 - d. Solar energy equipment shall be repaired, replaced, or removed within three months of becoming nonfunctional.
 - e. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
 - f. Any installation of Solar Energy Collectors shall require a Zoning Permit.
 - g. Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.

2. On-Site Roof-Mounted Solar Energy Collector

- a. Solar energy collectors shall be such a weight to be safely supported by the building.
- b. Solar energy collectors shall be considered part of the building and meet all the required building height and setback requirements.
- c. Solar energy collectors shall not project more than 2 feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.
- d. Solar energy collectors shall be located so as to allow adequate maintenance accessibility.

3. On-Site Ground-Mounted Solar Energy Collector

- a. Ground-mounted solar energy systems are only permitted in the side and rear yards, unless a variance has been granted.
- b. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at any designed tilt angle.
- c. Ground-mounted solar energy collectors shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
- d. Ground-mounted solar energy collectors shall meet the placement requirements for Accessory Structures.

C. Commercial Solar Energy Collection System

1. The commercial solar energy collector system must meet all requirements in above sections.
2. Required to be on lots larger than 2 acres.

3. Any commercial solar energy collector system adjoining any residential development shall be provided with a buffer of at least 40 feet along the adjacent property line. Such buffer shall be planted with evergreen and/or other suitable plantings and used for no other purposes. A landscaped planting area of at least 20 feet shall also be provided along all street frontage. The Planning Commission may approve to substitute the above described greenbelt for an obscuring fence, wall, and other protective barriers as long as it meets requirements in above sections.
 - a. The planting of native ground covers that shall be maintained on site during the operation, until the site is decommissioned.
 - b. Provide verification that adequate infrastructure exists to transport the electricity generated into the larger grid system.
 - c. Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar panels.
4. Exception for underground power communication lines
 - a. Where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.
 - b. When required by the utility company.
 - c. Unless otherwise determined by the Planning Commission.
5. A decommissioning plan shall be required to ensure that facilities and structures are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 180 days. Failure to remove solar panels after 180 days shall be considered a violation of this section and Zoning laws. The property owner is subject to all zoning fines and liabilities as prescribed in section 150.327.

D. Additional Notes

Solar panels used for purposes of highway, roadway & public safety, such as illuminated School Zone Signs, Stop Signs, Pedestrian Crossing Signs, Speed Limit Signs etc. shall be exempt from these provisions.

Solar Panels erected on publicly owned facilities are exempt from these provisions.

150.400 CONDITIONAL USES; SUBSTANTIALLY SIMILAR USES 150.401

Intent

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that these Zoning Regulations should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such consideration as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation.

150.402 General Standards For All Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in this Section, the BZA shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Is in fact a conditional use as established under the provisions of these Regulations and appears on the Schedule of District Regulations adopted for the zoning district involved;
- B. Will be in accordance with the general objectives, or with any specific objective, of the Village's Comprehensive Plan and/or the Zoning Code;
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

- G. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets;
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- J. Will otherwise be in conformance with all other sections of this ordinance.

150.403 Action by the Board of Zoning Appeals

Within 30 days after either the receipt of application or the date of the public hearing, if held, the Board shall take one of the following actions:

- A. Approve issuance of the Conditional Use Permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplemental conditions and safeguards. Upon making an affirmative finding, the Board shall direct the Village Administrator to issue a Conditional Use Permit for such use which shall list all conditions and safeguards specified by the Board for approval.
- B. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
- C. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

150.404 Additional Criteria

A. Additional Conditions

The BZA may impose other conditions for a conditional use in addition to those prescribed in this Section if, in the BZA's judgment, additional conditions are necessary for the protection of the public health and for reasons of safety, and convenience.

B. Supplemental Conditions and Safeguards

In granting approval for any conditional use, the BZA may prescribe appropriate conditions and safeguards in conformance with this Zoning Code. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Zoning Code.

C. Expiration of Conditional Use Permit

A Conditional Use Permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within 1 year of the date on which the permit was issued, or if for any reason such use shall cease for more than 2 years.

150.405 **Public Hearing**

A public hearing shall be held by the BZA in considering an application for a Conditional Use Permit.

The BZA shall hold a public hearing within 30 days after it receives an application for a Conditional Use Permit submitted by an applicant through the Village Administrator.

150.406 **Notice of Public Hearing in Newspaper**

Before conducting a public hearing, notice of such hearing shall be given in one newspaper of general circulation in the Village of St. Henry at least 10 days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

150.407 **Notice to Parties of Interest**

Prior to conducting a public hearing, written notice of such hearing shall be by first-class mail, at least 10 days before the date of the hearing to all parties of interest, to include all parties within 200 feet. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required in Section 150.406 Notice of Public Hearing in Newspaper.

150.450 NONCONFORMITIES 150.451 Intent

Within the districts established by these Zoning Regulations, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before these Zoning Regulations was passed or amended, but which would be prohibited, regulated, or restricted under the terms of these Zoning Regulations. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in these Zoning Regulations shall be construed to require any change in the layout, plans, construction, size, or use of any lot, structure, or structure and land in combination, for which a Zoning Permit became effective prior to the effective date of these Zoning Regulations, or any amendment thereto. Nevertheless, while it is the intent of these Zoning Regulations that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Zoning Board of Appeals, except as otherwise specifically provided for in these Zoning Regulations.

150.452 Uses Under Conditional Use Provisions, Not Nonconforming Uses

Any use which is permitted as a conditional use in a district under the terms of these Zoning Regulations shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

150.453 Incompatibility of Nonconformities

Nonconformities are declared by these Zoning Regulations to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of these Zoning Regulations by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

150.454 Avoidance of Undue Hardship

To avoid undue hardship, nothing in these Zoning Regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these Zoning Regulations and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such

demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

150.455 **Substitution of Nonconforming Uses**

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the BZA be changed to another nonconforming use of the same classification or of a less intensive classification, or the BZA shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the BZA may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of these Zoning Regulations. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

150.456 **Single Nonconforming Lots of Record**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of these Zoning Regulations, notwithstanding limitations imposed by other provisions of these Zoning Regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in these Zoning Regulations, other than lot area or lot width, shall be obtained only through action of the Zoning Board of Appeals as described in Section 150.850 Appeals and Variances.

150.457 **Nonconforming Lots of Record in Combination**

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of these Zoning Regulations, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of these Zoning Regulations, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these Zoning Regulations, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in these Zoning Regulations.

150.458 **Nonconforming Uses of Land**

Where, at the time of adoption of these Zoning Regulations, lawful uses of land exist which would not be permitted by the regulations imposed by these Zoning Regulations, the uses may be continued so long as they remain otherwise lawful, provided:

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these Zoning Regulations.
- B. No such nonconforming uses 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 these Zoning Regulations.
- C. No additional structure not conforming to the requirements of these Zoning Regulations shall be erected in connection with such nonconforming use of land.

150.459 **Nonconforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of these Zoning Regulations that could not be built under the terms of these Zoning Regulations by reason of restrictions on area, lot coverage, height, setbacks, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. It shall not be considered an increase to its nonconformity if the addition meets all zoning requirements or does not increase its nonconformity. (See Illustration – Exhibit “F” Section 150.050 Definitions.)
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

150.460 **Nonconforming Uses of Structures or of Structures and Land in Combination**

If a lawful use involving individual structures, or if a structure and land in combination, exists at the effective date of adoption or amendment of these Zoning Regulations that would not be allowed in the district under the terms of these Zoning Regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by these Zoning Regulations in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of these Zoning Regulations, but no such use shall be extended to occupy any land outside such building.

- C. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the BZA, be changed to another nonconforming use provided that the BZA shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the BZA may require appropriate conditions and safeguards in accord with other provisions of these Zoning Regulations.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

150.461 **Termination of Nonconformities**

A. Termination of Use Through Discontinuance

When any nonconforming use is discontinued or abandoned for more than 6 months, any new use shall not thereafter be used except in conformity with 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. Use by Damage or Destruction

Any non-conforming use of a building or structure which has been damaged or destroyed may be reconstructed as it previously existed prior to the damage or destruction. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction. A Zoning Permit pertaining to such restoration shall be applied for and issued within 1 year of such damage or destruction, and rebuilding shall be diligently pursued to completion. When such a nonconforming structure is so damaged or destroyed, and not going to be reconstructed as it previously existed, no rebuilding, restoration, or reoccupation shall be permitted except in conformity with all applicable regulations of these Zoning Regulations.

150.500 - PLANNED UNIT DEVELOPMENTS (PUD) 150.501 Intent

The intent of this Section is to permit and encourage the creative design of new residential, commercial, and industrial areas in order to promote imaginative proposals for local development while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

150.502 Requirements

The owner or owners of any parcel of land in the districts designated may submit an application to the Village Council for the type of PUD permitted in that district. Residential Planned Unit Developments, hereafter referred to as R-PUD's may be permitted in the R-1, R- 2, and R-3 Residential zoning districts. Commercial Planned Unit Developments, hereafter referred to as C- PUD's may be permitted in the C-1 Commercial zoning districts. Industrial Planned Unit Developments, hereafter referred to as I-PUD's may be permitted in the C-I and I-1 zoning district.

150.503 Permitted Uses

The uses permitted in the PUD shall be those uses permitted by the zoning district containing such development.

150.504 Procedure

A. Preapplication Meeting

The developer shall meet with the Village Administrator prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Zoning Code and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations.

B. Preliminary Development Plan

The submittal for a commercial, residential, or industrial PUD shall be filed with the Village Administrator. In consideration of the submittal, the Planning Commission shall hold at least one public hearing to be held no later than 30 days after receipt of the submittal by the Planning Commission, unless such time is extended by agreement with the applicant. The Planning Commission shall either approve, approve with amendments, or deny the application within 30 days after the public hearing. The recommendation shall be forwarded to the Village Council.

Upon receipt of the recommendation of the Planning Commission, the Village Council shall hold at least one public hearing in consideration of the submittal prior to reaching a decision. The decision of the Village Council shall be made no later than 60 days after the receipt of the recommendation of the Planning Commission. The Village Council may approve, approve with amendments, or deny the submittal. If the submittal is denied, there shall be no resubmittal for a period of 12 consecutive months after the date denied.

C. Final Development Plan

Within 12 months of approval or approval with amendments of the preliminary development plan, the applicant shall submit a final development plan along with any necessary performance surety to the Planning Commission. The Planning Commission shall evaluate the plan for conformance with the preliminary development plan for the PUD as approved by the Village Council. If the Planning Commission finds the final development plan or the final development plan with amendments is compatible with the preliminary development plan, then such plan shall be approved. When a final plat is necessary for lot creation, it shall also be approved as part of the final development plan. If the final plat contains any right-of-way or easement dedication, it must go to the Village Council for acceptance prior to final approval. Acceptance of any right-of-way or easement dedication is a separate action by the Village Council, and should not affect the overall acceptance of the final development plan. Upon approval of the final development plan and recording of the final plat in the Office of the Mercer County Recorder, if necessary, the Village Administrator shall issue the necessary permits.

D. Final Development Plan Effect

Subsequent to the approval of the final development plan, the lands included with the site area thereof shall not be developed or used in any manner whatsoever that is not in conformance with the approved plan; and no permit shall be issued for any building, structure, or use of the lands except in conformance with the approved plan. After the building is constructed, any necessary condominium plats and legal documents shall be recorded in the Office of the Mercer County Recorder. Such plats and legal documents will not require further review if they are in conformance with the approved final development plan as verified by the Village Administrator.

E. Final Development Plan Changes

Any changes in an approved final development plan desired by the owner of the tract of land involved shall be submitted to the Planning Commission. The Planning Commission shall conduct a public hearing on all proposed revisions to an approved final development plan and make a determination or finding that:

1. The proposed revision is a minor change, not substantially altering the overall concept of the PUD. Generally, such changes are limited to small site alterations such as realigning a street, shifting a setback, or slight changes in building designs that do not result in the loss of open space.

Increases of up to 10% of the total development density and any decreases in density may be determined by the Planning Commission to be minor changes. Minor changes shall not involve reductions in required improvements, such as open space, parking areas, pavement widths, etc.

2. The proposed revision is a major change, which will affect the general character and overall concept of the PUD, including substantial relocation or redesign of principal or accessory structures, parking, open space areas, and streets. A major change is involved in density increases in excess of 10% of the total development density and/or revisions affecting the land coverage by building, parking, and open space areas.
3. Where the Planning Commission determines that the proposed revision is a minor change, the proposal may be reviewed as a revised final plan, and action to approve, modify, or deny approval may be taken by the Planning Commission following the public hearing. Minor changes involving or affecting public improvements shall be referred to Village Council for review and action, not requiring a public hearing by Village Council.
4. Where the Planning Commission determines that the proposed revision is a major change, the proposal shall be reviewed as a revised preliminary development plan as a part of the same public hearing, and the Planning Commission may act to approve, modify, or deny approval for the revised preliminary plan, following the public hearing. The revised preliminary plan shall be reviewed in the same manner as the original plan, including a public hearing review by Village Council.
5. Upon approval of a revised final development plan as a minor or major change, the original final plan shall be considered void and the revised final plan shall have the same force effect as if it were the original plan.

150.505 **Preliminary Development Plan Application Requirements**

Any submittal for a PUD shall contain the following information in the submittal package including the information constituting a preliminary development plan. The applicant shall submit an original plus fifteen copies of the preliminary development plan, and written documents as determined by the Village Administrator.

- A. Names, address, and phone number of owners, developers, and designers of the plan, and proposed name of the development.

B. Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan. C. A legal description of the land to be developed under the submittal.

D. Present use(s).

- E. Present and proposed zoning district.
- F. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within 2 years.
- G. A fee as established by this Zoning Code. (See Section 150.910 Schedule of Fees.)
- H. A list containing the names and mailing addresses of all owners of property within 200 feet of the property in question.
- I. Verification by at least one owner of property that all information in the submittal is true and correct to the best of their knowledge.
- J. A statement of the objectives to be achieved by the PUD through the particular approach proposed by the applicant and the rationale behind the assumptions and choices made by the applicant.
- K. A development schedule indicating the approximate date when development and construction of the PUD can be expected to begin and be completed.
- L. Quantitative data for the following items:
 - 1. Total number of dwelling units, commercial facilities, industrial buildings, and parcel size.
 - 2. Proposed lot coverage of buildings and structures.
 - 3. Approximate gross and net residential, commercial, or industrial densities.
 - 4. Total amount of open space including separate figure for usable open space.
 - 5. Economic feasibility study or market analysis where deemed necessary by the Planning Commission.
- M. Site plan and supporting maps. Maps shall be drawn at an appropriate scale to show the following information:
 - 1. Date, north arrow, and scale.
 - 2. Existing zoning district.
 - 3. Existing site conditions including contours at 1-foot intervals, water course, floodplains, unique natural features, and natural cover.
 - 4. Proposed lot lines and plot designs.

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5. The location and floor area size and height of all existing and proposed buildings, structures, and other improvements including maximum height, types of dwelling units, density per acre, and nonresidential structures, including commercial facilities.
6. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and public and semi-public uses.
7. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
8. Existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatment of points of conflict.
9. The existing and proposed utility systems including proposed and existing easements for the sanitary sewers; storm sewers; and water, electric, gas, and telephone lines.
10. A general schematic landscape plan indicating the treatment of materials used for private and common open spaces.
11. Information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, unique natural features, and land uses within a half mile of the boundaries of the proposed development.
12. A landscaping and screening plan for all perimeters of the PUD.
13. Phases of development and approximate starting dates.

150.506 Notice of Public Hearing in Newspaper

Notice of the public hearing shall be given by the Planning Commission and Village Council by at least one publication in one or more newspapers of general circulation in the Village. Said notice shall be published at least 10 days before the date of the hearing. The published notice shall set forth the time and place of the public hearing and a summary of the nature of the proposed PUD.

150.507 Notice to Parties of Interest

Before conducting the public hearing required, written notice of such hearing shall be mailed, by the Village by first-class mail, at least 10 days before the day of the hearing to all parties within 200 feet. The failure to deliver the notification as provided in this Section shall not invalidate any such PUD. The notice shall contain the same information as required in Section

150.508 **Planning Commission to Investigate**

- A. The Planning Commission shall make a recommendation to the Village Council on the preliminary development plan. In making its recommendation, the Planning Commission shall consider the following:
1. The proposed development can be initiated within 1 year of the date of approval.
 2. The proposed streets with the exception of Manufactured Home parks shall meet requirements of the Village Ordinance for streets.
 3. Any proposed commercial or industrial development can be justified at the proposed location.
 4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these PUD requirements and the need to provide a variety of housing opportunities with regard to type and price.
 5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 6. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.
 7. Amount, design, and uses of open space in the development.
 8. Overall design quality of the development.
 9. Impact of the proposed development on utilities.
 10. Amenities to be provided by the developer, including, but not limited to, recreational facilities, infrastructure improvements, environmental improvements, and land set aside for public purposes.
 11. Relationship of the development to surrounding land uses.
 12. Impact of the development in providing housing and other community needs.

- B. The Planning Commission may approve greater densities and smaller lot sizes than those permitted in the zoning district in which the PUD is located. In no case shall the overall density exceed the density permitted in the zone by more than 25%, and no lot size shall be more than 25% smaller than that permitted in the zone.
- C. The Planning Commission may take into account any other factors it deems appropriate to the development under consideration.

150.509 **Final Development Plan Application Requirements**

After approval of a preliminary development plan by the Village Council, the applicant shall submit the following information as a final development plan to the Village Administrator. The submittal shall consist of an original plus seven copies of all required documents.

Each submittal shall be signed by the owner, attesting to the truth and exactness of all information supplied on the submittal for the final development plan. Each submittal shall clearly state that the approval shall expire and be revoked if construction on the project has not begun within 1 year from the date of issuance of the approval. At a minimum, the submittal shall contain the following information:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required on the preliminary development plan, the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity, and land uses considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes, a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing, estimated non-residential population by type of housing, anticipated construction timing for each unit, and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other Ordinances governing development. D. A fee as established by this Zoning Code. (See Section 150.910 Schedule of Fees)
- E. Preliminary building plans.
- F. Any legal agreements stipulating conveyance of public open space to homeowners' or merchants' association and indicating responsibility for maintenance of the open space.
- G. Any restrictive covenants or other conditions which shall apply to any parcel of land in the PUD.

- H. All necessary legal documentation relating to the incorporation of a homeowners' or merchants' association for the purpose of maintaining any common open space included within the PUD.
- I. Final plat for necessary lot creation and right-of-way or easement dedication, if necessary.
- J. Necessary engineer's estimates and performance surety for any public improvements that will eventually be taken over by the Village.
- K. All surveying and legal documents to be recorded shall meet Mercer County Standards.
- L. Site plan and supporting maps indicating the following:
 - 1. Survey of land area to be developed showing topography with existing and proposed contours at 1-foot intervals, drainage, vegetation, and natural cover.
 - 2. Detailed construction plans in conformance with the Village of St. Henry Design Criteria and Construction Standards and Drawings along with necessary specifications shall at a minimum consist of the following items:
 - a. The location of lot lines, building outlines, and setbacks.
 - b. Pedestrian and vehicular circulation system.
 - c. Street plans including plan and profile and cross-sections.
 - d. All utility systems, including sanitary sewers; storm sewers; water, electric, gas, and telephone lines including plan and profiles.
 - e. Landscaping indicating the specific types of vegetation to be used and their location in the development.
 - f. Location of fire hydrants and fire lanes.
 - g. Any additional information in the form of written documents, plans, and supporting maps required by the Planning Commission and Village Council in consideration of the application.
 - h. Storm water management plan, including detention and erosion control.
 - i. Grading plan.

150.510 **Additional Requirements**

A. A written agreement or contract shall be executed between the developer and the Village prior to approval of the final development plan stating at least the following:

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1. That in the event of failure of the owners, successors, or assignors to maintain any common open space or the landscaping or improvements thereon, the Village may enter into the development and perform any necessary maintenance, and charge the cost, including, but not limited to engineering and attorney fees, to the owner, successors, or assignors.
 2. That the developer will construct the development and install landscaping and improvements in accordance with the approved plan.
 3. That this contract shall be binding upon the owner, successors, assignors, or receivers of the development and shall constitute a lien on the property. Said agreement shall be recorded with the Mercer County Recorder in a manner that puts future property owners on notice of its requirements and application to subject property.
- B. The Design Criteria and Construction Standards and Drawings along with 100% surety and 10% maintenance surety shall apply to all public improvement construction that will eventually be taken over by the Village. The 100% performance surety and 10% maintenance surety shall follow the regulations in the Village of St. Henry Subdivision Regulations even if a major subdivision is not applicable.
- C. If the Planning Commission determines it is consistent with the public health, safety, and general welfare and necessary for the overall development and usefulness of the residential PUD, commercial uses may be permitted by the Planning Commission in the development provided they are designed and intended primarily for the use of the residents of that development. All such uses shall:
1. Be located within a multiple dwelling, an administration building for the development, or a building providing community facilities primarily serving the occupants of the development and their guests.
 2. Have no business signs, advertising, or displays visible from the outside of the building in which they are located; and
 3. Have a total area that does not exceed 5% of the gross floor area of all dwellings within the development.
 4. All exterior lighting of parking areas, buildings, and attached signs shall be so arranged as to reflect light away from adjoining premises, and no flashing lights or signs of any kind shall be permitted except those required by traffic regulations.

5. All buildings, structures, parking areas, and loading spaces shall be kept and maintained in a neat and orderly manner and appearance. All areas not occupied by buildings or structures or by parking or loading areas shall be landscaped and maintained in a neat manner and appearance. Parking and loading areas located across a street from facing residential premises or closer than 30 feet to the property lines of adjoining residential premises and building entrances located closer than 50 feet to such property lines shall be appropriately screened from such adjoining premises by means of planting, ornamental fences or walls, or approved design.
 6. In order to preserve the character of the adjacent residential areas, no outdoor display of goods, merchandise of services, or outdoor display or exhibit of any nature, shall be permitted. However, the BZA may, after public hearing, authorize a specific exhibitor display for a period up to, but not exceeding 14 days, provided that the applicant has substantiated to the satisfaction of the BZA that such display or exhibit would be appropriate in a Residential PUD and that the activity will not adversely affect adjoining or nearby residential property.
 - D. Ownership of Common Open Space.
 1. In an R-PUD, the common open space shall be owned by the homeowners as tenants-in- common. A homeowners' association shall be formed prior to the conveyance of the first property, and the legal documents establishing the association shall stipulate that the association will control and have responsibility for maintenance of the common open space upon conveyance of more than 50% of the lots or units in the development. Said agreement shall be recorded with the Mercer County Recorder in a manner that puts future property owners on notice of its requirements and application to subject property.
 2. The common open space shall be protected against building development and environmental damage by conveying to the Village an open space easement restricting building development and prohibiting removal of soil, trees, and other natural features, except as is consistent with conservation, recreation, or agricultural uses or uses accessory to permitted uses. This easement shall be conveyed before recording of the final plat.
- E. Copies of any management policies, deed restrictions, legal documentation, homeowners association agreements, or covenants with the land shall be provided to the Planning Commission prior to the approval of the final development plan.

150.511 Residential and Commercial Planned Unit Development Minimum Design Standards

- A. Applicants are encouraged to use innovative design, including varying of lot sizes and building orientation. Proposals which do not reflect these innovations may be rejected by the Planning Commission.

- B. PUDs shall be designed in a manner which promotes harmonious relationships between the development and surrounding land uses.
- C. Open space within a PUD may be required by the Planning Commission and if required shall meet the following criteria:
 - 1. No less than 20% of the total land area, exclusive of streets and street rights-of-way, shall be devoted to common open space. In R-PUDs, this land shall be used for recreation or conservation purposes, and in C-PUDs, this land shall be appropriately landscaped and may contain walkways, benches, and the like.
 - 2. In R-PUDs, at least half of the common open space shall be usable for active recreation.
 - 3. The size, location, shape, and character of the open space must be suitable for the designated uses.
 - 4. No more than 20% of the common open space may be devoted to paved areas (such as parking lots, walks, and hard-surfaced play areas) and structures used for or accessory to open space uses.
 - 5. Landscape plans for the common open space must be approved by the Planning Commission.
- D. Townhouses constructed in PUDs must meet the following criteria:
 - 1. No more than 4 contiguous townhouses shall be built in a row with the same or approximately the same front line, and no more than eight townhouses shall be contiguous.
 - 2. Each townhouse shall have its own yard containing no less than 400 square feet, reasonably secluded from view from streets or from neighboring property. These yards shall not be used for off-street parking, garages, storage facilities, driveways, or accessory buildings.
 - 3. The minimum distance between any two rows of townhouse buildings substantially parallel with each other shall be 60 feet.
 - 4. The minimum distance between any two abutting ends of townhouse buildings in the same general plan or row shall be 25 feet or greater.
- E. Parking within the PUD shall be regulated in conformance with Section 150.600 Off-Street Parking and Loading Regulations. Parking areas containing more than 40,000 square feet shall be landscaped in accordance with a plan approved by the Planning Commission.

- F. Signs in a PUD shall conform to the requirements with Section 150.700 Signage, except that in addition to the other permitted signs, there may be one sign at each entrance to the development indicating the name of the development. In residential PUDs, the signs shall not exceed 40 square feet in size, and in commercial PUDs, the signs shall not exceed 80 square feet in size. The Planning Commission may reduce the maximum size of the signs in accordance with the size, design, and location of the PUD.
- G. Street layouts to PUDs shall be designed in a manner to minimize pavement lengths. To the extent possible, streets shall conform to the natural contours of the land. In commercial PUDs, fire lanes shall be provided and approved as to location and width by the fire department.

150.512 Manufactured Home Park Planned Unit Development Design Standards

No Manufactured Home whether left to remain on wheels or set on a fixed foundation shall be permitted to be used for habitation in the Village except in a Manufactured Home Park. Such park:

- A. Shall contain a minimum of 5 acres.
- B. Shall provide an adequate supply of Village water.
- C. Shall provide an adequate system of collective sanitary sewers, sewage treatment and disposal, and refuse pick-up areas. These areas must be screened or fenced in on a hard surface area with adequate containers.
- D. Shall provide a clearly-defined minimum lot area of 4,000 square feet with a minimum lot width/frontage of 40 feet and 600 square feet of floor area for each Manufactured Home.
- E. Shall provide a minimum of 20 feet clearance between the individual Manufactured Homes and a 50 foot setback from any property line bounding the Manufactured Home park.
- F. Shall require each Manufactured Home space to abut upon an asphalt or concrete driveway of not less than 10 feet in width, which shall have unobstructed access to a public street of not less than 36 feet in width of pavement.
- G. Shall have a safe, usable, developed recreation area conveniently located in each Manufactured Home park and shall not be less than 10% of the gross area of the tract.
- H. Shall conform to all Village, State Health Department, and OEPA requirements.

- I. Shall be effectively screened on all sides by means of walls, fences, or plantings except where the area is sufficiently removed from other urban uses as determined by the Planning Commission. Walls or fences shall be a minimum of 4 feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than 10 feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than 4 feet in height may be substituted. J. Shall require proper routine maintenance.
- K. Shall require proper skirting on all Manufactured Homes.
- L. Shall provide two off-street parking spaces for each Manufactures Home, plus one space per each five Manufactured Home sites for guest parking.
- M. Shall provide a minimum of 15 feet for a front yard setback and a minimum of 10 feet for a backyard requirement.

150.513 Industrial Planned Unit Development Minimum Design Standards

- A. All land in contiguous ownership shall be shown on the plans. The entire parcel is to be included, even if the development is to take place in phases.
- B. The development shall be designed in a manner as to provide safe access, harmonious arrangements of land uses, separation of differing modes of transportation, areas for storm water runoff and possible retention, adequate solid waste and sewage disposal, buffers, parking, and other utilities.
- C. All development which abuts land zoned residential or used for residential purposes shall be adequately buffered from residential boundaries. The buffer shall consist of one or more of the following items: fences, berms, mounding, or plantings that are more than 6- feet tall and form a solid barrier. Where the proposed development may produce excessive noise, traffic, dust, glare, or odor, a planted green belt up to 100 feet in depth shall be required, and shall be considered part of the open space.
- D. All areas for outdoor storage of materials, waste, or finished products shall be indicated on the plans. The plans shall state the chemical composition or form of the materials, type of storage, length of storage, and height of materials. All outdoor storage areas shall be enclosed by a wall or fence of solid appearance or a tightly-spaced evergreen hedge to conceal the areas or facilities from view from adjacent land uses and primary access roads.
- E. No raw galvanized or other raw metal sheeting or untreated concrete block may be used for the exterior construction of any building in the I-PUD.
- F. All buildings shall be of designs and materials which will promote a visually harmonious environment.

- G. Outdoor lighting shall not disrupt neighboring land uses by excessive glare.
- H. Not more than 80% of the total land area of an industrial development shall be devoted to structures, accessory structures, parking areas, and streets.
- I. All parking areas in an I-PUD shall contain landscaping in accordance with an approved landscaping plan. The landscaping shall be completed as soon as practicable according to weather conditions. Where permanent planting must be delayed due to weather conditions, erosion control measures shall be employed until the landscaping is completed.
- J. Erosion and runoff control measures shall be employed during construction of buildings and improvements in an I-PUD. K. Access requirements:
1. A paved road shall be provided with adequate frontage for each structure. The road shall be constructed in conformance with standards established by the Village. Roads serving primarily nonresidential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent land zoned for residential use or in residential use; nor shall primarily residential roads be used for access to industrial developments. No portion of any lot shall be paved unless in accordance with the approved site plan.
 2. Loading docks, truck parking, or truck turn-around areas shall be designated through the use of signs and pavement markings. These areas shall be separated from parking and access areas used by automobiles or pedestrians. Roadway shall not be used for truck parking, standing, or backing areas. Parking and loading facilities shall not be located between structures and local access streets.
 3. Fire lanes shall be provided at all entrances to and exits from structures and storage areas and at all locations of hydrants. Fire lanes shall be designated by signs and pavement markings.
 4. All rail lines, sidings, or switching facilities shall be indicated on the site plan. The Village may require additional vehicular or pedestrian crossings.
- L. Industrial Performance Standards - Any applicant for approval of an I-PUD under the provisions of this Section shall comply with all applicable local, state, and federal standards relating to air and water quality, heat, noise, glare, and odor. The applicant also shall comply with any applicable environmental standards which have been approved by the Village Council.
- M. Signs - Signs within an I-PUD shall be regulated in conformance with Section 150.700 Signage except that in addition to the other permitted signs, there may be one sign no more than 100 square feet in area at each entrance to the development. Such signs shall be for the purpose of identifying the overall development.

- N. Parking and Loading Regulations – Parking within an I-PUD shall be regulated in conformance with Section 150.600 Off-Street Parking and Loading Facilities.
- O. Height Regulations – The maximum height of buildings in the I-PUD shall be 40 feet. All other structures shall comply with this Zoning Code.

150.514 **Expiration and Extension of Approval Period**

The approval of a final development plan for a PUD district shall be for a period not to exceed 3 years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within 1 year after approval is granted, the approved final development plan shall be void, and the land shall revert to the district regulations of the district in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the final approved final development plan shall in any way affect the terms under which approval of the PUD was granted.

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150.600 OFF-STREET PARKING AND LOADING FACILITIES 150.601 Intent

The intent of the off-street parking and loading regulations is to protect the public health, safety, and welfare by insuring that all land uses have adequate amounts of off-street parking and loading areas in order to not create traffic hazards on public streets.

150.602 General Parking Requirements

In all districts, at any time any building, structure, or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for vehicles. A parking plan shall be required for all uses except for single- or two-family residential uses. The parking plan shall be submitted to the Village Administrator as part of the application for a Zoning Permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

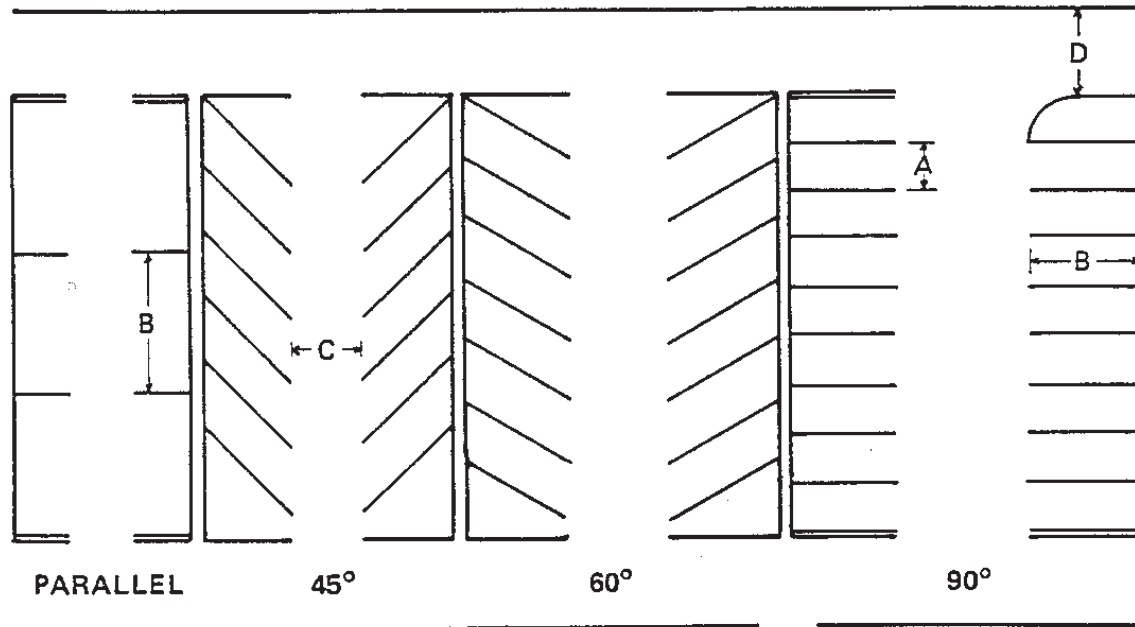
150.603 Off-Street Parking Design Standards

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

- A. Parking Space Dimensions: Each off-street parking space shall have an area of not less than 171 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. Access: There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street, an access drive shall be provided, with a dedicated easement of access, as follows:
 - 1. For a single-, two-, or multi-family residential dwelling, the access drive shall be a minimum of 10 feet in width.
 - 2. For all other residential uses and all other uses, the access drive shall be a minimum of 18 feet in width.
 - 3. All parking spaces, except those required for single-, two-, or multi-family dwellings, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
- C. Setbacks: In C-1, C-I and I districts, off-street parking spaces may be located in the required front yard on lots where business or industry is located, provided that a 10-foot grass area is located between the parking area and the street right-of-way.
- D. Screening: In addition to the setback requirements specified in these Zoning Regulations for off-street parking facilities for more than five vehicles, screening shall be provided on each side of a parking area that abuts any Residential District.

- E. Paving: All required parking spaces together with driveways, and other circulation areas, shall be dust-free and of a hard-surface with a pavement having an asphalt or concrete binder, such as concrete, asphalt, double chip and seal, or paver bricks provided; however, that variances for parking related to school auditoriums, assembly areas, sports fields, and other community meeting or recreation areas may be granted, provided that paved areas shall be provided for daily-use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained.
- F. Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of the Village of St. Henry Design Criteria and Construction Standards and Drawings.
- G. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
- H. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- I. Marking: All parking areas for ten or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Village Administrator, and shall be maintained in a clearly visible condition.
- J. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without potholes and free of all dust, trash, or other debris.
- K. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- L. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any R Residential District.

- M. A single-family dwelling unit shall have two off-street parking spaces.
- N. A two-family dwelling unit shall have two off-street parking spaces per dwelling unit.
- O. Parking Space Dimensions: The minimum dimensions of parking spaces shall be as illustrated below:



Off-Street Parking Minimum Dimensional Table

	45°	60°	90°	Parallel
A Width of Parking Space	12'	10'	9'	9'
B Length of Parking Space	19'	19'	19'	23'
C Width of Driveway Aisle	13'	17'6"	25'	12'
D Width of Access Driveway	17'	14'	14'	14'

Determination of Required Spaces

In computing the number of parking spaces required by these Zoning Regulations, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls.
- B. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each 24 linear inches of benches or pews, except where occupancy standards are set by the fire marshal.
- C. Fractional numbers shall be increased to the next whole number.

150.605 Joint or Collective Parking Facilities

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

- A. All required parking spaces shall be located on the same lot or adjacent lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
- B. Not more than 50% of the parking spaces required for theaters, bowling centers, dance halls, night clubs, taverns, and similar uses, and up to 100% of the parking spaces required for churches, schools, auditoriums, and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments, and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.
- C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a Zoning Permit.

150.606 **Off-Street Storage Areas for Drive-In Services**

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

- A. Photo pickups, restaurants, drive-through beverage docks, and other similar commercial establishments that can normally serve customers in 3 minutes or less shall provide no less than five storage spaces per pick-up facility unless a more restrictive requirement is otherwise noted in this Zoning Code. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three additional storage spaces for each such stopping point.
- B. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four storage spaces per window.

- C. Motor vehicle service stations shall provide no less than two storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than 15 feet to any street right-of-way line.

150.607 Parking of Disabled Vehicles

The parking of a disabled vehicle within a residential district for a period of more than 48 hours shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

150.608 Parking Space Requirements

The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum requirements. However, no parking area shall project into a required front yard in any residential district or be permitted between the curb line and property lines (within the right-of-way) in any district, except as otherwise provided. The number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.

A. Residential Uses

1. **Single-family detached dwellings:** one parking space for each bedroom in the original building plan or as adapted by use by the resident or owner.
2. **Two-family dwellings:** one parking space for each bedroom in the original building plan or as adapted by use by the resident or owner.

3. **Multi-family dwellings:** one parking space for each bedroom in the original building plan or as adapted by use by the resident or owner.
4. **Manufactured Home Courts:** two spaces per Manufactured Home site, plus one space per each five Manufactured Home sites for guest parking.

B. Institutional and Public Uses

1. **Elementary and Junior High Schools:** one space per employee, plus one space per two classrooms.
2. **High Schools:** one space per employee, plus one space per six students at capacity.
3. **Places of Worship:** one space per four seats at maximum capacity of the main sanctuary.
4. **Public Offices and Public Buildings:** One space for every 250 square feet of gross floor area.
5. **Nursing and Convalescent Homes, including Extended Care Facilities and Rest Homes:** one space per six beds, plus one space for each staff and employee on the largest work shift.
6. **Community Centers, Libraries, Museums, and other Establishments of Historical, Educational, and Cultural Interest:** one space per 250 square feet of gross interior floor area, plus one space per employee on the largest work shift.
7. **Child Daycare Centers:** one space per employee, plus one space per five children at capacity, plus a drop-off area as determined by the Zoning Board.

C. Business and Professional Offices

1. **Business, Professional, and Administrative Offices and Offices for Professional Associations:** one space per 300 square feet of gross floor area, but not less than two spaces per office.
2. **Medical Offices and Clinics:** three spaces per treatment or examination room or chair, plus one space per staff and employee, but not fewer than five spaces per practitioner.

D. Commercial Uses

1. **Financial establishments, banks, and savings and loan associations:** one space per 200 square feet of gross floor area, plus one space per employee on the largest work shift, plus five off-street waiting spaces per drive-in window or drive-through teller machine.

2. **General Merchandise Stores:** one for each 150 square feet of gross floor area used for sales and display and one space for every 250 square feet of storage, warehouse, and office area.
3. **Restaurants:** one space per 100 square feet of gross floor area, plus one space per employee on the largest work shift.
4. **Automobile Service Stations and Automobile Repair, Painting, and Body Shops:** two spaces for each service bay, plus one space for each employee and service vehicle, with a minimum of six spaces.
5. **Automobile Washing Facilities:** one space for each employee with a minimum of four spaces, plus five off-street waiting spaces for each car washing device or stall, or fifteen off-street waiting spaces for an assembly line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand- finishing vehicles.
6. **Convenience Food Stores, Carry-Outs, Mini-Markets:** one and one-half spaces for every 200 square feet of floor area, plus one space for each employee.
7. **Drive-Through and Drive-In Stores, and Stand-Alone Automatic Teller Machines:** one space for each employee, plus off-street waiting space for five vehicles per transaction location, plus one space for each 200 square feet of sales area open to the public.
8. **Fraternal and Social Associations, Dance Halls, Bingo Halls, and Private Clubs:** one space for every 50 square feet of floor area in assembly or meeting rooms, plus one space for every 200 square feet of other floor area.
9. **Restaurants, Fast Food:** one space per 50 gross square feet of floor area, plus one space per employee on the largest work shift with a minimum of fifteen total spaces and with off-street automobile waiting space for eight vehicles for each drive-in window, with such automobile waiting space to be located behind the point where a drive-in order is placed.
10. **Bars, Taverns, and Nightclubs:** one space for each three persons of capacity, plus one space for each employee on the largest work shift.
11. **Vehicle Sales, Rental, and Service:** one parking space for each 800 square feet of floor area, plus one space for each 3,000 square feet of open lot area devoted to the sale, rental, and display of motor vehicles.
12. **Animal Hospitals and Veterinary Clinics:** three spaces for each treatment area, plus one space for each staff and employee.
13. **Commercial Schools and Studios:** one space for every three students at capacity and one space for each employee.

14. **Funeral Homes and Mortuaries:** one space for every 50 square feet of public floor area, plus one space for each employee, plus one space for each business vehicle.
15. **Home Furnishings and Home Improvement Stores:** one space for each 400 square feet of indoor and outdoor sales and display area and one space for each 800 square feet of office, storage, and warehouse area.
16. **Nurseries and Garden Supply Stores:** one space for each employee on the largest shift, one space for each 200 square feet of gross floor area of inside sales or display, and one space for each 1,000 square feet of exterior sales and display area.
17. **Business and Cleaning Services:** one space for every 300 square feet of sales and office area, plus one space for every employee on the largest work shift, plus one space for every company or service vehicle regularly stored on the premises.
18. **Bowling Centers:** five spaces for each alley, plus any additional spaces required for a bar, restaurant, or accessory structure.
19. **Dance, Bingo, Assembly, and Exhibition Halls:** one space for every 50 square feet of floor area.
20. **Game Rooms and Pool Halls:** one space for every two patrons at a maximum capacity, plus one space for every two employees on the largest work shift.
21. **Miniature Golf:** one and one-half spaces per hole, plus one space per employee on the largest work shift.
22. **Theaters and Concert, Meeting, and Banquet Halls:** one space for every two and one-half seats at capacity.
23. **Hotels and Motels:** one space per room or suite, plus one space for every three employees on the largest work shift, plus one space per three persons to the maximum capacity of each public meeting and/or banquet room, plus 50% of the spaces otherwise required for accessory structures (e.g. restaurants and bars).

F. Industrial Uses

1. **Manufacturing Industry and Warehouse:** one space for each employee on the largest work shift, plus one visitor parking space for every 10,000 square feet of floor area, plus one space for every company vehicle regularly stored on the premises, at a minimum of one space for each 1,500 square feet of floor area.
2. **Self-Service Storage Facilities:** one space for every 4,000 square feet of gross floor area, plus one space per employee on the largest work shift.
3. **Wholesaling and Storage Facilities:** one space for every 300 square feet of office and sales area, plus one space for every 4,000 square feet of warehouse and storage area, plus one space per employee on the largest work shift.
4. **Construction Trades, Contractor Offices, and Industrial Craft Shops:** one space for every 300 square feet of floor area, plus one space for every motor vehicle used by the business in its normal business affairs.
5. **Lumberyards and Building Materials; Sales and Storage:** one space for each 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the storage and display of building materials.
6. **Heavy Equipment Rental, Sales, Service, and Storage:** one space for every 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the sale and display of vehicles.

Off-street parking shall be provided in accordance with the schedule outlined below. Off-street parking requirements for any use not specified in these Zoning Regulations shall be the same as that specified for a similar permitted use in the same zoning district.

150.609 Handicapped Parking

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows or by current ADA standards:

<u>Total Spaces in Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
Up to 100	1 space per 25 parking spaces
101 to 200	4 spaces, plus 1 per 50 spaces over 100
201 to 500	6 spaces, plus 1 per 75 spaces over 200
Over 500	10 spaces, plus 1 per 100 spaces over 500

150.610 Off-Street Loading Space Requirements

There shall be provided off-street loading spaces or berths in connection with every building or part thereof hereafter erected, except dwellings, on the same lot with such buildings, for uses which customarily receive or distribute materials or merchandise by vehicle, in accordance with the following requirements:

- A. **Retail/Service/Office Establishments:** 1 space for the first 10,000 square feet of floor area; 1 space for the next 30,000 square feet; and 1 space for each additional 20,000 square feet
- B. **Truck Terminal/Warehouse/Wholesale Establishments:** 1 space for every 7,500 square feet of floor area
- C. **Industrial Plants:** 1 space for the first 10,000 square feet of floor area; and 1 space for each additional 20,000 square feet of space

150.611 Off-Street Loading Design Standards

All off-street loading spaces shall comply with the following standards and specifications:

- A. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
- B. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District.
- C. Access: All required off-street loading spaces shall have access from a public street in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- D. Paving: All required off-street loading spaces together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust-free surface.
- E. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of the Village of St. Henry Design Criteria and Construction Standards and Drawings.
- F. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

OFF-STREET PARKING AND LOADING FACILITIES

150.700 SIGNAGE 150.701 Intent

The intent of this Section is to establish and enforce standards regarding the existence, size, location, construction, and manner of display of signs placed in the Village in order to promote and protect the public health, safety, and morals, and to enhance the physical and economic wellbeing of the community. It is further intended to reduce sign or advertising clutter, distractions, and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs projecting into or over public rights-of-way; curb the deterioration of the natural environment; and to support and complement the land use objectives of the community.

150.702 General Requirements

The regulations contained in this Section shall apply to signs placed in any and all zoning districts within the Village. Subsections A and B shall not apply to any sign performing a public service function by indicating time, temperature, traffic and/or road conditions, or similar services.

- A. All illuminated signs shall employ a lighting device that only allows for the emission of light in constant intensity; and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light(s). In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to cause glare or reflection that may constitute a traffic hazard or nuisance. This Item shall not apply to any sign performing a public service function indicating time, temperature, or similar service.
- B. No sign shall employ parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This Item shall not apply to any sign performing a public service function indicating time, temperature, or similar service.
- C. Signs erected and maintained pursuant to and as required by law, any governmental function, ordinance, or governmental regulation shall be excluded from the regulations contained herein.
- D. Regulation of signs along interstate and primary highways shall conform to the requirements of O.R.C. Chapter 5516 and the regulations adopted pursuant thereto.
- E. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control and directional signs.
- F. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the sign shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign altogether.

- G. No sign of any type shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- H. No sign shall be attached to or supported by a tree, utility pole, trash receptacle, bench, or public shelter.
- I. No sign shall be located nearer than 8 feet vertically or 4 feet horizontally from any overhead electrical wires, conductors, or guy wires and shall comply with all safety requirements of the appropriate public utility.
- J. The continuance of an existing sign that does not meet the regulations and requirements of this Zoning Code shall be deemed a legal, non-conforming sign. This status shall remain in effect until such sign has been determined to be abandoned, which occurs when any of the following conditions are present:
 - 1. The sign is associated with an abandoned use.
 - 2. The sign remains after a business has been closed to the public for at least 90 consecutive days. Seasonal businesses are exempt from this determination.
 - 3. The sign is not maintained and intact and supports, braces, guys, and anchors are in a state of disrepair.

The Zoning Administrator shall take into account the above factors when making a determination as to what constitutes abandonment. If, upon finding that the signage is abandoned, the right to maintain and use such sign shall terminate immediately.

- K. No sign legally in existence at the time of the passage of this Zoning Code shall be replaced, changed, or altered unless the new or altered sign conforms to the provisions of this Zoning Code. Any modification, including size, dimensions, location, word, letters, electrification, or configuration, shall constitute an alteration or change. However, maintenance of such sign in its exact condition and message does not constitute a change or alteration. This Zoning Code shall not apply to the message content of existing changeable copy signs.

150.703 **Definitions**

As used in this Zoning Code:

- A. Abandoned Sign: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.
- B. Awning: A shelter projecting from and supported by the exterior wall of a building and constructed of non-rigid materials on a supporting framework.

- C. Awning Sign: A sign painted on, printed on, or attached flat against the surface of an awning.
- D. Bench Sign: Advertising or business signs painted on or affixed to a bench, chair, seat, or other structure or device designed or used for sitting purposes.
- E. Bulletin Board: Any sign erected by a charitable, educational or religious institution, or public body which is posted upon the same property as such institution, for purposes of announcing events which are held upon the premises and contains no commercial message.
- F. Canopy: A structure (other than an awning) made of cloth, metal or other material with frames affixed to a building and carried by a frame which is supported by the ground.
- G. Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- H. Directional/Informational Sign: A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, such as public telephones, restrooms, walkways, parking areas, and other similar facilities.
- I. Free-Standing Sign: A sign supported upon the ground by poles, braces, or posts and not attached to any building.
- J. Maintenance: The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
- K. Marquee: A permanent roof-like structure extending from the wall of a building, but not supported by the ground and constructed of durable material such as metal, wood, or glass.
- L. Off-Premise Sign: A sign which directs attention to a business, profession, activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located.
- M. On-Premise Sign: A sign which pertains to the use of the premises on which it is located.
- N. Portable Sign: A sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels, menu, and sandwich board signs, and

signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the day-to-day operations of the business.

- O. Projecting Sign: A sign that is affixed to and extends beyond the building, wall, or other structure to which it is attached.
- P. Roof Sign: A sign erected, painted on, or attached in any manner in whole or in part upon, against, or directly above the roof or parapet line of a building.
- Q. Sign: Any fabricated sign or display structure, including the structure itself and any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stripe, line, trademark, reading matter, or illuminating device, which is constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever, and displayed in any manner for recognized advertising purposes.
- R. Temporary Sign: A nonpermanent sign erected, affixed, and maintained on a premises for a short, usually fixed, period of time.
- S. Wall Sign: A sign painted on or mounted against, a building, structure, or wall.
- T. Window Sign: A sign attached to, placed upon, or painted on the window or door of a building which is intended for viewing from the exterior of such building.

150.704 Measurement of Sign Area

The area of a sign face shall be computed by means of the smallest circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or housing.

150.705 On-Premise Signs Exempted From Permit Requirements

The following types of on-premise, permit-exempt signs shall be in conformance with the requirements listed below:

- A. Construction signs shall be 6 square feet or less.
- B. Directional/informational signs shall be 4 square feet or less and limited to four such signs per lot.
- C. One non-illuminated nameplate indicating a home occupation or profession shall be 4 square feet or less and flush-mounted on the principal structure.

- D. Signs denoting the name and address of the occupants of the premises shall not exceed 2 square feet in area and shall contain no designations or references to home occupations or professions.
- E. Governmental signs or notices used for transportation, emergency, or public information purposes.
- F. Any sign advertising the sale, lease, or rental of the premises upon which the sign is located shall not exceed 12 square feet in area with the exception of residential districts, where the area of the sign shall not exceed 6 square feet. Such signs shall be removed within 10 days after the sale, lease, or rental has been concluded.
- G. Political signs, placards, or posters concerning candidates or issues for election shall be posted no more than 60 days before an election and shall be removed within 7 days following the close of the election event and shall not exceed 6 square feet in area.
- H. Warning signs, such as but not limited to “No Trespassing”, “No Hunting”, “No Dumping”, “Keep Off The Grass”, etc., shall be 4 square feet or less. I. Window signs shall not exceed 25% of the window surface.
- J. One temporary sign not exceeding 32 square feet in area on the premises of an institutional use, announcing special public events such as fairs, carnivals, festivals, charitable, or similar activities, when the same are located on the premises of such institutions may be erected for a period not to exceed 30 days. Such signs shall be removed within 3 days of the final day of the event.
- K. Cornerstones, commemorative markers or tablets, and historical signs shall be limited in size to 9 square feet.

150.706 **Signs Requiring a Permit**

All signs not specifically included under Section 150.705 shall require the issuance of a sign permit. Signs shall be classified by location (on-premise, off-premise) and by type (wall, projecting, free-standing, roof, window, and interstate). The requirements for on-premise signs listed in Sections 150.707 and 150.708 are established per zoning district.

150.707 **On-Premise Signs Permitted in Residential Zones**

The following signs are allowable in any R-1, R-2, or R-3 Residential District:

- A. All signs as permitted in Section 150.705, not requiring a permit.
- B. A permanent residential subdivision sign that identifies the name of the complex or subdivision may be located within the subdivision, provided:

1. No such sign shall exceed 24 square feet in identification display area.
 2. All such signs shall be set back a minimum of 15 feet from any right-of-way or adjoining property line.
 3. No such sign or any portion of its supporting structure shall exceed 6 feet in height from grade.
 4. All such signs are to be illuminated through indirect lighting methods only.
- C. Identification signs for churches, schools, community centers or other public or semi-public buildings, or institutional uses, provided:
1. No such sign shall exceed 32 square feet in identification display area.
 2. All such signs shall set back a minimum of 10 feet from any street right-of-way or adjoining property line.
 3. No such sign or any portion of its supporting structure shall exceed 6 feet in height from grade.

150.708 **On-Premise Signs Permitted in Business and Industrial Zones**

- A. **Wall Signs:** A wall sign may be painted on or attached to the exterior surface of a building, structure, or wall. Each business in the C-1, C-2, and Industrial Districts shall be permitted wall signs that conform to the following:
1. The total area of all wall signs shall not exceed the aggregate 3 square feet of area for each linear foot of lot frontage.
 2. A wall sign shall project not more than 2 feet horizontally from a building façade. A wall sign shall not project more than 3 feet above the average height of the roof of the structure involved. However, no sign shall be erected on a roof in any district.
 3. A wall sign may project downward from a fixed awning only so far as shall allow a minimum of 9 feet of vertical clearance from grade to the bottom of the sign.
- B. **Projecting Signs:** Projecting signs are permitted only in the C-1 District. One projecting sign is allowed per building per street frontage. Such signs shall project not more than 4 feet outward from the wall of the structure, shall not exceed 20 square feet in area, and shall be perpendicular to the wall of the structure to which they are attached. All projecting signs shall be located not less than 9 feet above the finished sidewalk or ground level. Such signs shall be of sturdy construction and shall be erected in such a manner as to protect persons who pass underneath from possible

injury. Sign users who place projecting signs over the public right-of-way shall assume sole liability for such sign.

C. Free-Standing Signs: Free-standing signs shall be supported upon the ground by poles, braces, or posts, and shall be permitted in C-1, C-I, and I-1 Districts in accordance with the following requirements:

1. There shall not be more than one free-standing, on-premise sign per business activity along each street frontage the use abuts. Where commercial uses are located on the same property with common features, such as shopping centers or commercial complexes, all such on-premise signs shall be supported by only one structure per lot with street frontage.
2. Free-standing signs shall not be located upon or project over any right-of-way.
3. Free-standing signs shall not obstruct or adversely affect vision clearance or traffic visibility.
4. The maximum height from grade for free-standing signs shall be not more than 20 feet in the C-1 District and 30 feet in the C-I and I Districts.
5. The maximum area size for free-standing signs shall not be larger than 40 square feet in the C-1 District and 100 square feet in the C-I and I-1 Districts.
6. Free-standing signs shall not measure less than 9 feet from grade to the lowest point of the sign or its supporting structure if such sign is designed and/or located to allow pedestrian traffic to pass underneath; for vehicle passage under the sign the minimum clearance from grade is 15 feet.
7. All free-standing signs shall be located a minimum of 25 feet from any adjoining property line or Residential District.
8. Free-standing signs that are of a temporary or portable nature may be permitted in addition to permanently-mounted, free-standing signs, subject to the following provisions:
 - a. All portable and/or temporary signs shall comply with Section 150.702 General Requirements as it regards lighting.
 - b. Such signs, when located in C-1 Districts, shall not exceed 24 square feet in area; when located in C-I and I-1 Districts, portable and temporary signs shall not exceed 50 square feet in area.
 - c. No portable or temporary sign shall exceed 6 feet in height from grade.

- d. No portable or temporary sign shall be located in a manner that obstructs or adversely affects traffic visibility.
- e. Not more than one portable or temporary sign shall be permitted for each complete 100 feet of lot frontage on public streets (individually-owned lots that are less than 100 feet in width shall also be permitted one such sign).
- f. No portable or temporary sign shall be placed in the public right-of-way.
- g. A temporary, non-portable sign announcing the construction of a building and the architects, builders, contractors, etc., involved may be erected upon the premises for a period of 30 consecutive days in addition to the construction period.
- h. Portable and/or temporary signs shall be permitted for a period not to exceed 21 days, a maximum of four times per year. NOTE: temporary signs consisting of banners, posters, pennants, ribbons, streamers, spinners, or other moving devices, as well as air-activated graphics or balloons used for commercial or other advertising purposes shall be permitted for a period of not more than 14 consecutive days, renewable not more than two times per annum by the same business.
- i. It shall be the responsibility of the applicant or owner of the sign to maintain the portable or temporary sign in a sound and safe condition and to remove such signs when the allowable time limit has expired.

D. Marquee, Awning, and Canopy Signs: Marquee, awning, and canopy signs shall be permitted in all Commercial and Industrial Districts subject to the following provisions:

- 1. The total area of such signs shall not exceed the aggregate 2 square feet of area for each linear foot of building frontage and, if combined with wall signs, the total area

of all signage shall not exceed the aggregate 3 square feet of area for each linear foot of building frontage.

2. Sign area limits shall be defined as the rectangular space occupied by the sign lettering or insignia and the space immediately surrounding such lettering or insignia.
 3. Signs shall not project more than 3 feet horizontally from a building facade over a public right-of-way, and not more than 6 feet horizontally from a building facade over private property.
 4. Such signs shall have a minimum clearance of 9 feet above the sidewalk grade or the edge of roadway grade nearest the sign and shall not be located closer than 2 feet from the curb of any roadway.
 5. Overall height should not exceed 3 feet above the average height of the roof line or the parapet wall of the building to which it is attached, and should not exceed the allowable building height for that zoning district.
 6. Such signs shall be limited to single-story buildings or to the first level only of multi-story buildings.
- E. Window Signs: Window signs are only permitted in the ground or first-floor windows of all Commercial and Industrial Districts. No window sign shall occupy more than 25% of the total window surface on a given side of the building.
- F. Enter/Exit Signs: Enter/exit signs may be permitted in addition to free-standing signs, subject to the following provisions:
1. All enter/exit signs shall comply with Section 150.702 General Requirements as it regards lighting.
 2. No enter/exit signs shall be permitted in the right-of-way of any street or alley.
 3. The area of such signs shall not exceed 2 square feet.
 4. Not more than one enter and one exit sign shall be permitted for each lot. Corner lots may be permitted one additional enter and exit sign, provided there is an access to the public street on both street frontages.
 5. No lettering or sign message other than “enter” and “exit” shall be permitted.
 6. The maximum height for an enter/exit sign shall be 3 feet, and such sign shall not be located in a manner that obstructs or adversely affects traffic visibility.

150.709 **Off-Premise Signs**

Off-premise signs direct attention to a commodity or service not offered upon the premises upon which the advertising sign is located. Such signs, commonly recognized as advertising signs and billboards, shall only be permitted in the C-1, C-I and I-1 Districts, subject to the following provisions:

- A. Off-premise signs shall conform to the front yard setback requirements normally associated with the principal building or use setbacks of the respective district.
- B. Off-premise signs may be placed back-to-back using common supports or be otherwise physically attached to one another, provided, however, that not more than two such signs are so attached upon a common support.
- C. Two or more free-standing off-premise signs may be placed on the same parcel, provided that no other principal use occupies the parcel and all off-premise signs are at least 300 feet apart, including off-premise signs on adjacent parcels and across street rights-of-way.
- D. No off-premise sign or structure shall be permitted which faces the front or side lot line of any Residential District within 100 feet of such lot line, or which faces any public parkway, public square, park, educational institution, library, church, or similar institution within 300 feet thereof.
- E. Under no circumstances shall an off-premise sign be located within any right-of-way.
- F. Off-premise signs shall not exceed 400 square feet in area and shall conform to the height requirements of the zoning district within which it is placed.
- G. Off-premise signs placed along an interstate highway must conform to the requirements established under O.R.C. Chapter 5516, applicable Federal Law, and Section 150.708G of this Zoning Code.

150.710 **Prohibited Signs**

In addition to any restrictions and/or prohibitions stated above, the following signs, sign configurations, and characteristics shall not be allowed in any zoning district within the Village:

- A. No abandoned or dilapidated signs, as deemed by the Zoning Administrator and referred to in Section 150.702J, shall be allowed to exist.
- B. No sign shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices for the purpose of advertising or attracting attention to any commercial enterprise; except as noted in Section 150.702.C.8.h.

- C. Air-activated graphics or balloons used for commercial or advertising reasons shall not be permitted; except as noted in Section 150.702.C.8.h.
- D. No sign shall imitate, resemble, or duplicate any official traffic or governmental sign or signal.
- E. Roof Signs: The use of roof signs is prohibited in all zoning districts within the Village.

150.711 Permit Application Procedures

Any person intending to install, place, or locate a permit-required sign within the Village must first make application with the Zoning Administrator. An application for a sign permit shall be made in writing (on a form supplied by the Village) and attested to as to truth and accuracy by the applicant. An application shall be accompanied by all required fees and shall contain, either on its face or by attachment, the following information: A. All size and area dimensions for each sign.

- B. A drawing, photograph, or acceptable rendering of the proposed sign that includes all colors, lettering, words, symbols, font sizes/styles, and messages the applicant wishes to convey.
- C. The proposed location, position, and manner of attachment of a sign.
- D. The intended use and proposed date of placement for such sign.

150.712 Violations and Penalties

No person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any sign in violation of any of the provisions of this Zoning Code, or any amendment or supplement thereto adopted by the Village. Any person, firm, or corporation violating any of the provisions, amendments, or supplements of and/or to this Zoning Code shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$100.00. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense.

Any sign installed or placed upon public property, except in conformance with the requirements of this Zoning Code, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Village shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such sign.

150.713 Miscellaneous

- A. Denial of Permit: Any decision to deny a request to place, construct, or modify a permit and/or sign shall be in writing and supported by evidence contained in a written record.

- B. Separability: Should any section, clause, paragraph, sentence, item, phrase or provision of this Zoning Code be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Zoning Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

150.714 **Governmental Signs Excluded**

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

150.800 AMENDMENTS 150.801 Intent

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by Ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

150.802 Initiation of Zoning Amendments

Amendments to these Zoning Regulations may be initiated in one of the following ways:

- A. By the adoption of a motion by the Planning Commission.
- B. By the adoption of any amendment by Village Council.
- C. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

150.803 Text Amendments and Changing of Zoning District

The Village Planning Commission and Village Council shall favorably consider an application for a text amendment, whether to the Zoning Regulations text or to the Official Zoning District Map, only if the request for a change of zoning meets the following conditions:

- A. Manifest error in the original Zoning Regulations text and/or designations on the Official Zoning District Map.
- B. Substantial change in area conditions.
- C. Legitimate requirement for additional land area for the particular zoning district.
- D. Where the Zoning District Map is amended, the Village Planning Commission and the Village Council shall not approve any petition which results in a total landholding (excluding the area in roads and highways) containing less acreage than the minimums specified for each zoning district in Section 150.103 Minimum Size Requirements.

150.804 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of these Zoning Regulations shall contain at least the following information:

- A. The name, address and phone number of the applicant.
- B. The proposed amendment, approved as to form by the Village Solicitor.

- C. A statement of the reason(s) for the proposed amendment.
- D. Present use.
- E. Present zoning district.
- F. Proposed use.
- G. Proposed zoning district.
- H. A vicinity map at a scale approved by the Village Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Village Administrator may require.
- I. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned.
- J. A statement on the ways in which the proposed amendment relates to the comprehensive plan.
- K. A fee as established by the Village Council.

150.805 **Contents of Application for Zoning Text Amendment**

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of these Zoning Regulations, other than the Official Zoning Map, shall contain at least the following information:

- A. The name, address, and phone number of the applicant.
- B. The proposed amendment, approved as to form by the Village Solicitor.
- C. A statement of the reason(s) for the proposed amendment.
- D. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan.
- E. A fee as established by the Village Council.

150.806 Recommendation by Planning Commission

Within 60 days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, including the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

150.807 Public Hearing by Village Council

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than 40 days from the receipt of the recommendation from the Planning Commission.

150.808 Notice of Public Hearing in Newspaper

Notice of the public hearing shall be given by Village Council by at least one publication in one or more newspaper of general circulation in the Village. Said notice shall be published at least 30 days before the date of the hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

150.809 Notice to Property Owners by Village Council

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first-class mail, at least 20 days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by Village Council. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required in Section 150.808 Notice of Public Hearing in Newspaper.

150.810 Action by Village Council

Within 30 days after the public hearing required, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths of the full membership of Village Council. No such Zoning Regulations shall be passed unless it has been fully and distinctly read on three different days except that such Zoning Regulations may become emergency

legislation if three- fourths of the members of the Village Council vote to dispense with this rule.

150.850 APPEALS AND VARIANCES 150.851 Intent

Appeals and variances shall conform to the procedures and requirements of these Zoning Regulations. The Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

150.852 Appeals

Appeals to the Board concerning interpretation or administration of these Zoning Regulations may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Village Administrator. Such appeal shall be taken within 20 days after the decision by filing, with the Village Administrator and with the Board, a Notice of Appeal specifying the grounds upon which the appeal is being taken. The Village Administrator shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

150.853 Variations

The BZA may authorize upon appeal in specific cases such variance from the terms of these Zoning Regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these Zoning Regulations would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variations shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of these Zoning Regulations would result in unnecessary hardship.

150.854 Conditions for Variance

No variance shall be granted unless the Board finds that all of the following conditions exist:

- A. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property, and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.
- B. The granting of the application is necessary for the preservation and enjoyment of the substantial property right and not merely to serve as a convenience to the applicant.
- C. The proposed variance will not constitute a change, including a variation in use, on the Official Zoning District Map. In no case shall the BZA approve a variance for a use which is not a permitted use in the zoning district in which the property, building, or structure is located.

150.855 Application and Standards for Variances

Except as otherwise permitted in these Zoning Regulations, no variance in the strict application of the provisions of these Zoning Regulations shall be granted by the B ZA unless the Board shall find that the written application for the requested variance contains all of the following requirements:

- A. Name, address, and phone number of applicant(s).
- B. Legal description of property.
- C. Description or nature of variance requested.
- D. A fee as established by these Zoning Regulations.
- E. Narrative statements establishing and substantiating that the variance conforms to the following standards:
 1. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by these Zoning Regulations on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 3. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of these Zoning Regulations would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
 4. There must be proof of hardship created by the strict application of these Zoning Regulations. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of these Zoning Regulations; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.

5. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

150.856 **Additional Conditions and Safeguards**

The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under these Zoning Regulations.

150.857 **Public Hearing by the Board of Zoning Appeals**

The Board shall hold a public hearing within 30 days after the receipt of an application for an appeal or variance from the Village Administrator or an applicant.

150.858 **Notice of Public Hearing in Newspaper**

Before conducting the public hearing required, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

150.859 **Notice to Parties in Interest**

Before conducting the public hearing required, written notice of such hearing shall be mailed by the Chairman of the Board, by first-class mail, at least 10 days before the day of the hearing to all parties of interest within 200 feet. The notice shall contain the same information as required in Section 150.858 Notice of Public Hearing in Newspaper.

150.860 Action by Board of Zoning Appeals

Within 30 days after the public hearing requires, the Board shall either approve, approve with supplemental conditions as specified in Section 150.856 Additional Conditions and Safeguards, or disapprove the request for appeal or variance. The Board shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

150.861 Term of Variance

No order of the Board granting a variance shall be valid for a period longer than 12 months from the date of such order unless the Zoning Permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

150.862 Authorized Variances

Variances from the requirements of these Zoning Regulations shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by these Zoning Regulations, have been met by the applicant. Variances may be granted as guided by the following:

- A. To permit any yard or setback less than the yard or setback required by the applicable regulations.
- B. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than 80% of the required area and width.
- C. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- D. To reduce the applicable off-street parking or loading facilities required, but generally by not more than 30% of the required facilities.
- E. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- F. To increase the maximum allowable size or area of signs on a lot, but generally by not more than 25%.

- G. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than 25%.

150.900 ADMINISTRATION 150.901 Intent

The intent is to set forth the powers and duties of the Planning Commission, the BZA, the Village Council, and the Village Administrator with respect to the administration of the provisions of this Zoning Code.

150.902 General Provisions

The formulation, administration, and enforcement of the Zoning Code is hereby vested in the following offices and bodies within the Village of St. Henry government:

- A. Village Council
- B. Planning Commission
- C. Board of Zoning Appeals
- D. Village Administrator
- E. Village Law Director

150.903 Village Administrator

A Village Administrator appointed by the Mayor and approved by the Village Council shall administer and enforce this Zoning Code. He may be provided with the assistance of such other persons as the Mayor may direct.

150.904 Responsibilities of the Village Administrator

For the purpose of this Zoning Code, the Village Administrator shall have the following duties:

- A. Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions.
- B. Respond to questions concerning applications for amendments to the Official Zoning District Map.
- C. Issue Building/Zoning Permits as provided by this Zoning Code, and keep a record of same with a notation of any special conditions involved.
- D. Act on all applications upon which the Village Administrator is authorized to act by the provisions of this Zoning Code within the specified time or notify the applicant in

writing of the Village Administrator's refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval

within the specified time shall entitle the applicant to submit the Village Administrator's request to the BZA.

- E. Conduct inspections of buildings and uses of land to determine compliance with this Zoning Code, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- F. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Village offices.
- G. Maintain permanent and current records required by this Zoning Code, including but not limited to, Building/Zoning Permits, zoning certificates, inspection documents, and records of all variances, amendments, and special uses.
- H. Make such records available for the use of the Village Council, the Planning Commission, the BZA, and the public.
- I. Review and approve site plans pursuant to this Zoning Code.
- J. Determine the existence of any violations of this Zoning Code, and cause such notifications, or initiate such other administrative or legal action as needed, to address such violations.

150.905 **Duties of the Planning Commission**

For the purpose of this Zoning Code the Planning Commission shall have the following duties:

- A. Recommend modifications to the Zoning Code, including text and Official Zoning District Map, to the Village Council for formal adoption.
- B. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Code where same will promote the best interest of the public in general through recommendation to the Village Council.
- C. Review all proposed amendments to the text of this Zoning Code and the Official Zoning District Map and make recommendations to the Village Council as specified in Section 159.800 Amendments.

- D. Review all Planned Unit Development applications and make recommendations to the Village Council as provided in this Zoning Code.
- E. Carry on a continuous review of the effectiveness and appropriateness of this Zoning Code and recommend such changes or amendments as it feels would be appropriate.

150.906 Duties of the Board of Zoning Appeals (BZA)

A BZA has been created in accordance with Ohio Revised Code 713.11 and will remain in place upon passage of this Zoning Code with the remaining terms in place of each existing member.

The BZA shall consist of five members, appointed by the Mayor and approved by the Village Council. Council may remove any member of such Board for cause upon written charges and after a public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of the member affected. At least one member of the Planning Commission shall be a member of the BZA. Members of the BZA shall serve five year terms without compensation and be eligible for reappointment.

The BZA shall elect its own officers annually and shall adopt the rules necessary to the conduct of its affairs. Meetings shall be held at the call of the Chairman or the Village Administrator and at such other times as the Board may determine. Three members of the BZA shall constitute a quorum for the conducting of business. The Chairman, or in his absence, the acting chairman, may administer oaths and compel to the attendance of witnesses. All meetings and records shall be open to the public.

The BZA shall act by resolution or motion and shall keep minutes of its proceedings, showing the vote of each question, the facts of each appeal considered by the BZA, and the section of this Zoning Ordinance, where applicable, which the BZA has considered in approving or disapproving any petition or other matter brought before the board.

For the purpose of this Zoning Code the BZA has the following specific responsibilities:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Village Administrator.
- B. Authorize such variances from the terms of this Zoning Code.
- C. Hear and decide Conditional Uses as set forth in this Section.
- D. Review all special uses and conditional uses as identified in the respective zoning districts according to provisions and criteria stated in this Zoning Code.

150.907 **Village Council**

The powers and duties of the Village Council pertaining to the Zoning Code are as follows:

- A. Approve the appointments of members to the Planning Commission by the Mayor.
- B. Approve the appointments of members to the BZA by the Mayor.
- C. Initiate or act upon recommended amendments to the Zoning Code or Official Zoning District Map. Final action upon a recommended zoning amendment shall be undertaken at a public hearing.
- D. Override a recommendation of the Planning Commission provided that such legislative action is passed by a vote of not less than 3/4 of the Village Council.

150.908 **Schedule of Fees**

Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure. All fees for the following shall be set by the Planning Commission upon recommendation of the Village Administrator.

Residential New Construction	\$25.00
Residential Additions/Remodeling.....	\$25.00
New Commercial Construction (including Site Plan Review)	\$25.00
Commercial Remodeling/Additions	\$25.00
New Industrial Construction (including Site Plan Review)	\$25.00
Industrial Remodeling/Additions.....	\$25.00
Accessory Structures/ Buildings/ Uses.....	\$25.00
Fences	\$25.00
Signs.....	\$25.00
Variance	\$25.00
Conditional Use	\$25.00
Zoning Text Amendment	\$25.00
Zoning Map Amendment (Rezoning).....	\$25.00
Appeal of Administrative Decision	\$25.00
Planned Unit Development Review	\$25.00
Miscellaneous (Swimming Pools, Utility Sheds, Parking, etc.).....	\$25.00
Demolition Permit.....	\$25.00

All fees shall be paid by cash or check and shall not be refundable.

150.950 ZONING PERMIT REQUIREMENTS AND ENFORCEMENT

150.951 Intent

The intent is to stipulate the procedures to be followed in obtaining permits, and other legal or administrative approvals under this Zoning Code.

150.952 Building/Zoning Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use; nor shall any accessory structure, sign, or swimming pool be installed without a permit issued by the Village Administrator. Building/Zoning Permits shall be issued only in conformity with the provisions of this Zoning Code unless the Village Administrator receives a written order from the BZA deciding an appeal, conditional use, or variance, or from Village Council, approving a Planned Unit Development District, as provided by this Zoning Code.

150.953 Recommended Contents of Application for Building/Zoning/ Demolition Permits

The Application for Building/Zoning/Demolition Permits shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within 6 months or substantially completed within 1 year. At a minimum, the application shall contain the following information, if applicable to a particular use, and be accompanied by all required fees: A. Name, address, and phone number of owner.

- B. Legal description of property or lot number.
- C. Existing use.
- D. Proposed use.
- E. Zoning District.
- F. Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths, and their layout.
- I. Location and design of access drives.
- J. Number of dwelling units.

- K. Signage information, if applying for a Building/Zoning Permit for a sign.
- L. If applicable, the approved Conditional Use Permit, or a Temporary Use Permit, or variance.
- M. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Zoning Code.
- N. Site plan in triplicate to the required contents stated in Section 150.954 Site Plan Required Contents for any new construction, of any principally or conditionally permitted use, except single-family and two-family dwellings.
- O. Plans showing that the residential unit meets the residential design and appearance standards in Section 150.300 Residential Design and Appearance Standards. P. Detention basin information.
- Q. Flood Zone information.
- R. Type of dust-free, hard surface.

150.954 **Site Plan Required Contents**

A site plan submission shall contain any and/or all of the following when deemed to be reasonably appropriate by the Village Administrator:

- A. The accurate dimensions and size of the site area as well as the topography of the site and immediately adjoining lands within 50 feet of the property line at 1-foot intervals.
- B. The locations and dimensions of all existing and proposed streets, courts and pedestrian walkways within and abutting the site, as well as the location, size, and means of ingress and egress of all off-street loading and parking areas. The location and arrangements of the parking areas and access shall also be shown, and the means of defining parking areas and access lanes, via curbs, bumper blocks, railroad ties, or physical obstructions or other methods approved by the Village Engineer, shall be illustrated. All proposed signs shall be shown, detailing location, dimensions, height and, where applicable, verbiage.
- C. The location and size of all existing and proposed buildings and structures within the site and on adjoining lands, within 50 feet of the property line, as well as the existing or proposed use of such building or structure, including the number, type, and floor area of commercial uses to be accommodated in each.

- D. A complete utilities plan, providing electric, gas, telephone, cable television, storm sewer, water, and sanitary sewer services, including connections to existing service lines and existing and proposed easements. Such plans shall comply with the Village of St. Henry Design Criteria and Construction Standards and Drawings.
- E. The location, size, and type of fire hydrants; building plans; fire suppression system plans; fire department access areas; and fire lane signage. Such plans shall comply with state and local Building and Fire Codes and shall be approved by the Fire Chief (or authorized representative),
- F. A grading and drainage plan to illustrate proposed grading of the site and methods used to comply with Village storm water runoff, erosion, and sediment control specifications found in the Village of St. Henry Design Criteria and Construction Standards and Drawings.
- G. A landscaping plan showing the location and types of screen planting, buffer areas, manmade screening, and other features, which shall enhance the site.
- H. An exterior lighting plan showing the location of lighting fixtures, their type and output as well as the proposed radius of lighted area for each fixture.
- I. The proposed internal vehicular circulation of access roads shall be delineated and related to connections with public streets. Existing and proposed traffic patterns and volumes and the anticipated effect on existing public streets serving the site shall be provided for the Village Engineer's review. Complexes shall provide curb or other types of internal access lane separations for parking spaces to assist in internal circulation and parking area delineation.
- J. The division of the development into sections shall be delineated if staged construction is contemplated, as well as which parking areas and other improvements shall be provided for each stage of development.
- K. Proposed complexes designed for condominium, cooperative, or other multiple ownership arrangements shall indicate proposed individual, joint, or common ownership areas to assure maintenance and operation of common features such as lighting and parking facilities. Any arrangements requiring subdivision approval shall also be subject to the Subdivision Regulations.

150.955 **Approval of Building/Zoning Permit**

Within 30 days after the receipt of an application, the Village Administrator shall either approve or disapprove the application in accordance with the provisions of this Zoning Code. All Building/Zoning Permits shall, however, be conditional upon the commencement of work within 6 months and completed within 1 year. One copy of the permit shall be returned to the applicant by the Village Administrator, after the Village Administrator has marked such copy either as approved or disapproved and attested to same by the Village Administrator's signature on such copy. One copy of plans, similarly marked, shall be retained by the Village Administrator. The Village Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code.

150.956 **Failure to Obtain a Building/Zoning Permit**

Failure to obtain a Building/Zoning Permit shall be a punishable violation of this Zoning Code as defined in Section 150.963 Penalties and Fines.

150.957 **Construction and Use to be as Provided in Applications, Plans, and Permit**

Building/Zoning Permits issued on the basis of plans and applications approved by the Village Administrator authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Zoning Code.

150.958 **Entry and Inspection of Property**

The Village Administrator is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Code. Prior to seeking entry to any property or structure for such examination or survey, the Village Administrator shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Village Administrator shall request the assistance of the Law Director in securing a valid search warrant prior to entry.

150.959 **Stop Work Order**

Subsequent to his determination that work is being done contrary to this Zoning Code, the Village Administrator shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Village Administrator, shall constitute a punishable violation of this Zoning Code.

150.960 **Building/Zoning Permit Revocation**

The Village Administrator may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Zoning Code or based upon false information or misrepresentation in the application.

150.961 **Complaints Regarding Violations**

Whenever a violation of this Zoning Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Village Administrator. The Village Administrator shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Zoning Code.

150.962 **Notice of Violation**

Whenever the Village Administrator or the Officer's agent determines that there is a violation of any provision of this Zoning Code, a warning letter shall be issued and shall serve as a notice of violation. Such order shall:

- B. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated.
- C. State the time by which the violation shall be corrected.

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; or
- B. Certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is refused or is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Village Administrator. Service shall be deemed complete when the fact of mailing is entered of record.

150.963 **Penalties and Fines**

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, move, repair, maintain, or structurally alter any building, structure, or land in violation of any provision of this Zoning Code or any amendment thereto. Any person, firm, or corporation who violates this Zoning Code or fails to comply with any of its requirements shall upon

conviction thereof be fined not more than \$100.00 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section.

Village utilities shall not be provided to any building, structure, or use which is in operation, or which is under construction, or has been constructed, in violation of this Zoning Code.

150.964 **Additional Remedies**

Nothing in this Zoning Code shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Zoning Code, or in the case of an imminent threat of such a violation, the Village Administrator, the Village Law Director, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.