

**RECORD OF ORDINANCE  
VILLAGE OF SOUTH AMHERST**

Ordinance No. 1818-24

Passed:

**AN ORDINANCE REPEALING EXISTING SOUTH AMHERST CODIFIED  
ORDINANCE PART ELEVEN – PLANNING AND ZONING CODE AND ENACTING  
NEW SOUTH AMHERST CODIFIED PART ELEVEN – PLANNING AND ZONING  
CODE**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE  
OF SOUTH AMHERST, LORAIN COUNTY, STATE OF OHIO THAT:**

SECTION 1: The Council of the Village of South Amherst hereby repeals the existing South Amherst Codified Part Eleven – Planning and Zoning Code that was enacted by Ordinance(s) No. 1069 passed on the 5th day of May 2001 and No. 462 passed on the 7<sup>th</sup> day of June 19971;

SECTION 2: The council of the Village of South Amherst hereby enacts new South Amherst Codified Part Eleven – Planning and Zoning Code as described in the attached Exhibit A.

SECTION 3: The new Part Eleven – Planning and Zoning code shall be effective 1 January 2025.

SECTION 4: This ordinance shall repeal all ordinances in conflict herewith.

SECTION 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

First Reading: October 7, 2024

Second Reading:

PASSED:

\_\_\_\_\_  
Scott Jones, Mayor

ATTEST: \_\_\_\_\_  
Fiscal Officer

I, the Fiscal Officer of the Village of South Amherst, Lorain County, Ohio, hereby certifies that the forgoing Ordinance No. 1818-24 is taken and copied from the record of proceedings of the Village Council of the Village of South Amherst, Lorain County, Ohio and that it has been compared by me with the ordinance on the record and is a true and accurate copy. Further, I certify that the adoption of such ordinance occurred in and open meeting held in compliance with O.R.C. 121.22

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Fiscal Officer

APPROVED AS TO FORM:

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Matthew A. Mishak, Law Director  
SA/1818-24 Part Eleven – Planning & Zoning

**CHAPTER 1105****TITLE ONE  
SUBDIVISION REGULATIONS****CHAPTER 1105  
SUBDIVISION REGULATIONS**

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**1105.01 PURPOSE AND INTENT.**

This Chapter of the Planning and Zoning Code shall hereafter be known, cited, and referred to as the Subdivision Regulations of the Village of South Amherst. The general purpose of these Regulations shall be to guide and regulate the subdivision and development of land in order to promote and protect the public health, safety, convenience, comfort, prosperity, and general welfare of the Village. It is intended that these Regulations shall serve the following objectives:

- (a) To provide for orderly development of land;
- (b) To preserve the rural character of the Village;
- (c) To encourage more efficient use of land and public services through unified development;



- (d) To preserve the natural beauty and topography of the Village and insure appropriate development with regard to these natural features;
- (e) To establish reasonable standards of design;
- (f) To insure safe and convenient vehicular access;
- (g) To protect and conserve the value of land;
- (h) To ensure that land to be subdivided shall be of such character that it can be used safely for building purposes; and
- (i) To coordinate land development in accordance with the Zoning Ordinances.

These Regulations shall be considered minimum requirements and standards for the subdivision and development of land within the Village.

#### **1105.02 PLATTING REQUIRED.**

These Subdivision Regulations shall apply to all subdivisions of land. No land shall be subdivided except in compliance with these Subdivision Regulations and the provisions of the Zoning Ordinance of the Village.

No land shall be subdivided within the Village until:

- (a) The sub-divider has prepared and submitted a plat of the entire parcel as set forth in these Subdivision Regulations;
- (b) Said plat has been approved as provided herein; and
- (c) The approved plat has been filed with the Lorain County Recorder.

No building permit, zoning permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these Subdivision Regulations. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these Regulations.

#### **1105.03 DEFINITIONS.**

- (a) For purposes of these Subdivision Regulations, certain words, terms, or phrases shall be as follows:
  - (1) All words used in the present tense include the future, the singular shall include the plural, and the plural include the singular.
  - (2) "Person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
  - (3) "Shall" is mandatory; "may" is permissive.
  - (4) "Lot" includes "plot", "premises", or "parcel".
  - (5) "Building" includes "structure".
  - (6) "Used or occupied" includes "intended, designed, or arranged to be used or occupied".
  - (7) All words not specifically defined shall have the meaning as commonly used.
- (b) For purposes of these Subdivision Regulations, the following words, terms, or phrases shall be defined as follows:
  - (1) "Administrator" means the Mayor of the Village of South Amherst or their designee.
  - (2) "Lot" means a tract, plat, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
  - (3) "Lot line" means the boundary of a lot separating it from an adjoining property.
  - (4) "Lot width" means the horizontal distance between the side lot lines measured at the setback line.
  - (5) "Planning Commission" or "Commission" means the Village of South Amherst Planning Commission.
  - (6) "Right-of-way" means the strip of land occupied or intended to be occupied by a street, walkway,



- or other public improvement relating to public access or travel.
- (7) "Setback line" or "building setback line" means a line a minimum distance from and parallel to the right of way between which no building or portion thereof may be erected.
- (8) "Subdivision" means:
- A. The division of land into two or more parts, lots, parcels, sites, units, tracts, or interests for the purpose of transfer of ownership, lease, or building development, either immediate or future;
  - B. The division or development of land whether by deed, legal description, devise, lease, map, plat, or another recorded instrument;
  - C. The improvement of one or more parcels of land for structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street, right-of-way, or easement; or
  - D. The re-subdivision of any lot or lots in any recorded subdivision.
- (9) "Subdivision, minor" means:
- A. The sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites and does not reduce any existing parcel to less than the minimum acreage required for the zoning district; or
  - B. Any subdivision containing not more than four lots, all of which: have frontage on an existing street; do not involve any new street, right-of-way, easement, or the extension or creation of any public improvements; and do not adversely affect the remainder of the parcel or any adjoining property; or
  - C. Any consolidation of adjoining parcels on an existing street.
- (10) "Sub-divider" means a person that desires to divide or consolidate a parcel of land within the Village.
- (11) "Village" means the Village of South Amherst.

#### **1105.04 PLAT APPROVAL PROCEDURES.**

The following procedures shall be followed with regard to the submittal, review, and approval of subdivision plats. A sub-divider may request an informal review of a concept plan by the Administrator prior to the submission of a preliminary plan to obtain comments and direction on the proposed subdivision. The concept plan shall include the general layout of the streets and lots.

#### **1105.05 PRELIMINARY PLAN PROCESS.**

- (a) Prior to formal submission of a subdivision plan, the sub-divider shall submit an electronic copy of the preliminary plan to the Village for review and comment by the Planning Commission. Said submittal shall be made at least 30 days in advance of the Planning Commission meeting at which it is to be considered and shall be accompanied by the required fee as set forth in Section 1105.27. Such preliminary plans shall include the general layout of streets and lots, plotted on a topographic map, complying with the technical requirements set forth in Section 1105.06 and the planning principles established in the Zoning Code. The purpose of the preliminary plan is to explore the best design for the subdivision and the best relationship to adjoining subdivisions or undeveloped land; outline a program of improvements; ensure that an adequate water supply and an adequate sanitary sewer system, if available, or septic system may be provided to each lot and that extensive and environmentally harmful grading operations will not be required; and obtain the advice, suggestions, and requirements of the Planning Commission before the plan becomes rigid as in a detailed drawing. The submittal of alternative plans is recommended.
- (b) The Planning Commission shall examine the preliminary plan at its next regular meeting, giving the applicant an opportunity to be heard and answer any questions concerning the plan.

- (c) Prior to submission of the preliminary plans to the Planning Commission, the Administrator shall review the preliminary plan and profiles against the requirements of these Subdivision Regulations and all applicable ordinances of the Zoning Code of the Village. The Administrator shall forward the plans to the Village Engineer, who shall promptly return a copy of the preliminary plan and profiles to the Administrator, together with his or her comments and recommendations.
- (d) After the Administrator receives the report of the Village Engineer, and any other comments and recommendations concerning the plan, they shall be forwarded to the Planning Commission for its review and comments.
- (e) If the Planning Commission finds that the plan meets the requirements of these Regulations and other ordinances of the Village, and it is approved, or it is approved with conditions, the Chairperson shall sign two copies of the preliminary plan and profiles with a notation that the same are approved, subject to any special conditions. One copy shall be delivered to the sub-divider and the other shall be retained by the Village of South Amherst.
- (f) If the Planning Commission does not approve the plan and profiles, it shall state in writing the conditions to be complied with before approval may be obtained.
- (g) Final approval of the preliminary plan and profiles shall assure the sub-divider for a one-year period from the date of approval by the Commission:
  - (1) That the general layout of streets, lots, building sites and other features is approved and has been established as the basis for the preparation of the final plat;
  - (2) That the general terms and any special conditions under which the approval of the plan was granted will not be changed unless additional information or data are received in the meantime that would indicate that changes should be affected; and
  - (3) That the developer may submit drawings and specifications for improvements and a final plat for the subdivision.

#### **1105.06 SUBMITTAL REQUIREMENTS FOR PRELIMINARY PLANS.**

The sub-divider shall furnish, with the application for approval of the preliminary plan of a subdivision as described in Section 1105.05, the following maps, data, and plans:

- (a) Maps and data, either separate or combined, shall be provided as follows:
  - (1) A vicinity map. A print, such as a section of the 400-foot scale Village map, showing thereon the location of the proposed subdivision and its relationship to adjacent developments, streets, and all community facilities which serve or influence it;
  - (2) A property line map. A drawing showing bearings and distances of the parcel to be subdivided; location, width, and purpose of easements; the name, width, and location of abutting streets, including location of pavements and sidewalks; and structures on the parcel and within 100 feet on adjoining property;
  - (3) A utility map. A drawing showing utilities on and adjacent to the parcel, including location and size of gas mains and water mains, storm sewers, sanitary sewer lines, if any, septic areas, if any, and location of fire hydrants, if any, and electric power and telephone poles;
  - (4) A topographic map. A drawing showing contours at a minimum two-foot intervals based on the North American Vertical Datum of 1988 or datum as required by the Village Engineer. It shall show the approximate direction and gradient of the ground slope on immediately adjacent land; indicate the subsurface condition of the tract if not typical; and show watercourses, marshes, wooded areas, isolated preservable trees, and other significant features. The topography may be compiled by photogrammetric methods and shall be at the same scale as the preliminary plan.



- (5) Titles and certifications indicating present parcel designations according to official records, the name of the developer, the names and addresses of owners, certification of the registered surveyor, and the scale and date of the survey;
- (b) A plan shall be prepared in accordance with the planning principles set forth in the Zoning Code and designed by a registered engineer or surveyor. The plan shall be accurately and clearly drawn at a scale of not less than 1-inch equals 100 feet or as approved by the Village Engineer. The profiles, which may be prepared on standard cross-section paper, shall have a horizontal scale of one-inch equals fifty feet and a vertical scale of one-inch equals five feet or as approved by the Village Engineer. The drawing shall include the aforesaid topographic and property line data, the surrounding streets and lots, and the proposed plan, or alternative plans, of the subdivision, and show the following:
  - (1) The street layout, right-of-way and pavement widths, approximate grades, names and whether the streets are public or private;
  - (2) The Location, width, and purpose of any other rights of way;
  - (3) The dimensions and number of lots, with building setbacks;
  - (4) The location and approximate dimensions of any property to be reserved or dedicated for parks, conservation areas, or other public uses;
  - (5) A title block including a graphic scale, north arrow, date, and name of allotment; and
  - (6) Preliminary drawings showing street profiles and grades, a typical cross-section of proposed roadways, proposed storm sewers, septic systems, and water supply, as well as all existing watercourses, culverts, storm sewers, and existing features pertinent to the plotting of an allotment.

#### **1105.07 PROCESSING OF FINAL PLATS.**

- (a) The sub-divider shall submit an electronic copy of a final plat prepared by a registered surveyor or engineer along with such supporting data as required in Section 1105.08. Said submittal shall be in conformance with the approved preliminary plan and be made at least 30 days in advance of the Planning Commission meeting at which it is to be considered and shall be accompanied by the required fee as set forth in Section 1105.27. The Administrator shall forward the plans to the Village Engineer, who shall promptly return a copy of the plat to the Administrator, together with his or her comments and recommendations.
- (b) The Commission shall review final subdivision plats and make a recommendation to the Village Council regarding approval of said plats within a reasonable period of time, but not to exceed 30 days from the date of a complete submittal, unless an extension of time is agreed to by the sub-divider. The Commission may request comments from officials or experts, including the Village Engineer, whose advice may be helpful in evaluating the subdivision proposal. The plat, together with the Commission's recommendation, shall then be forwarded to Council.
- (c) Upon receipt of the subdivision plat and the recommendation of the Planning Commission, Council shall schedule the plat for review at a Council meeting and shall, within a reasonable period of time, either approve, conditionally approve with stipulations, or disapprove the plat.
- (d) Should Council approve or conditionally approve the plat, the sub-divider shall install the improvements required by the approval, submit to the Administrator a cost estimate for completion of all public improvements associated with the subdivision, or install a portion of the improvements and submit a cost estimate for the completion of the improvements. If a portion of the improvements are installed, the Village Engineer, shall approve the installed improvements. The Village Engineer shall review any estimates and establish the amount of any performance bonds to be posted. The sub-divider shall submit bonds, letter of credit or escrow bank account in the amount established by the Village Engineer in a form approved by the Village Law Director.
- (e) Upon submittal and approval of the required bonds, as set forth in Section 1105.25 hereof, the



subdivider agreement required by Section 1105.24 or the installation of the required improvements, the Mayor, Village Engineer and Village Fiscal Officer shall sign the final plat prior to the recording of the plat. The placement of said signatures on the plat shall constitute final approval of the subdivision.

- (f) No street, right of way, easement, or other required improvement shall be deemed accepted for dedication until it has been inspected by the Village Engineer, and said Engineer has filed a written finding with the Fiscal Officer that said street or other improvement has been constructed in accordance with the specifications set forth on the approved plat and the rules and regulations outlined herein, and said street or other improvement is in good repair.

#### **1105.08 SUBMITTAL REQUIREMENTS FOR FINAL PLATS.**

Subdivision plats submitted to the Village for review and approval shall be a minimum of 18 inches by 30 inches in size and preferred 24 inch by 36 inch and be drawn at a scale of 1" = 100' or as approved by the Village Engineer. Final subdivision submittals shall include, at a minimum, the following:

- (a) A vicinity or location map at a scale of 1" = 1000' showing the relationship of the proposed subdivision to the surrounding area.
- (b) The name of the subdivision, north arrow, scale, and date.
- (c) The names of all adjoining property owners, recording information, permanent parcel numbers, acreage and addresses.
- (d) The property boundaries with length of courses in feet and hundredths and bearings to not more than half seconds.
- (e) The curve data for streets including the radii, arcs, chords, chord bearings, tangent, and central angle.
- (f) Accurate dimensions for all lots, reserve parcels, rights-of-way, and easements.
- (g) The accurate location of all required monuments.
- (h) A summary of the area of land used for each of the following: lots, rights-of-way, blocks, parks, and open space.
- (i) Detailed construction plans prepared by a registered engineer for all required improvements at a scale of 1" = 50' on 24" by 36" sheets or at such other scale acceptable to the Village Engineer.
- (j) An erosion control and storm water plan meeting the requirements of Chapter 1333 and 1335 of the Codified Ordinances of the Village.
- (k) The location of setback lines from public rights-of-way as required by the Zoning Ordinance.
- (l) An acknowledgment by the owner that the plat was prepared with his consent and is accepted by him and dedicating the streets and the appropriate easements and public areas to the Village and/or various utility entities. In the case of private streets, the required homeowner association documentation and deed restrictions.
- (m) A statement signed by the owner setting forth the rights associated with the easements and reserve parcels shown on the plat.
- (n) If the submittal is for a section or portion of the property only, an overall plan of the entire property showing the general subdivision layout of the entire parcel.
- (o) A certification by a registered engineer or surveyor that the information contained on the plat is true and correct and conforms to the requirements of these Subdivision Regulations.
- (p) A release signed by any mortgage holders regarding the dedication of rights-of-way and other lands set aside for public purposes.
- (q) Evidence that any and all required approvals have been obtained from government agencies including but not limited to Ohio EPA, Army Corp of Engineers, Lorain County Public Health, and Lorain County Soil and Water Conservation District.
- (r) An approval block for the endorsement of the plat by the Mayor, Village Engineer, and the Village

Fiscal Officer upon approval by the Village Council.

#### **1105.09 SPECIAL PROCEDURES FOR MINOR SUBDIVISIONS.**

Minor subdivisions may be approved for recordation by the Mayor and/or Administrator, without referral to the Planning Commission or Village Council, provided that all appropriate requirements of the Zoning Code and Section 1105.10 of these Subdivision Regulations are met and the plat has received a favorable review by the Administrator. The Administrator may request review of the minor subdivision by the Village Engineer. Where in the opinion of the Mayor or the Administrator there are unusual conditions associated with a proposed minor subdivision, the plat or legal description shall be forwarded to the Planning Commission and follow the process outlined in Section 1105.07.

#### **1105.10 SUBMITTAL REQUIREMENTS FOR MINOR SUBDIVISIONS.**

Minor subdivision plats submitted for review and approval shall be prepared at a scale of 1" = 100' and shall contain the following:

- (a) A vicinity or location map at a scale of 1" = 1000' showing the relationship of the proposed subdivision to the surrounding area.
- (b) The name of the subdivision, north arrow, scale, and date.
- (c) The names of all adjoining property owners.
- (d) The accurate location of all required monuments.
- (e) The location of setback lines from public rights-of-way as required by the Zoning Ordinance.
- (f) If the submittal is for a section or portion of the property only, an overall plan of the entire property showing the general subdivision layout of the entire parcel.
- (g) A certification by a registered engineer or surveyor that the information contained on the plat is true and correct and conforms to the requirements of a minor subdivision of these Subdivision Regulations.
- (h) An approval block for the endorsement of the plat by the Mayor, and ~~Administrator and~~ Village Fiscal Officer (if Council approval is necessary). If approval is by legal description and deed, the shall be stamped "Approved by Village of South Amherst No plat required" and signed by the Mayor and Administrator.

#### **1105.11 GENERAL STREET DESIGN CRITERIA.**

All construction pertaining to roads, drainage, and underground utilities shall conform to the Latest Editions of the "State of Ohio Department of Transportation Construction and Material Specifications, Land and Development Manuals", Ohio Manual of Uniform Traffic Control Devices and the ODNR Rainwater and Land Development Manual, Village Standards as applicable, except as modified or otherwise specified herein.

- (a) All public streets shall provide a right -of-way dedication of not less than sixty (60) feet in width and provide a minimum pavement width of twenty (20) feet with an additional 2-foot-wide gutters on both sides of the road.
- (b) All cul-de-sac streets shall be provided with a turn-around which shall have a minimum 100 ft. diameter right-of-way and 80 ft. diameter pavement. Where appropriate the Village Engineer may require autoturn movement exhibits be prepared by the Development Engineer to ensure appropriate turn movements for trucks and emergency vehicles can maneuver the proposed streets safely.
- (c) Whenever possible, streets shall be looped to provide more than one entrance and exit to the development. Intersections with existing rights-of-ways shall be maintained at a minimum necessary



for proper traffic circulation. Streets shall be laid out so as to intersect as nearly as possible at right angles.

- (d) Street alignments should follow natural contours and be designed to conserve natural features. Stub streets should be eliminated unless such stub street is necessary based on an overall concept plan for the development of the adjacent property. The Village Engineer shall define maximum lengths of a road with the requirement of a stub street.
- (e) The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
- (f) Street names shall be approved by Council and shall not duplicate the names of existing streets within the Village.
- (g) The Village Engineer or Planning Commission may modify these standards based on unique topographic conditions, soil conditions, or other unusual conditions specific to the property being subdivided.
- (h) The Village Engineer or the Planning Commission may require a Traffic Impact Study based on the location of the development, the size of the development, and other unusual conditions of the specific property being subdivided.
- (i) Private streets may be permitted in the Planned Development District after review and approval of the Planning Commission. Private streets must meet the design criteria outlined in this section.
  - (1) In all cases where private streets are permitted, a Property owners Association shall be formed to control and maintain the streets. Property owners Association documents, to be reviewed and approved by the Law Director, shall be submitted with the final plat and recorded with the subdivision.
  - (2) All responsibility and liability for private streets remain with the Property owners Association and owners of the lots served by the private street. Deed restrictions for private streets are required to include the following language: The undersigned grantee (s) hereby acknowledge (s) that (he, she) understand that the premises described herein is located on a private non-dedicated street. The Property owners Association is responsible or liable for the care, repair, replacement, snow or ice removal, dust control, drainage, mowing, tree trimming, or maintenance of said private street. The Property Owners Association for such Development shall indemnify, defend, and hold harmless all governmental bodies for any and all such claims of any kind or nature that may arise or be related to the private street.

#### **1105.12 PEDESTRIAN CIRCULATION SYSTEMS.**

- (a) A pedestrian circulation system shall be included and designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the restricted open space system and need not always be located along streets.
- (b) Trails for which a public right of passage has been established should be incorporated in the pedestrian circulation system.
- (c) Where required by the Village Engineer and the Planning Commission, sidewalks and handicapped ramps, of such width and type of construction as required by the Village Engineer and the Americans with Disabilities Act, shall be constructed.
- (d) Sidewalks shall be located not less than one foot from the property line to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on the property line



at a later date. When required, concrete sidewalks shall be at least a minimum of four feet wide and four inches thick with appropriate aggregate base. Sidewalks shall be maintained by the homeowners or homeowners association in the case of a block.

**1105.13 MONUMENTS.**

- (a) Permanent monuments shall be set in accordance with Section 711.03 of the O.R.C. and Chapter 4733-37 of the O.A.C. and shall include new street centerline monumentation. In addition, each corner of all sublots, blocks and parcels shall be monumented.
- (b) All stone, concrete or iron pin markers shall be at least thirty inches long and the bottom of such markers shall be set at least thirty inches below finished grade.

**1105.14 WATER.**

All lots shall be served by either public water service as set forth in subsection (a) hereof,

- (a) Where a public water main is accessible, the sub-divider shall install adequate water facilities, including fire hydrants, in accordance with the rules, standards, and specifications of the Village. Subdivision shall be provided with a loop-type distribution system, except as otherwise required by the Village Engineer. Said water mains and appurtenances shall be inspected, tested, and approved by the Village prior to acceptance by the Village.

**1105.15 SANITARY FACILITIES.**

Each lot shall be served by an adequate sanitary sewage collection and disposal system which shall be installed in accordance with the rules, regulations, standards, and specifications of Lorain County Public Health and/or the Ohio EPA. No such sanitary system shall be installed or used except with the approval of Lorain County Public Health and or Ohio EPA. If a common on-site system is to be used, it shall not be located in the restricted open space. Plans should include provisions (placeholder) for future sanitary sewer distribution systems if a current connection to public sewer system is not currently available.

**1105.16 STORMWATER DRAINAGE SYSTEM.**

- (a) An adequate storm drainage system shall be provided for each subdivision. Storm facilities shall be designed and constructed in accordance with standards established by the Village Engineer, and in compliance with Chapter 1309 Flood Damage Prevention Regulations, and as applicable, ODNR Rainwater and Land Development Manual, Lorain County Soil and Water Conservation District and the Ohio EPA, in order to prevent flooding and properly dispose of storm waters in conformance with chapter 1333 and 1335 of the Codified Ordinances of the Village.
- (b) Storm drainage facilities shall in each case be of sufficient capacity to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the subdivision.
- (c) No subdivision shall be approved that would overload the existing downstream drainage facilities until provisions for downstream improvements or on-site detention satisfactory to the Village Engineer, and as applicable, Lorain County Soil and Water Conservation District and the Ohio EPA, have been made.
- (d) Measures shall be taken to minimize erosion and its impacts during construction. Detailed erosion control plans setting forth the techniques to be used and a schedule for implementation shall be submitted with the final plat. Techniques, devices, or measures used shall be as approved by the Village Engineer and as applicable, Lorain County Soil and Water Conservation District and the Ohio EPA.

#### **1105.17 EASEMENTS.**

- (a) Where a subdivision is traversed by a water course, drainage way, channel, storm conduit, or stream, there shall be provided to the Village a storm water easement conforming substantially to the lines of such water course and containing such additional width as determined by the Village Engineer. Said easement shall be duly recorded and require the property owner to be responsible for maintenance of the underlying water course, drainage way, channel, storm conduit, or stream but permitting the Village and/or Lorain County to enter upon the property to affect repairs or maintenance in the event the property owner fails to do so. Cost of said repairs or maintenance shall be a charge to the property owner or property owners association.
- (b) Easements twelve feet in width shall be provided adjacent to each side of and contiguous with all proposed rights-of-way. Such easements shall be usable for any and all utilities including private utilities such as electric, communication and gas.
- (c) Utility or drainage easements across lots or alongside side or rear lot lines shall be a minimum of ten feet in width. The Village Engineer may require additional width where appropriate.

#### **1105.18 LOTS.**

- (a) Each lot shall have satisfactory access to a street.
- (b) Double frontage, reverse frontage, and irregularly shaped lots shall be avoided.
- (c) Lot lines shall be substantially at right angles or radial to street lines.
- (d) Lot dimensions shall comply with the minimum requirements of the Zoning Ordinance.
- (e) Lots shall be so arranged such that there will be no foreseeable difficulties in securing building permits.

#### **1105.19 NATURAL FEATURES.**

- (a) The Commission shall, wherever possible, establish the preservation of all-natural features that add value to residential developments and to the community, such as large wooded areas, watercourses, areas of historical significance, and similar irreplaceable assets.
- (b) One street tree, of a type and caliper as approved by the Village, shall be required for each lot.

#### **1105.20 ELECTRIC AND TELEPHONE LINES; TELEVISION AND INTERNET CABLES**

In all subdivisions, underground electric current and telephone lines and television and telecommunications/internet cable shall be buried in accordance with the specifications and standards set forth by the appropriate utility company and as approved by the Village Engineer.

#### **1105.21 STREET LIGHTING.**

The developer shall install street lighting fixtures, wiring and poles in accordance with the standards and specifications of the Village Engineer and the utility company, unless waived by the Planning Commission. The developer shall pay all costs of construction for all street lighting.

#### **1105.22 RECORD (AS-BUILT) CONSTRUCTION DRAWINGS.**

Upon completion of construction, reproducible copies of the record (as-built) construction drawings for improvements installed, along with copies of the construction notes and records from which the record (as-built) drawings were made, shall be provided to the Village. Record (as-built) drawings shall include the following:

- (a) Centerline Profile. The centerline profile (and original ground profile) of each street at a scale of fifty feet or less to the inch, with the final percent of grade indicated.
- (b) Sanitary Sewers, if applicable. The plan and profile of all sanitary sewers constructed, indicating the

size, grade and all manhole inverts referenced to U.S.G.S. datum, or as may be required. All lateral branches shall be referenced to visible permanent physical features, as to location, and the length, as required by the Village Engineer.

- (c) Stormwater Drainage Systems. The plan and profile of all storm sewers and detention /retention basins constructed, indicating the size, grade and all manholes, inlets, headwalls and culvert invert elevations referenced to North American Vertical Datum of 1988 or datum as required by the Village Engineer, or as may be required. All storm laterals, where required, shall be referenced to visible permanent physical features, as to location, and the length, as required by the Village Engineer.
- (d) Water Distribution Systems. The plan of all water mains showing the exact locations of all fittings, valves and fire hydrants. All service branches shall be shown, sizes indicated and referenced to visible permanent physical features, as to location, and the length, as required by the Village Engineer.

#### **1105.23 INSPECTION AND ESCROW ACCOUNT.**

Prior to starting any of the work covered by the plans approved as above, the developer shall have arranged and provided for the following:

- (a) Inspection. Arrangements shall have been made to provide for the inspection of the work sufficient, in the opinion of the Village Engineer, to ensure compliance with the plans and specifications as approved.
- (b) Escrow Account. Funds in an amount determined by the Village Engineer and Fiscal Officer shall be posted with the Village by the developer, such amount being sufficient to cover the cost to the Village of all on-site construction inspections and any necessary laboratory testing of materials. These funds shall be called the escrow account (which shall not be interest bearing) and shall be replenished by the developer if needed. Any funds remaining in the escrow account shall be returned to the developer upon completion of the project as certified by the Village Engineer and as accepted by the Village Council.

#### **1105.24 SUBDIVIDER'S AGREEMENT**

- (a) To ensure the proper construction and installation of all improvements required by these Regulations, the developer shall execute a subdivider's agreement in a form approved by the Village Law Director, the Village Engineer and the Planning Commission.
- (b) The agreement shall provide that all required improvements shall be constructed and installed, at the developer's expense, in compliance with the standards and specifications for each of the various types of improvements, and that such improvements will be completed within two years from the date of the approval of the preliminary plan.
- (c) The subdivider's agreement shall further provide that where the improvements are not completed within the specified period of time, the Village may complete the improvements and recover full costs and expenses thereof from bonds posted by the developer for the faithful performance of such work.
- (d) No construction of any water mains or sanitary or storm improvements, nor the laying of pavement, shall be commenced prior to the approval of the subdivider's agreement.
- (e) Prior to the acceptance of the subdivider's agreement by the Village, he will not conduct any inspections on the project.
- (f) Upon completion of the project including any punch lists prepared by the Village Engineer, the public portions of the project shall be dedicated to the Village and formally accepted by the Council. The plat shall be filed by the Developer and signed off by the Village as required.



#### **1105.25 BONDING REQUIREMENTS.**

- (a) Performance Bonds. Prior to the endorsement of the plat by Village officials, the sub-divider shall install the improvements or furnish a bond or other security in a form and amount acceptable to the Village Council. Said bond shall guarantee completion of all required public improvements associated with the subdivision in accordance with the approved plans and specifications for said subdivision. All construction covered by the bond shall be completed within one year unless a greater period of time is approved by Council.
- (b) Maintenance Bonds. Upon completion of construction of public streets and prior to acceptance of the public improvements by the Village, the sub-divider shall furnish a bond providing for the maintenance of said streets and said public improvements for a period of two years from the date the Village Engineer certifies that the streets have been completed according to plan. Maintenance bonds shall be 10% of the total cost of construction.
- (c) Indemnity Insurance. A policy of indemnity insurance in the amount of \$2,000,000/5,000,000 personal liability and \$250,000 property damage protecting the Village against any claims for damage to person or property resulting from or by reason of the construction of the subdivision improvements shall be furnished to the Village prior to the start of construction and be maintained in force by the sub-divider until all improvements are completed to the satisfaction of the Village Engineer.

#### **1105.26 VACATION OF PLATS.**

Any plat or portion thereof may be vacated by the filing of a written instrument declaring said plat or portion thereof to be vacated. Such instrument shall be submitted to the Planning Commission, which shall review same and make a recommendation to Council. Council may approve, reject, or approve in part any such instrument. Upon approval by Council, said instrument may be recorded in like manner as plats of subdivisions and shall operate to destroy the force and effect of the plat, or portion thereof, so vacated.

#### **1105.27 FEES.**

Sub-dividers shall be responsible for payment of subdivision review fees and construction inspection fees in such amounts as adopted by the Council

- (a) Plan Review and Field Inspection Fees: The Sub-divider shall pay to the Village the total cost of plan review and field inspection of the improvements. The Village Engineer shall prepare estimated review and inspection fees based on the size of each project. The Sub-divider is held responsible for all fees, which will be payable upon invoice. The Performance Bond posted by the Developer must guarantee the payment of all Fees, and no Bonds will be released until all Fees have been paid in full.
- (b) Application Fees for subdivisions shall be as follows:
  - Minor Subdivisions    \$200.00
  - Subdivisions                \$200 plus \$20 per lot

#### **1105.99 VIOLATIONS AND PENALTIES.**

- (a) Any person, firm, or corporation who fails to comply with, or violates, any of the regulations set forth herein or fails to comply with any order issued pursuant thereto, shall be guilty of a misdemeanor of the first degree, be subject to up to six months in jail, a fine of not more than one thousand dollars (\$1,000) per violation, and the forfeiture of all fees paid to date.
- (b) Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these Subdivision Regulations; prevent unlawful construction; recover damages; or restrain, correct, or abate a violation. These remedies shall be in addition to the penalties described above.

### **TITLE THREE ZONING REGULATIONS**

**Chap. 1121. Title; Purpose: Interpretation**  
**Chap. 1125. General Regulations and Penalty**  
**Chap. 1129. Definitions**  
**Chap. 1133. Establishment of Districts and Regulations**  
**Chap. 1137. Non-Conforming Uses**  
**Chap. 1141. Accessory and Temporary Uses**  
**Chap. 1145. Parking**  
**Chap. 1153. Administration and Enforcement**  
**Chap. 1157. Site Plan Review**  
**Chap. 1161. Board of Appeals**  
**Chap. 1165. Conditional Use Permits**  
**Chap. 1169. Amendments**  
**Appendix A-Signs**

#### **1121.01 TITLE.**

Title Three of this Part Eleven shall be known and may be cited as the South Amherst Zoning Ordinance.

#### **1121.02 PURPOSE.**

This Zoning Ordinance is adopted for the following purposes:

- (a) To promote and protect the health, safety, comfort, welfare, convenience and necessity of the public.
- (b) To divide the incorporated area of South Amherst into districts, prescribing and regulating therein the location, execution, reconstruction, alteration, and use of buildings, structures, and land for residential, commercial, manufacturing, recreational, and other specified uses.
- (c) To fix reasonable standards to which buildings and structures shall conform, and provide that alterations or remodeling of existing buildings or structures be conducted in accordance with current standards as set forth herein.
- (d) To regulate and limit the intensity of use of land.
- (e) To avoid or lessen congestion in the public streets.
- (f) To establish setback lines along streets, traffic-ways, drives, parkways, and storm and flood water runoff channels or basins and to regulate the location of structures relative to such lines.
- (g) To protect the character and maintain the stability of residential, commercial, industrial, and recreational areas within the Village.
- (h) To prohibit uses or structures which are incompatible with the character of other appropriate existing or intended development within each zoning district.
- (i) To provide for the gradual elimination of those existing uses of land, buildings, and structures, that do not conform to the standards of the zone in which they are located at the time of enactment of this Ordinance.
- (j) To promote the orderly development of the Village in accordance with a comprehensive consideration of land uses in the Village and in accordance with the approved Vision Statement of the Village.
- (k) To protect agricultural pursuits from the detrimental effects of urban and rural development.
- (l) To define and limit the powers and duties of the administrative officers and bodies as provided herein.

### **1121.03 INTERPRETATION.**

In the interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements. Where this Zoning Ordinance imposes a greater restriction than is imposed or required by other provisions of law, rules, regulations, or resolutions or by private deed restrictions or covenants, the provisions of this Zoning Ordinance shall prevail.

### **1121.04 VALIDITY.**

If any section, clause, provision or portion of this Zoning Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other chapter, clause, provision or portion of the Zoning Ordinance.

### **1121.05 EFFECTIVE DATE.**

This Zoning Ordinance shall take effect and be in force at the earliest date permitted by law.

### **1121.06 REPEAL.**

Zoning Ordinance No. 462 and any subsequent ordinance amending the same and all other ordinances or parts of ordinances in conflict herewith or contrary hereto be and the same are repealed.

## **CHAPTER 1125 GENERAL REGULATIONS AND PENALTY**

### **1125.01 PURPOSE**

The provisions of this chapter shall apply to all districts.

### **1125.02 ZONING PERMIT REQUIRED.**

- (a) No vacant land and no building erected, added to or altered shall be occupied or used in whole or in part nor shall any owner or tenant or any land or building hereafter change the use classification or enlarge the use classification in any building or on any premises without obtaining a Zoning Permit from the Administrator. Applications for a Zoning Permit shall be submitted on forms provided by the Village of South Amherst and accompanied by the information required by Chapter 1157 and fees as established by the Council. The Administrator shall issue a zoning permit when the following have occurred:
  - (1) The Administrator has determined that all the provisions of the Zoning Ordinance have been satisfied or the application has been approved by the Planning Commission.
  - (2) The property owner has submitted evidence, when necessary, from the Lorain County Public Health Department indicating compliance with all the requirements of said Department.

### **1125.03 ENFORCEMENT.**

- (a) This Zoning Ordinance shall be administered and enforced by the Administrator and/or such other individuals as may be designated by the mayor. The Administrator shall have the right to enter upon any land or into any building for the purpose of making an inspection or determining compliance with this Zoning Ordinance.
- (b) If the Administrator finds that any of the provisions of this Zoning Ordinance are being violated, he shall issue a notice of the violation to the person responsible indicating the nature of the violation, ordering the action necessary to correct it and establishing a time frame for compliance. A letter of notice shall be sent by certified mail and a certificate of mailing. If the violation is not corrected as directed, the Administrator may request the Director of Law to institute and maintain in the name



of the Village an appropriate action at law or in equity to restrain such person from the further building or use of land or buildings which are in violation of the Zoning Ordinance, or for order to terminate any violation of the Zoning Ordinance.

- (c) Any order of the Administrator to comply with this Ordinance may be appealed to the Board of Zoning Appeals by any person adversely affected by such order in a manner prescribed by Section 1161.01 of this Ordinance.

#### **1125.04 ANNEXATION OF PROPERTY.**

Land to be annexed shall be classified as being in whichever district classification as recommended by the Planning Commission to Council concurrently with Council's consideration of the annexation plat and Council shall consider the same as required by State law. Such zoning classification shall be effective with the adoption of the annexation.

#### **1125.05 REIMBURSEMENT OF REVIEW COSTS.**

Whenever the Village requires review of plans for the development of real estate within the Village, and whenever the Village deems it necessary to hire a consultant to review said plans on behalf of the Village, the cost to the Village for hiring said consultant shall be wholly reimbursed to the Village by the developer and/or property owner within thirty days of receipt of such bill from the Village.

#### **1125.06 PERFORMANCE STANDARDS.**

- (a) Performance Requirements for All Uses.

Uses in all districts of the Village shall comply with the standards of performance set forth in this chapter. In addition to the requirements listed in this chapter, there shall not be discharged from any source whatsoever such quantities of air contaminants hazardous to persons or the public or which cause injury or damage to business or property.

- (1) Air Contaminants. No emission of air pollutants shall be permitted which violate the Clean Air Act, as amended from time to time, as enforced by the Ohio Environmental Protection Agency.
- (2) Radioactive Material. Radioactive materials shall not be emitted to exceed quantities established by the United States Bureau of Standards or as amended from time to time.
- (3) Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved. All standards enforced by the Occupational Safety and Health Administration, and all standards contained in the Building and Fire Codes shall be adhered to.
- (4) Noise. No person shall willfully cause, create, allow or permit to be made within the Village any unreasonably loud, disturbing and unnecessary noise of such character, intensity or duration as to disturb the peace, quiet, and comfort of a reasonable person of normal sensitivity residing in the Village. All uses shall comply with section 509.08 of the Village of South Amherst Code of Ordinances.
- (5) Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- (6) Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- (7) Light. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.

- (8) Noxious Odors; Filthy Accumulations; Polluting and Diverting Watercourses. No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal, which dwelling, building, structure or place, or which activity, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public. No person shall cause or allow offal, filth or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public. No person shall unlawfully obstruct or impede the passage of a navigable river, harbor or collection of water, or corrupt or render unwholesome or impure, a watercourse, stream or water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.

#### **1125.07 PENALTY FOR VIOLATION.**

The owner or owners of any building or premises or a part thereof, where anything in violation of this Zoning Ordinance shall be placed or shall exist, and any architect, builder or contractor who assists or participates in the commission of any such violation, and all persons or corporations who shall violate any of the provisions of this Zoning Ordinance or fail to comply therewith, or any requirements thereof, or who shall build in violation of any detailed statement of plans submitted and approved thereunder, shall for each and every violation or non-compliance be guilty of a minor misdemeanor, and upon conviction thereof shall be fined not more than one hundred fifty dollars (\$150.00) and each day during which said violation shall continue shall constitute a separate offense. A second offense for violation of this Zoning Ordinance within six (6) months is a misdemeanor of the fourth degree and each day of such noncompliance shall constitute a separate offense.

#### **1125.08 FEES.**

Applications for zoning permits shall be accompanied by such fees as established by the Council which may be adjusted from time to time.

### **CHAPTER 1129 DEFINITIONS**

#### **1129.01 GENERAL INTERPRETATION.**

For the purpose of this Zoning Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the words "individual" or "person" shall include a firm, association, corporation, trust or any other legal entity including his or its agents; the word "lot" shall include the word "plot" or "parcel", the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied"; the word "building" shall include the word "structure" and the word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this ordinance shall be used in their ordinary English usage

#### **1129.02 DEFINITIONS.**

- (1) ACCESSORY USE: A subordinate building or use customarily incidental to and located upon the same lot occupied by the main building or primary use.
- (2) ADMINISTRATOR: The Mayor of the Village of South Amherst or the authorized representative thereof.



- (3) ALLEY: A narrow service way providing a secondary public means of access to abutting properties.
- (4) AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, forestry, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agricultural only if agriculture is the principal use of the land.
- (5) ALTERATIONS: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending one side or by increasing in height, or the moving from one location or position to another.
- (6) ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
- (7) AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered terraces and steps.
- (8) BASEMENT: A story partly underground but having at least one-half of its height below the average level of the adjoining ground. A basement shall not be counted toward livable floor area.
- (9) BED AND BREAKFAST: An establishment operated in a home where the owner is present and provides guest room and limited meal service to transient guests.
- (10) BOARD OF APPEALS OR BZA: The South Amherst Board of Zoning Appeals.
- (11) BUFFER STRIP: An area of land if provided for in this Zoning Ordinance which separates one district from another district. Buffer Strips shall have no structures erected thereon and shall be maintained as a lawn and/or planted with shrubs or trees.
- (12) BUILDING: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.
- (13) BUILDING, ACCESSORY: A supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.
- (14) BUILDING, FRONT LINE OF: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and porches whether enclosed or open but does not include steps.
- (15) 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 for flat roofs, to the deck line of Mansard roofs, and to the mean height between eaves and ridge for Gable, Hip and Gambrel roofs.
- (16) BUILDING PRINCIPAL: The building on a lot used to accommodate the primary use to which the premises are devoted.
- (17) CEMETARY, FAMILY: A cemetery limited to the internment of human remains of persons, at least three-fourths of whom have a common ancestor or who are the spouse or adopted child of that common ancestor. Family cemeteries are not open to the general public and shall be located on property owned by a relative of the interred.
- (18) CEMETARY, PUBLIC: A plot of land used for the internment of human remains which may include ground burial, mausoleums, columbaria and a scattering ground for the spreading of cremated remains which is owned by public or private entity, registered with the State of Ohio and open to the public.
- (19) COMMUNITY CENTER: Land and/or buildings with public ownership for the benefit of the general public; also known as a Public Use



- (20) **CONDITIONAL USE:** A use that may be permitted in a district after review and approval by the Planning Commission.
- (21) **CONTRACTORS SHOPS:** An establishment where business associated with the construction trades is conducted and may include showroom, material storage and open storage for construction equipment typically uses in the course of the contractor's business.
- (22) **COVERAGE:** That percentage of the lot area covered by the building area.
- (23) **DENSITY:** A unit of measurement; the number of dwelling units per acre of land.
- (24) **DISTRICT:** Shall mean any section of the Village for which uniform zoning regulations as herein provided govern the use of land, structure and premises, the permitted height and area of structures and the area or open spaces about buildings and structures.
- (25) **DOG KENNEL:** Any place in or at which any number of dogs are kept for the purpose of sale or in connection with boarding, care of, breeding, for which any fee is charged; or any place in or at which more than three (3) dogs over age four (4) months are kept for any purpose.
- (26) **DUMP:** A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.
- (27) **DWELLING:** Shall mean a building designed or used as living quarters for one or more families.
  - a. Multiple Dwelling shall mean a dwelling designed or occupied otherwise than as a one-family dwelling or two-family dwelling and including apartment houses, row houses, garden apartments and all other family dwellings of similar character, where apartments or suites are designed for use as separate complete living units, but excluding hotels, motels, or apartment hotels.
  - b. Single Family Dwelling shall mean a separate detached building designed for and occupied exclusively as a residence by one (1) family.
  - c. Two Family Dwelling shall mean a separate detached building designed for or occupied exclusively as a residence by two (2) families.
- (28) **DWELLING UNIT:** A building or portion thereof providing complete housekeeping facilities for one family.
- (29) **FAMILY:** One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.
- (30) **FAMILY DAY CARE HOMES:** A facility that meets the definitions and requirements of Ohio Revised Code Section 5104.01
- (31) **FARM:** Any parcel of land containing at least five (5) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels.
- (32) **FENCE:** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
- (33) **FLOOR AREA OF A BUILDING:** The sum of the gross horizontal area of the several floors of a building. All dimensions shall be measured between exterior faces of the walls. In residential structures it shall not include unenclosed porches, decks, garages, basements or carports.
- (34) **GARAGE, PRIVATE:** An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used to shelter or store passenger automobiles and located on the same lot as the dwelling to which it is accessory.



- (35) GARAGE, PUBLIC: Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.
- (36) GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, cleaning or minor services and repairs of such motor vehicles.
- (37) GRADE, FINISHED: The average level of the finished surface of the ground adjacent to the exterior walls of any building.
- (38) HOME OCCUPATION: An occupation or a profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit by a member of the family residing therein.
- (39) JUNK: Shall mean any worn-out, castoff, or discarded article or material which is or may be salvaged for reuse, resale, reduction, or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for the aforesaid purposes. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.
- (40) LIVABLE AREA: The total of the square feet of usable living floor space within the defined areas created by the walls of a dwelling. Does not include open patios, open terraces or courts, open breezeways, basements, outside steps, garages and/or carports.
- (41) LOT: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.
- (42) LOT AREA: The total horizontal area within the lot lines of a lot exclusive of rights of way of any public or private street.
- (43) LOT, CORNER: A parcel of land at the junction of and fronting on two or more intersecting streets.
- (44) LOT, DEPTH OF: A mean horizontal distance between the front lot line and the rear lot line, measured in a general direction parallel with its side lot lines. Lot length and or depth have the same meaning.
- (45) LOT FRONTAGE: the portion of the lot abutting the street.
- (46) LOT, INTERIOR: A lot other than a corner lot.
- (47) LOT, WIDTH OF: The shortest distance between the lot side lines, at the specified Setback Building Line.
- (48) LOT LINES: Any line dividing one lot from another.
- (49) MANUFACTURED HOME means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards. May be used as a dwelling.
- (50) MOBILE HOME: Any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets, and designed to permit the occupancy thereof as a dwelling unit for one or more persons. Mobile Homes shall not be permitted as a dwelling.



- (51) **NON-CONFORMING USE:** A building, structure or use of land existing at the time of enactment of this Ordinance or amendments thereto and which does not conform to the regulations of the district in which it is situated.
- (52) **OFFICE:** Includes general, medical, professional establishments that provide executive, management, administrative or professional services but not including retail except those that are clearly subordinate to the office use.
- (53) **OPEN SPACE:** A space unoccupied with structures open to the sky on the same lot with the building.
- (54) **ORDINARY REPAIRS AND MAINTENANCE:** Any replacement of any part of a structure where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such structure or any part thereof and to restore damage to such structure or any part thereof and to restore same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.
- (55) **PARK:** A public, private and/or commercial area which is to be used for recreational purposes. Any such area which requires fee or a use fee shall first secure a Zoning Permit.
- (56) **PARKING SPACE:** An off-street space available for the parking of one motor vehicle and giving access thereto, and having direct access to a street or alley.
- (57) **PERSONAL SERVICES:** Establishments that provide services of a personal convenience nature involving the care of a persons or his or her personal goods or apparel. Personal service establishments include but are not limited to, laundry and dry cleaning, beauty and barber shops, funeral services, travel agencies, tailors, health, fitness and other self-improvements facilities, photography studios, driving schools, postal substations, and package delivery and pick up stations.
- (58) **PLACES OF ASSEMBLY:** A building or portion of a building that is not a place of worship, designed for the gathering of people who are members of an association or fraternal or cultural organization, and places designed for the gathering of individuals for the common purpose a celebrating or supporting an activity for someone other than the owner for which a fee may or may not be charged.
- (59) **PLACES OF WORSHIP:** a building or buildings or land, including but not limited to churches, synagogues, mosques, or temples designed and used for religious worship.
- (60) **PDD or PLANNED DEVELOPMENT DISTRICT:** An area of a minimum contiguous or noncontiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination of such uses, and appurtenant common areas and accessory uses, customary and incidental to the predominant uses.
- (61) **PLANNING COMMISSION:** The Village of South Amherst Planning Commission.
- (62) **PLOT PLAN:** See SITE PLAN.
- (63) **PUBLIC USE:** Any facility, use or structure that is owned and/or operated by a local, county, state or federal government or any agencies thereof, excluding schools.
- (64) **RESIDENTIAL CARE FACILITY:** A facility that meets the definition and requirements of Ohio Revised Code section 5119.341
- (65) **RIGHT-OF-WAY:** (Also known as Street) 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.
- (66) **SCHOOL:** Any building or part thereof that is designed, constructed and used for education and instruction that meets the state requirements for pre-school, elementary and secondary education.



- (67) **SCHOOL, AGRICULTURAL VOCATIONAL:** Any secondary or higher education facility that teaches usable, practical skills related to farming, horticulture, floriculture, animal and poultry husbandry and viticulture. The education related to the repair and maintenance of farm equipment is not included in agricultural vocational school.
- (68) **SETBACK:** The distance between the building and any lot line.
- (69) **SETBACK LINE:** A line established by this code, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground except as may be provided in this code. See YARD.
- (70) **SIDE LOT CLEARANCE:** An open space between the main building or any accessory building and the side line of the lot extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.
- (71) **SIGHT DISTANCE:** The length of roadway visible to the driver, providing the driver with sufficient time to identify and appropriately react to all elements of the road environment, including other road users and hazards.
- (72) **SIGN:** A "sign" is any structure or part thereof, or any device attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. A "sign" does not include the flag, pennant, or insignia of any nation, or group of nations, or of any state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event or decorations designed to celebrate a holiday or event. However, a "sign", as defined herein, shall not include a similar structure or device located within a building.
- (73) **SITE PLAN:** ( Also known as plot plan) The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order for an informed decision to be made by the approving authority.
- (74) **SOLAR ENERGY SYSTEM:** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.
- (75) **STABLE:** Shall mean any building or structure or portion thereof which is used for the shelter or care of horses or other similar animals, either permanently or transiently.
- (76) **STREET:** A public or private way which affords the principal means of access to abutting properties, also known as a right-of-way.
- (77) **STREET LINE OR RIGHT OF WAY LINE:** Is defined as the right-of-way line of any road or street or highway within the Village of South Amherst. All setback distances shall be measured from the street line or right-of-way line.
- (78) **STREET, PAPER:** A street that has never been built but is shown on an approved plan, subdivision plat, tax map, or official map.
- (79) **STRUCTURE, ACCESSORY:** A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.
- (80) **SWIMMING POOL, COMMUNITY OR CLUB:** A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their families.
- (81) **SWIMMING POOL, PRIVATE:** A private swimming pool, but not including farm ponds, as regulated herein, shall be any pool, lake or open tank not located within a completely enclosed

building, and containing or normally capable of containing water to a depth at any point greater than one and one-half feet.

- (82) **VENDING MACHINE:** Any unattended self-service device that, upon insertion of money, credit card, token, or similar means, dispenses something of value, including food, beverages, goods, and merchandise.
- (83) **WIRELESS, CELLULAR OR COMMUNICATION TOWER:** "Wireless, cellular or communication tower" means a structure intended to support equipment used to transmit and/or receive communications signals including monopoles and guyed and lattice construction steel structures.
- (84) **USE:** The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "Permitted Use" or its equivalent shall not be deemed to include any non-conforming use.
- (85) **USE, ACCESSORY:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
- (86) **USE, CONDITIONAL:** A use of land that is of such a nature that its unlimited operation could be detrimental to the health, safety, and general welfare of residents in the surrounding area or to property or property values and on which the public has reserved the right to permit the use subject of certain general and specific conditions stated in the ordinance which are deemed necessary to protect the permitted uses of other affected properties.
- (87) **VARIANCE:** A variance is a modification from the literal provisions of that Ordinance by the Appeals Board in cases where a literal enforcement of its provisions would result in practical difficulty owing to circumstances unique to the individual property or use for which the variance is granted.
- (88) **VILLAGE:** means the Village of South Amherst.
- (89) **YARD:** An open space, on the same lot with a building.
- (90) **YARD, FRONT:** A yard extending the full width of the front of a lot between a street right-of-way line and the building setback line.
- (91) **YARD, REAR:** A space on the same lot with a building, between the rear line of the building and the rear line of the lot and extending the full width of the lot.
- (92) **YARD, SIDE:** A space on the same lot with a building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.
- (93) **ZONING MAP:** The official map, adopted by ordinance, that delineates the extent of each district or zone established by this Zoning Ordinance.
- (94) **ZONING PERMIT:** A document signed by the Administrator, as required in the zoning ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of the municipal zoning ordinance or authorized variance therefrom.

## **CHAPTER 1133**

### **ESTABLISHMENT OF DISTRICTS AND REGULATIONS**

#### **1133.01 INTENT.**

- (a) The intent of this chapter is to create a series of districts of such number and character as are necessary to achieve compatibility of uses within each district.



- (b) For the purposes of this Zoning Ordinance, all land areas in South Amherst are hereby divided into the following districts:
  - A-R Agricultural - Residence District
  - R-1 Single Family Residence District
  - C-1 Commercial District
  - PDD Planned Development District
- (c) Only those uses specifically identified as being either permitted principal use, a conditionally permitted use, or an accessory use in a particular zoning district may be permitted in the zoning district. Any use not specifically listed as a permitted, conditionally or accessory use in a zoning district shall be considered a prohibited use in the zoning district.

#### **1133.02 ZONING MAPS.**

The boundaries of these districts are hereby established as shown on a map entitled, "The Official Zoning Map of the Village of South Amherst," adopted on \_\_\_\_\_ and certified by the Fiscal Officer, which map accompanies this Ordinance and which map together with all notations, references and other information shown thereon is hereby made a part of this Zoning Ordinance.

#### **1133.03 INTERPRETATION OF DISTRICT BOUNDARIES.**

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

- (a) Where district boundaries are indicated as approximately following the outer line of streets or highways, street lines or highway right-of-way lines such center lines, street lines, or highway right-of-way lines shall be considered to be such boundaries.
- (b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (c) Where district boundaries are so indicated that they approximately are parallel to the center lines or street lines of streets, of the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and of such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.
- (d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- (e) Where the boundary of a district follows a stream, lake, or other body of water, the boundary line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- (f) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Zoning Ordinance shall be determined by dimension notes on the map, or by the use of the scale appearing on the map.

#### **1133.04 CONFORMANCE REQUIRED.**

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than that specifically permitted in the district in which said building or land is located. The Planning Commission may issue Conditional Zoning Certificates for any of the conditionally permitted uses listed under the conditionally permitted use section of any district.

### **1133.05 A-R AGRICULTURAL-RESIDENTIAL DISTRICT**

**(a) INTENT.**

The A-R Residence District is created specifically for use in those areas in which there are at the time of the enactment of this Zoning Ordinance or thereafter residences located upon larger- than-average sized lots and for use in those portions of the Village in which it is desired to create areas of low residential density. The district is created in accordance with the philosophy that the provision and protection of such areas, as well as those of smaller lot size are necessary to preserve the variety of cultural and living habits which our free society affords and thus is necessary to the general welfare of the public. Lot sizes, permitted uses and other regulations hereinafter set forth are considered reasonable and just for use in this district.

**(b) PERMITTED USES.**

In an A-R Residence District no land or building shall be used or changed in use and no building shall be located, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

- (1) Farms and agriculture providing compliance with the following:
  - (A) stables and manure piles are no less than one hundred (100) feet from any lot line;
  - (B) animals shall be in compliance with Chapter 505 of the Codified Ordinances of South Amherst Ohio;
  - (C) grazing areas for animals shall be no less than twenty-five (25) feet from a lot line or habitable structure.
  - (D) One single family dwelling provided it complies with all the requirements of Section 1133.09
- (2) Single family dwelling.
- (3) Roadside stands offering for sale products raised on the premises provided that such stands shall be located no less than forty (40) feet from the road right-of-way line.
- (4) Family Day Care Homes Type B (ORC 5104.01)
- (5) Residential Care Facility per ORC 5119.341 (A)
- (6) Customary accessory uses, as defined by Chapter 1141

**(c) CONDITIONAL USES.**

The following uses, shall be deemed conditional uses in an A-R District and shall be permitted as provided in Chapter 1165 Conditional Uses.

- (1) Cemetery – Public
- (2) Cemetery -Family
- (3) Public Uses
- (4) Swimming Pool, Community or Club
- (5) Family Day Care Homes Type A (ORC 5104.01)
- (6) Places of Worship
- (7) Residential Care Facility per ORC 5119.341 (B)
- (8) Schools – Agricultural Vocational
- (9) Solar Energy Systems
- (10) Small Wind Energy Conversion Systems
- (11) Bed and Breakfast
- (12) Distillery and/or Winery
- (13) In-law Suite



(d) **HEIGHT, LOT AREA, SETBACK, MINIMUM FLOOR AREA AND LOT COVERAGE REQUIREMENTS**

The provisions of Section 1133.09 shall be in force and effect in this district.

(e) **PERMITTED SIGNS.**

The provisions of Chapter 1149 shall be in force and effect in this district.

(f) **OFF STREET PARKING REQUIREMENTS.**

The provisions of Chapter 1145 shall be in force and effect in this district.

**1133.06 R-1 SINGLE FAMILY RESIDENCE DISTRICT.**

(a) **INTENT.**

It is the intent of the Village in the creation of the R-1 Single Family Residence District to provide for areas of medium residential density where such areas exist at the time of the enactment of this Zoning Ordinance and where such areas may be desired thereafter.

(b) **PERMITTED USES.**

In an R-1 Single Family Residence District, no land shall be used or occupied and no structure shall be designed, erected, altered or used except for either one or several of the following uses:

- (1) Single family dwelling.
- (2) Family Day Care Homes Type B (ORC 5104.01)
- (3) Residential Care Facility per ORC 5119.341 (A)
- (4) Public Uses
- (5) Customary accessory uses, as defined by Chapter 1141

(c) **CONDITIONAL USES.**

The following uses shall be deemed conditional uses in an R-1 District and shall be permitted as provided in Chapter 1165 Conditional Uses

- (1) Two family dwelling with a lot area requirement of 22,500 square feet.
- (2) Family Day Care Homes Type A (ORC 5104.01)
- (3) Places of Worship
- (4) Residential Care Facility per ORC 5119.341 (B)
- (5) Schools
- (6) Solar Energy Systems
- (7) Small Wind Energy Conversion Systems
- (9) In-law Suites
- (10) Bed and Breakfast

(d) **HEIGHT, LOT AREA, SETBACK, MINIMUM FLOOR AREA AND LOT COVERAGE REQUIREMENTS.**

The provisions of Section 1133.09 shall be in force and effect in this district.

(e) **PERMITTED SIGNS.**

The provisions of Chapter 1149 shall be in force and effect in this district.

(f) **OFF-STREET PARKING REQUIREMENTS.**

The provisions of Chapter 1145 shall be in force and effect in this district.

### **1133.07 C-1 COMMERCIAL DISTRICT.**

**(a) PURPOSE.**

The purpose of this District is to encourage planned and contiguous groupings of stores which will provide retail convenience and comparison goods and provide personal and professional services and opportunity for business investment in the community. The regulations contained herein are based upon the minimum standards necessary to provide for the preservation of the health, safety, and general welfare of all the residents of South Amherst.

**(b) PERMITTED USES.**

In a Commercial District no land or building shall be used or changed in use and no building shall be located, erected or structurally altered unless otherwise provided herein, except for one or more of the following:

- (1) Stores and shops for conducting any retail business with up to 10,000 square feet of total gross floor area.
- (2) Personal service shops.
- (3) Banks, theaters, offices, restaurants.
- (4) Places of Worship
- (5) Contractors Shops
- (6) Accessory buildings and accessory use as defined by chapter 1141.
- (7) Similar uses, in the opinion of the Planning Commission, are of the same general character as those listed as permitted uses and which are compatible to the specific commercial district in which they are located.

**(c) CONDITIONALLY PERMITTED USES.**

The following uses shall be deemed conditional uses in an C-1 District and shall be permitted as provided in Chapter 1165 Conditional Uses.

- (1) Automobile Repair Garages.
- (2) Service Stations or Automobile Service Stations
- (3) Places of Assembly.
- (4) Apartments Accessory to Commercial Use
- (5) Multi-Family Dwelling
- (6) Assembly of premanufactured materials to a finished product
- (7) Distillery and/or Winery
- (8) Solar Energy Systems
- (9) Small Wind Energy Conversion Systems
- (10) Wireless, Cellular and Communication Facilities
- (11) Drive Thru Facilities when associated with a permitted use

**(d) HEIGHT, LOT AREA, SETBACK, MINIMUM FLOOR AREA AND LOT COVERAGE REQUIREMENTS.**

The provisions of Section 1133.09 shall be in force and effect in this district.

**(e) SIGNS.**

The provisions of Chapter 1149 shall be in force and effect in this district.

**(f) OFF-STREET PARKING AND LOADING REQUIREMENTS.**



The provisions of Chapter 1145 shall be in force and effect in this district.

### **1133.08 PLANNED DEVELOPMENT DISTRICT.**

#### **(a) PURPOSE.**

- (1) The purpose of the PDD regulations are to:
  - (A) Provide an opportunity for a mix of land uses otherwise not permitted within the standard Village zoning district classifications.
  - (B) Allow the creation of development standards that respect the unique characteristics of the site.
  - (C) Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings.
  - (D) Assure compatibility between proposed land uses within and around the Planning Development District through appropriate development controls.
  - (E) Implement the economic development goals of South Amherst.
  - (F) Promote economical and efficient use of land and reduce infrastructure costs through unified development.
  - (G) Provide for supporting community facilities.
- (2) The procedures established for PDDs are designed to encourage and permit a unified development that exhibits:
  - (A) Creative planning and imaginative architectural design.
  - (B) Flexibility in building types, styles and the relationships between buildings and structures within the project.
  - (C) Orderly, coordinated and comprehensive development utilizing accepted land planning, landscape architecture and engineering practices and principles according to approved Development Plans.

#### **(b) AREA REQUIREMENTS.**

- (1) Minimum Area. The minimum area requested for a PDD shall not be less than one hundred forty (140) contiguous acres.
- (3) Ownership. The application for a zoning amendment to PDD shall be submitted by the owners or owner authorized agent of the entire area to be rezoned and may be a single owner or a joint application of all owners of record.

#### **(c) ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT.**

A PDD that is adopted after the effective date of these regulations shall be established according to the procedures for a zoning amendment. At the time of the rezoning, a Preliminary Development Plan shall be approved concurrently. All zoning amendments to the PDD shall be designated on the Zoning Map as a PDD.

- (1) When an application for a zoning amendment to this PDD is initiated by the property owner or its designated agent, and such land is rezoned to the PDD, the zoning on the land at the time of the rezoning application shall be removed and replaced by the approved PDD.
- (2) When an application for a zoning amendment to this PDD is initiated by the Village and is approved, then such approved PDD shall be applied to the property and be in addition to the zoning in effect at the time the rezoning was initiated. The property may only be developed according to the PDD regulations when the development is designed, arranged, fully interrelated, and has similar design qualities as that portion of the PDD that has been initiated by a property

owner or designated agent. Conversely, if the above conditions are not satisfied the property may be developed in compliance with the zoning that was in place at the time the PDD was approved.

- (4) The PDD may have up to five (5) use sub-districts according to the following Schedule A. One or more of these use sub-districts may be applied within a PDD consistent with a Preliminary Development Plan and at the discretion of the Village.

**SCHEDULE A**  
**Use Sub-Districts**

	USE AREA
1	Residential - Low Density
2	Residential - High Density
3	Office
4	Business Hub
5	Leisure/Sports

**(d) USE REGULATIONS.**

Buildings and land shall be used and buildings shall be designed, erected, altered, moved, added or maintained in a PDD only for those uses set forth in each of the sub-districts as established in Schedule A.

- (1) A use listed in Schedule B shall be a principal use permitted by right when denoted by the letter "P" if all requirements of other Village regulations and the zoning regulations set forth in this chapter have been met.
- (2) A use listed in Schedule B shall be permitted as an accessory use when denoted by the letter "A". Such accessory use shall be permitted as a subordinate use when it is clearly incidental to and located on the same zoning lot as the principal building or use or in the same sub-district as regulated by this chapter.
- (3) A use not listed in Schedule C as either a permitted, or an accessory use shall be prohibited in the PDD unless such use is approved as a similar use pursuant to Section 1133.08 (e).

**SCHEDULE B**  
**Use Sub-Districts: Permitted Uses**

PERMITTED USES	Residential Low Density	Residential High Density	Office	Business Hub	Leisure/ Sports
(a) Open Space	P	P	P	P	P
(b) Golf Course	P	P	P	P	P
(c) Club House	A	A	A	A	A
(d) Residential: Single Family, Cluster, Townhouses	P	P	P	P	P
(e) Residential: Multi-Family		P			
(f) Offices			P	P	P
(g) Retail		A	A	P	A
(h) Restaurants		A	A	P	A
(i) Hotels			P	P	A
(j) Conference Center				P	
(k) Theaters/Performing Arts				P	P



(l) Indoor recreation					P
(m) Outdoor recreation					P
(n) Place of Worship	P	P	P	P	P
(o) Health Clinic			P	P	P
(p) Schools	P	P	P	P	P
(q) Day Care		P	P	P	P
(r) Community Support Facilities	A	A	A	P	P
(s) Conventional Accessory Uses	A	A	A	A	A

P = Permitted    A = Accessory

**(c) DETERMINATION OF SIMILAR USES.**

A use not specifically listed in the schedule of permitted uses for the sub-district, may be determined by the Village to be similar to a use specifically listed in Schedule B.

- (1) When the proposed use is being considered as part of a Final Development Plan, such similar use determination shall be made by the Planning Commission.
- (2) When the proposed similar use is not subject to Development Plan review, the determination may be made by the Administrative Officer provided that the Administrative Officer may defer such decision to the Planning Commission.

Such similar use shall adhere to the regulations of the listed use, in Schedule B, that is determine to be most similar to the proposed use.

**(f) USE DEFINITIONS AND LIMITATIONS.**

- (1) Residential-Low Density.
  - (A) Dwelling, single-family. One dwelling unit on a standard sub-divided fee- simple lot.
  - (B) Dwelling, cluster. A dwelling unit which is designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.
  - (C) Dwelling, townhouses (attached single-family). Dwelling units that are structurally attached to one another, side by side and erected as one building, each dwelling unit being separated from the adjoining unit or units by a common wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.
- (2) Residential-Multiple Family. A building with two (2) or more dwelling units and in which the dwelling units do not satisfy the definition of "townhouses".
- (3) Leisure/Sport Uses. Such uses shall be limited to theaters, multi-screen cinemas, performing arts facilities, work out and fitness facilities, water sports, tennis (indoor and outdoor), equestrian facilities, ski slopes, ice skating (indoor), fishing, rock climbing and archery.
- (4) Clubhouse. A community building that is accessory to a golf course, or low or high-density residential developments. A Clubhouse may include but is not limited to: fitness center, community/party room, swimming pool and retail sales.
- (5) Outdoor Displays. The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is

representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.

Outdoor display shall comply with the following:

- (A) Be limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display of merchandise for sale by any person operating or conducting a business that is different or distinct from the principal business conducted at that location.
  - (B) Not exceed fifteen percent (15%) of the ground floor area of the building(s) on the lot.
  - (C) Comply with the building setback requirements set forth in Schedule C or the sub-district in which the lot is located.
  - (D) Not be located in areas intended for traffic circulation as identified on the Final Development Plan.
  - (E) Refer to Chapter 1149 Signs.
- (6) Outdoor Storage. The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area and which satisfies the criteria for outdoor display.

The outdoor storage of goods and materials shall be an accessory use associated with a permitted use and shall comply with the following:

- (A) Outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
- (B) All outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district or a public street. However, in no case shall the height of the fence or wall be less than six feet.
- (C) All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.

Areas devoted to outdoor storage shall be located in a side or rear yard and shall comply with the building setbacks set forth in Schedule C.

- (7) Community Support Facilities. Include police and security, firefighting and emergency services, community transportation centers, media centers and similar public service uses and facilities.
- (8) Accessory Uses. There are two (2) categories of accessory uses in this chapter.
  - (A) Conventional Accessory Uses, which include off-street parking, recreational facilities, signs, fences, containers and areas for, waste disposals, storage sheds, etc. These uses are always subordinate and incidental to the principal use to which the accessory use is related and are subject to the regulations in Schedule C and applicable portions of Section 1133.08 (h). However, parking decks and garages (other than garages or low-density residential developments) shall be subject to the setback requirements of a principal use.
  - (B) Principal Uses that in selected sub-districts (Schedule B) are only permitted as an accessory use and in such cases are subject to the applicable portions of Section 1133.08 (h).



**SCHEDULE C**  
**Development Standards**

	Residential Low Density	Residential High Density	Office	Business Hub	Leisure/ Sports
(a) Maximum Density (units/acre)	2(1)	30	-	-	-
(b) Minimum Open Space required (2)	60%				
(c) Minimum Unit Size (sq. ft.)	1,800	1,000			
(d) Maximum Height (stories)	2.5	25	25	25	8
(e) Perimeter Setbacks (feet)					
1. Building-including Deck parking					
A. Adjacent to Nonresidential	30	75	75	75	75
B. Adjacent to Turnpike	30	75	75	75	75
C. Adjacent to Residential	50	75(3)	75(3)	75	75(3)
2. Parking and Access					
A. Adjacent to Nonresidential	20	20	20	20	20
B. Adjacent to Turnpike	20	20	20	20	20
C. Adjacent to Residential (4)	30	40	40	40	40

Footnotes to Table

- (1) Maximum density on any single acre shall not exceed 8 units/acre.
- (2) Golf course can be included as part of Open Space.
- (3) 75' minimum and equal to height of building.
- (4) The area between the parking setback and the perimeter line shall be reserved as a landscaped buffer area pursuant to Section 1133.08 (h).

**(g) DEVELOPMENT STANDARDS.**

The principal and accessory uses permitted in each sub-district shall comply with the development standards set forth in Schedule C.

**(h) ACCESSORY USE REGULATIONS.**

- (1) Surface parking and access drives shall comply with the setback requirements of Schedule C.
- (2) Parking decks and parking garages shall comply with the setback requirements for principal uses, provided that one-story accessory detached garages in the Residential low-density sub-district, when not exceeding 500 sq. ft. in ground floor area, may be located on a site in compliance with the setbacks for off-street parking.
- (3) This chapter does not include specific regulations for accessory signs or fences and the design, location and size of fences and signs are not required to be submitted with the Preliminary Development Plan. However, prior to a Final Development Plan being approved for any portion of any sub-district, the applicant shall submit design standards and criteria for signs and fences, which shall be applicable to the final plan being submitted and to all remaining areas in the sub-district. When approved, the sign and fence design standards and criteria shall be a supplement to and thus considered part of the approved Preliminary Development Plan.
- (4) Retail Uses, Restaurants and Hotels in the Residential High Density and Office sub- districts shall not comprise, at any time, more than five percent (5%) of the floor area in such sub- districts. This standard shall be based on the total floor area in each community.

**(i) PARKING STANDARDS.**

- (1) Units of Measure. In computing the number of parking spaces required, the following rules shall apply:
- (A) Floor area. Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.
  - (B) Seats. The number of seating units installed or indicated, or each 24 lineal inches of benches, pews or space for loose chairs or similar seating facilities.
  - (C) Employees. Where employees are the standard for determining parking space requirements, employees shall mean the sum of all employees on any two consecutive shifts.
- (2) Parking Spaces. The required number of off-street parking spaces for each facility or use shall be determined by application of the standards in Schedule D. For a use not specified in Schedule D, the Village Planning Commission shall apply the standard for a specified use, which it determines to be most similar to the proposed use.

**SCHEDULE D**  
**Required Number of Off-Street Parking Spaces**

Principal Building or Use	Minimum Number of Spaces Required
(a) Residential Uses	
1. Residential: Single Family, Cluster, Townhouses	2 enclosed spaces/dwelling unit
2. Residential: Multi-Family	1 ½ spaces for every dwelling unit
(b) Office Professional Services	
1. Offices	1 space per 300 sq. ft. of floor area
2. Conference Center	To be determined at the time a Final Development Plan is submitted
3. Health Clinic	5 spaces per doctor and/or dentist
(c) Retail/Service Uses	
1. Retail	1 space per 250 sq. ft. of floor area
2. Restaurants	1 space per 50 sq. ft. of floor area
3. Hotels	1 space per guest room or suite, plus 1 space per every 2 employees
(d) Commercial Entertainment/Recreation Uses	
1. Golf Course (Nine holes or more)	8 spaces per green
2. Club House	1 space per 50 sq. ft. of floor are (including lounging and spectator area)
3. Theaters/Performing Arts	1 space for every 3.0 seats
4. Indoor recreation	To be determined at the time a Final Development Plan is submitted
5. Outdoor recreation	To be determined at the time a Final Development Plan is submitted
(e) Educational Facilities	
1. Elementary and Junior High Schools	2 spaces per classroom, plus 1 space for every 8 seats in the largest assembly hall
2. Senior High Schools	1 space per 2 teachers, employees and administrators, plus 1 space per 10 students, plus 1 space for every 8 seats in the largest assembly hall



3. Day Care Center	1 space per 8 students, based on center's regulated maximum capacity
(f) Community Facilities	
1. Places of Worship	1 space for every 4 seats of seating capacity in the principal assembly area
2. Library, Museum, Community Center or similar use	1 space per 500 sq. ft. of floor area, plus 1 space for every 6 seats in any assembly area
3. Assembly Hall, Auditorium	1 space for every 4 seats of seating capacity
4. Community Sports Facilities	To be determined at the time a Final Development Plan is submitted

- (3) Design Standards. Off-street parking area shall be designed and constructed in accordance with the following minimum dimensions set forth in Schedule E based on the angle of the spaces.

**SCHEDULE E**  
**Parking Design Standards**

	45 °	60 °	90 °	Parallel
(a) Width of Parking Space	9 ft.	9 ft.	9 ft.	9 ft.
(b) Length of Parking Space	20 ft.	20 ft.	20 ft.	23 ft.
(c) Width of Parking Aisle	18 ft.	20 ft.	22 ft.	12 ft.
(d) Width of Double-loaded Parking Module	58 ft.	60 ft.	62 ft.	30 ft.
(e) Circulation Aisle	17 ft.	14 ft.	14 ft.	14 ft.

- (5) Allowance for Shared Parking. The Village Planning Commission may approve a Development Plan with a reduction in the number of parking spaces required when the applicant demonstrates that the lesser number of spaces is appropriate and consistent with the purposes of these regulations; and/or varying peak demands for the uses can be adequately accommodated with lesser number of parking spaces than the number required based on the sum of the various uses computed separately.

**(j) SCREENING AND BUFFERING STANDARDS.**

When a lot in any sub-district abuts the perimeter of the project, screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations and shall be approved as part of the Final Development Plan. Alternate methods of buffering, that equally achieve the objectives of this section are encouraged, subject to approval of the Planning Commission.

- (1) Width of Buffer Yard. Each required buffer yard shall have the minimum width of the parking setback as specified in Schedule C.
- (2) Screening. Screening within the buffer yard shall consist of one or a combination of the following:
  - (A) A dense vegetative planting incorporating trees and/or shrubs of a variety which will be effective all year round.
  - (B) A non-living opaque structure such as a solid masonry wall, solidly constructed fence, or louvered fence.
  - (C) A fence with openings through which light and air may pass together with a landscaped area at least 5 feet wide.
  - (D) A landscaped mound or berm at least 5 feet wide.
- (3) Height of Screening. The height of screening shall be in accordance with the following:

(A) Visual screening walls, fences, or mounds and fences in combination shall be a minimum of 6 feet high measured from the natural grade in order to accomplish the desired screening effect.

(B) Vegetation shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than 2 years after the initial installation.

**(k) PROCEDURES.**

(1) Zoning and Approval of Preliminary Development Plan. The zoning to this PDD and the concurrent approval of a Preliminary Development Plan shall be in accordance with the following procedures:

(A) The Planning Commission and the Council shall consider a PDD and request to rezone the land to the Planned Development District according to the procedures in the Village Zoning Regulations as supplemented by the requirements of this chapter.

(B) Review for completeness. Within five (5) business days of receiving the application, the Administrative Officer shall review the application to determine that the application has satisfied the submission requirements of Section 1133.08(1)(1). If the application is deemed complete and the application fee paid, the Administrative Officer shall officially accept the application on that date. If the application is deemed incomplete, it shall be returned to the applicant with the deficiencies noted. The application shall not be further processed until the deficiencies have been corrected.

(C) Review of Preliminary Development Plan by others. The Village Administrative Officer may refer the application to other Village or County officials, and/or other private consultants for their review and comment. Comments pursuant to the referrals in this section shall be returned to the Planning Commission within 30 days or less unless such time has been extended by the Planning Commission.

(D) Review and approval by Village. The Planning Commission shall review the Preliminary Development Plan and the proposed rezoning application according to the procedures and public hearing requirements for zoning amendments. During its review of the Preliminary Development Plan, the Planning Commission may refer the plan for review by other Village officials and other private consultants that may not have been included in the referrals pursuant to subsection (1)(C) above. The Planning Commission shall recommend to the Village Council:

(1) Approval of the requested zoning amendment and the Preliminary Development Plan and such plan may be approved with reasonable conditions that were not necessarily included in the plan submitted by the applicant; or

(2) Denial of the requested rezoning and the Preliminary Development Plan.

(E) Review and approval by Village Council. The Village Council shall review the rezoning amendment and the Preliminary Development Plan and the findings of the Planning Commission according to the procedures for zoning amendments. Action by the Village Council to approve the rezoning must also include approval of the Preliminary Development Plan. If a Preliminary Development Plan is not approved, the proposed zoning amendment has been nullified.

(F) Effect of approved Preliminary Development Plan. An approved Preliminary Development Plan for the proposed development is a binding commitment that has specified elements that have been approved for development within the PDD. Within the PDD, any



changes in an approved plan shall be resubmitted for approval in accordance with the procedures in subsection (2) below.

(2) Amendments to Preliminary Development Plan.

(A) An approved Preliminary Development Plan may be administratively amended by the Village when such proposed revisions:

(1). Are consistent with the permitted uses (Schedule A) and the development standards (Schedule C) for each sub-district; and

(2). Do not expand the boundaries of the Residential High-Density, Office, Business Hub, or Leisure Sports sub-districts by more than ten percent (10%).

(B) Consideration of a revised Development Plan by the Village shall be subject to the following procedures:

(1) The amended Plan shall be reviewed by Planning Commission, which shall recommend to Council that the amended plan be approved, approved with conditions, or denied.

(2) Prior to becoming effective, the amended PDD shall also be approved by a majority vote of the Village Council.

Any approved amendment/s shall be the binding development rights and restrictions for the PDD and shall replace the previously approved Preliminary Development Plan.

(3) Final Development Plan. A Final Development Plan shall be submitted and approved for any portion of a PDD, prior to the issuance of a zoning certificate, according to the following procedures:

(A) Review for completeness. Within five (5) business days of receiving the application, the Administrative Officer shall review the application to determine that it has satisfied the submission requirements of Section 1133.08 (k)(2). If the application is deemed complete and the application fee paid, the Administrative Officer shall officially accept the application on that date. If the application is deemed incomplete, it shall be returned to the applicant with the deficiencies noted. The application shall not be further processed until the deficiencies have been corrected.

(B) Review of Final Development Plan by others. The Village Administrative Officer may refer the application to other Village and/or County officials, and/or other private consultants for their review and comment. Comments pursuant to the referrals in this section shall be returned to the Planning Commission within 30 days or less unless such time has been extended by the Planning Commission.

(C) Review and approval by Village. The Planning Commission shall review the Final Development Plan according to the criteria set forth in Section 1133.08 (k) and shall either recommend to the Village Council:

(1) Approval of the Final Development Plan;

(2) Approval of the Final Development Plan subject to specific conditions not included in the plan as submitted; or

(3) Table the Final Development Plan for the next scheduled meeting. If the Final Development Plan is tabled, the Planning Commission shall convey to the applicant the reasons the Plan has been tabled and provide specific yet reasonable revisions that would result in an acceptable Plan.

(4) Review and approval by Village Council. The Village Council shall review the Final Development Plan and the findings of the Planning Commission and approve the Plan by a majority vote.

(5) Effect of approved Final Development Plan. An approved Final Development Plan shall become for the proposed development a binding commitment of the specific

elements for the development. The approved Development Plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. A request for such a transfer or change of ownership shall be presented to the Administrative Officer and granted only if the new ownership entity satisfies the administrative, financial, legal and all other performance guarantees approved with the original Development Plan. All construction and development under any building permit shall be in accordance with the approved plan. Any departure from such plan shall be cause for revocation of the Zoning Certificate. Any changes in an approved plan shall be resubmitted for approval in accordance with this chapter.

- (6) **Expiration of Final Development Plan.** An approved Final Development Plan shall remain valid for a period of twelve months following the date of its approval or as otherwise specifically approved by the Village. If, at the end of that time, construction of the development has not begun, then approval of such Final Development Plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this chapter. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan have been completed.

**(I) SUBMISSION REQUIREMENTS/PAYMENT OF DEPOSIT.**

- (1) **Contents of Preliminary Development Plan Application.** The Preliminary Development Plan shall include the maps, plans and supplementary documentation itemized below. The applicant shall submit the number of copies as determined by the Administrative Officer. The information submitted should include the following:

- (A) Completed application form along with the application fee.
- (B) Vicinity map showing the relationship of proposed PDD to existing development.
- (C) Legal description or a listing of the permanent parcel numbers.
- (D) Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including:

- (1) Boundaries of the area proposed for development, dimensions and total acreage;
- (2) Existing public rights of way, buildings, permanent facilities, access points and easements on and adjacent to, the site;
- (3) Identification of any existing buildings or structures to be removed or demolished;
- (4) Existing zoning district boundaries and jurisdictional boundaries;
- (5) Existing utility systems and providers;
- (6) The location of existing topography showing contour lines and identifying any areas with slopes over 5%;
- (7) Locations of all wooded areas, tree lines, hedgerows;
- (8) Delineation of existing drainage patterns on the property; and
- (9) Location of wetlands (and potential wetlands) the 100-year floodplain, floodway boundary, 20-foot buffer area beyond the floodway.

- (E) The Preliminary Development Plan Map shall include a plan for the entire area of the proposed project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall submit the number of copies as determined by the Administrative Officer. The information submitted shall indicate:

- (1). The proposed location, use and size of areas of residential, retail, office, institutional uses, community facilities, parks, playgrounds, school sites and other public areas, and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas, and access points;



- (2) The general layout of the proposed internal road system, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets and traffic control requirements;
  - (3). Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
  - (4). Natural areas and other natural features to be conserved and any required buffer areas;
  - (5) Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.; and
  - (6) A summary table showing total acres of the proposed development; the number of acres devoted to each type of use, including streets and common areas; the number of dwelling units by type and density for each residential use area, the building height(s); and square footage as proposed for retail, office, institutional uses, by use area, and the number of parking spaces provided for each use area.
  - (G) Prototypical architectural drawings demonstrating the prototypical designs of the proposed buildings, to demonstrate exterior design, character and general elements.
  - (H) Project phasing map . A phasing plan and schedule identifying the separate phases of the project, including utilities and any off-site improvements. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, easements and natural areas.
  - (I) Proposed utilities including the proposed provision of water, sanitary sewer and surface drainage facilities.
  - (J) Traffic study indicating the impact of future traffic on the existing and proposed roadway system.
  - (K) Development standards text. The development standards text identifying the requirements that are to govern the design and layout of the PDD that are not included on the Development Plan.
    - (1) A description of all dimensions and/or acreage illustrated in the Development Plan or of provisions that depart from applicable standards shall be included.
    - (2) Adequate provision shall be made to establish a private organization (i.e., management association) with direct responsibility to provide for the operation and maintenance of all common facilities.
- However, to the extent that the above items are not submitted with the Preliminary Development Plan, the Preliminary Development Plan may, however, be approved by the Village with the conditions that state compliance with the item not submitted will be satisfactorily addressed at the time of Final Development Plan approval. Alternatively, the approval may specify the limits of development that may occur prior to full compliance with the item that has not been submitted and/or fully addressed in the Preliminary Development Plan.
- (2) Contents of Final Development Plan Application.
    - (A) Completed application form along with the application fee.
    - (B) Vicinity map showing the relationship of the area of the Final Development Plan to the entire Planned Development Overlay District.
    - (C) Subdivision plat. A Final Plat shall be submitted in accordance with the guidelines set forth in the Village Zoning Regulations, if the proposed development includes the subdivision of land.

- (D) Final Development Plan Map prepared by a qualified professional such as a licensed architect, surveyor, engineer, or landscape architect, and drawn to an appropriate scale indicating the following items:
- (1) A bar scale, north arrow, and total acreage of the area that is the subject of the Final Development Plan, and accurate location of all monuments;
  - (2) The right-of-way lines of adjoining streets and alleys with their width and names, and indicating the edge of pavement and centerline;
  - (3) All lot lines and easements with their dimensions;
  - (4) The dimensions and locations of proposed structures, buildings, streets, parking areas, yard, playgrounds, school sites and other public or private facilities;
  - (5) Location and height of existing and proposed structures including fences, walls, signs and lighting;
  - (6) Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
  - (7) Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
  - (8) Delineation and identification of areas to be dedicated or reserved for public use; and
  - (9) Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type, building square footage, number of parking spaces, pavement coverage, impervious surface area and acreage devoted to open space, private streets, and other public facilities; and proposed density by use area and overall.
- (E) Proposed utilities. Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, etc., and indication of all utility line extensions.
- (F) Additional plans for the proposed development.
- (1) Topographic maps showing existing and proposed grading contours, watercourses, wetlands and flood plains and other flood hazard boundaries and information;
  - (2) Landscaping and screening plans;
  - (3) A lighting plan, including, but not limited to, light pole heights and locations, building accent lighting, pedestrian lighting, average foot- candle calculations, minimum foot-candles and maximum foot- candles;
  - (4) A dimensioned sign plan indicating the character, material, dimensions, location, shape, color(s) and type of illumination of signs; and
  - (5) Architectural plans and prototypes for the proposed development, showing all exterior elevations and building floor plans, colors, materials, and other details to indicate the type of architectural style proposed for the development demonstrating consistency with the Preliminary Development Plan.
- (G) Covenants, easements and restrictions. The substance of covenants, grants of easements, or other restrictions that will be imposed upon the use of the land, buildings, and structures, including proposed easement or grants for public utilities.
- (H) Modifications. A statement identifying any aspect of the Final Development Plan in which the applicant is requesting a modification from the Preliminary Development Plan.



**(m) FINAL DEVELOPMENT PLAN APPROVAL CRITERIA.**

In the review of proposed Planned Development, the Village Planning Commission shall determine whether or not the proposed development, as depicted on the Final Development Plan, complies with the following:

- (1) The plan conforms in all pertinent respects to the approved Preliminary Development Plan;
- (2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- (3) The development has adequate public services and open spaces;
- (4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable guidelines set forth in these Zoning Regulations and the Comprehensive Plan;
- (5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways and parking areas;
- (6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the PDD and with adjacent development;
- (7) The landscape plan will adequately enhance the principal building and site; maintain existing trees; buffer adjacent incompatible uses;
- (8) Adequate provision is made for storm drainage within and through the site which complies with the applicable requirements in these Zoning Regulations; and
- (9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

**(n) CONFLICT WITH OTHER REGULATIONS.**

In the event there is a conflict between the regulations of this chapter and any other regulation in the Village Zoning Regulations, the regulations of this chapter shall govern.

**1133.09 HEIGHT, LOT AREA, SETBACK, MINIMUM FLOOR AREA AND LOT COVERAGE REQUIREMENTS**

- (a) No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the district in which such land is situated.
- (b) No more than one principal building shall be permitted on any lot.
- (c) No required yard or other open space around a building shall be considered as a yard or open space for any other building. No required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot whereon a building is to be established.
- (d) Clear View of Intersecting Streets: In all zones which require a front yard, no obstruction in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines on the projected point of intersection of the street right-of-way lines and or line connecting points twenty-five (25) feet from the intersect of the street property lines of the projected point.
- (e) The height, area, setback and lot coverage requirements for each zoning district shall be as required in the following table:

Zoning District	Max Height	Min Lot Area	Min Lot Width	Min Setbacks			Minimum Livable Floor Area	Max Density	Max Lot Coverage
				Front	Rear	Side			
A-R									
Single Family	35 ft (3)	1 acre	100 ft	50 ft	50 ft	8 ft each side 16 ft total (4)	1500 square feet	1 unit/acre	N/A
Farm	35 ft	5 acres	250 ft	100 ft	100 ft	25 ft each side 50 ft total (4)		N/A	N/A
Zoning District	Max Height	Min Lot Area	Min Lot Width	Min Setbacks			Minimum Livable Floor Area	Max Density	Max Lot Coverage
				Front	Rear	Side			
R-1									
Single Family	35 ft. (3)	15,000 sq. ft. (1)	100 ft	30 ft	40 ft	8ft each side 16 ft total (4)	1200 square feet	3.2 units/acre	N/A
C-1	35 ft	21,780 sq. ft.	100 ft	40 ft	35 ft	12 ft each side (2)	N/A	N/A	30%

## Footnotes to Table

(1) Lot dimensions shall be 100 ft x 150 ft.

(2) On corner lots adjacent to the side street the setback shall be 35 ft; On lots adjacent to residential property the setback shall be 50 ft.

(3) When 40% or more of the frontage on one side of the street within 400 feet in each direction of a buildable lot in a residential district is improved with buildings that have a front yard which is greater or less than the required front yard in the district, the building shall be constructed at a front yard setback that is the average front yard setback for the area.

(4) On corner lots the setback adjacent to the side street shall be 35 ft.



## **CHAPTER 1137 NON-CONFORMING USES, STRUCTURES AND LOTS**

### **1137.01 PURPOSE.**

The purpose of this Chapter is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Zoning Ordinance and amendments hereto but which do not conform to the existing provisions of this Zoning Ordinance. Such lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Zoning Ordinance which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution. While it is the intent of this Zoning Ordinance to permit such nonconforming conditions to continue until abandoned, removed, or abated, a nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district and should be discouraged, especially where such nonconformity constitutes a nuisance or hazard.

### **1137.02 NON-CONFORMING USES.**

- (a) The lawful use of a building existing at the time of the adoption of this Zoning Ordinance may be continued, although such use does not conform to the provisions hereof, and such use may be extended throughout the building, provided no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure and provided further, that such extension does not displace any residence use in a residence district.
- (b) Whenever a non-conforming use of a building or land has been changed to a more restricted use, or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- (c) In any district, wherever a non-conforming use of a building or portion thereof has been discontinued for a period of at least 12 consecutive months, such non-conforming use shall not thereafter be re-established, and the future use shall be in conformity with provisions of this Zoning Ordinance.
- (d) A nonconforming use may be altered or enlarged to extend such use to a total area not to exceed twenty percent (20%) more than the original existing area of the use, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located. Provided however, that the area or intensity or nature of a use shall not be altered or enlarged in any manner, which creates or increases a nuisance or hazard affecting or potentially affecting the surrounding properties.

### **1137.03 NON-CONFORMING LOTS OF RECORD.**

In any District notwithstanding limitations imposed by other provisions of this Zoning Ordinance a single-family dwelling may be erected on any single lot of record existing at the effective date of the adoption or amendment of this Zoning Ordinance. No lot regardless of its width shall be deemed to be less than 40 feet in width for the purpose of determining setback requirements and provided further:

- (a) The sum of the side yard widths on any such lot shall not be less than 20% of the width of the lot, but in no case shall any side yard be less than eight (8) feet; provided, however, that on a corner lot, the width of the side yard adjacent to the side street shall not be less than eight feet or 20% of the frontage, whichever is greater.
- (b) The depth of the rear yard of any such lot need not exceed 20% of the depth of the lot, but in no case shall it be less than 20 feet.
- (c) Residential structures that are located at a non-conforming side setback may extend the structure at the existing setback provided it is not less than 8 feet from a property line.

**1137.04 NON-CONFORMING USES OF LAND:**

- (a) No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or subsequent amendment of this Zoning Ordinance, except as permitted by Section 1137.02.
- (b) No non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel of land occupied at the effective date of adoption or amendment of this Zoning Ordinance.
- (c) If any non-conforming use of land is discontinued or abandoned for any reason for a period of 12 consecutive months said use of such land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located.

**1137.05 NON-CONFORMING BUILDING OR STRUCTURES.**

- (a) A nonconforming structure may be enlarged or extended to extend such structure to a total area not to exceed twenty percent (20%) more than the original existing area of the structure, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located.
- (b) Any non-conforming building or structure damaged by fire, explosion, act of God, or act of the public enemy, may be reconstructed and used as before such calamity, provided such building or structure is not damaged to the extent of more than fifty percent (50%) of its reconstruction value. Buildings or structure with damage exceeding the fifty percent (50%) reconstruction value shall be brought into compliance with all regulations of this Zoning Ordinance.

**1137.06 MAINTENANCE OF NONCONFORMING STRUCTURES.**

On any building or structure devoted in whole or in part to a non- conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, to an extent not exceeding ten (10) percent of the current replacement value of the building or structure, provided, that the cubic content of such building or structure as it existed at the time of passage or amendment of this Zoning Ordinance shall not be increased.

**1137.07 NONCONFORMING SITE CONDITIONS.**

If any nonconforming site condition exists on a property that is the subject of an application under this Code, then any such site condition shall be brought into compliance with district regulations, unless the Planning Commission determines that such conformance cannot be reasonably achieved due to factors that include, but are not limited to, the existing lot configuration and patterns of surrounding development; inability of the applicant to acquire additional property; location of the existing structures on the site in question; the location of parking and access on the site in question, and the location of utilities both on-and off-site. In such case, the Planning Commission shall approve a site plan that reduces any existing nonconforming site condition to the maximum extent practicable.

**1137.08 COMPLETION OF APPROVED CONSTRUCTION**

Nothing in this Zoning Ordinance shall prohibit the completion or construction and use of a nonconforming structure for which a Zoning Permit has been issued prior to the effective date of this Zoning Ordinance or amendment thereto, provided that construction is commenced within ninety (90) days after adoption of this Zoning Ordinance and provided that the entire structure and the establishment of the use shall have been completed within one (1) year after issuance of the Zoning Permit.



### **1137.09 NON-CONFORMING SIGNS**

Signs which were legally existing prior to the effective date of this Ordinance, but which do not conform with the provisions hereof, may be maintained as a matter of right provided that such signs comply with the current provisions of this Ordinance regarding safety, maintenance, and repair. Normal maintenance such as painting, cleaning, or minor repairs shall be permitted on all such nonconforming signs. Relocation or replacement of a non-conforming sign or any alteration in the size or structure of such sign shall cause the sign to lose its status as legally nonconforming and said sign shall be immediately brought into compliance.

## **CHAPTER 1141 ACCESSORY AND TEMPORARY USES**

### **1141.01 ACCESSORY USES AND STRUCTURES.**

Accessory uses and structures shall be incidental and subordinate to the main use. Accessory uses and structures shall only be permitted provided they do not alter the character and intent of the zoning district and comply with the following:

(a) General Provisions.

- (1) The accessory structure or use shall be customarily found in connection with a main building, structure or use that is permitted or conditionally permitted in the district in which the proposed accessory use is located.
- (2) Accessory structures shall only be constructed and accessory uses shall only be established concurrent with or after the construction of the main structure on the same lot.
- (3) In no case shall the height of the accessory structure exceed the maximum height of the main building except when associated with a farm use in the A-R, Agricultural- Residential district where the maximum height of one accessory structure shall not exceed 35 feet.
- (4) Unless otherwise permitted by this Code, accessory uses and structures located within a front yard shall meet the front yard setback requirements of the main building.
- (5) An accessory structure that is attached to the main building shall be considered an integral part of the main building and shall comply with the requirements of the applicable zoning district. Any accessory structure shall be considered as an integral part of the main building if it is connected to the main building either by common walls or by a breezeway or roof.
- (6) Accessory uses and structures shall be subject to any applicable building code and fire code regulations and shall require a zoning permit and payment of the required fee prior to construction or otherwise commencing the use.

(b) Exemptions.

- (1) Small accessory structures such as benches, and landscape features shall be exempt from the provisions of this section.
- (2) Gardens and the raising of crops for the personal use of the residents, tenants, or property owners, may be grown in any yard except the front yard, without a permit.
- (3) Lawns and yards shall be maintained in conformance with Chapter 521 of the South Amherst Codified Ordinances.

**1141.02 PERMITTED ACCESSORY USES AND STRUCTURES**

(a)

<i>Uses</i> <i>P = Permitted</i> <i>C= Conditional Use</i>	<i>A-R</i> <i>R-1</i>	<i>C-1</i>	<i>Permit</i> <i>Required</i>	<i>Standards</i>
Apartments accessory to commercial uses		C	YES	1165.02(u)
Detached structures including garages carports and sheds	P	P	YES	<u>1141.02(d)</u>
Fences	P	P	YES	<u>1141.02 (c)</u>
Gardening, personal	P	P	NO	
Home Occupation	P	P	NO	<u>1141.02 (b)</u>
Outdoor Vending Machines		P	YES	1141.02 (g)
Donation Boxes		P	YES	1141.02 (h)
Porch and Deck Structures	P	P	YES	1141.02 (f)
Swimming Pool, private	P		YES	1141.02 (e)
Solar Energy System	C	C		<u>1165.02 (v)</u>

(b) Home Occupations

- (1) Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit by a member of the family residing therein.
- (2) Is clearly incidental and secondary to the use of the dwelling for residential purposes; and
- (3) Which conforms to the following additional conditions:
  - (A) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
  - (B) Not more than one person outside of the family shall be employed in the Home Occupation.
  - (C) There shall be no exterior display, no exterior sign, except as permitted under the Section 1145.02 Signs, no exterior storage of materials and no other exterior indication of the Home Occupation or variation from the residential character of the principal building.
  - (D) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

(c) Fences

Fences, including walls and hedges, shall be permitted in all zoning districts in the Village, subject to the following conditions:

- (1) Where otherwise permitted, fences may be built along a property line. Fences shall not be located within two feet of a street or alley right-of-way line;
- (2) The height of any fence shall be measured from the ground to the highest point of the fence, from a point six inches on either side of the fence. Fences shall follow the contour of the ground as far as possible;
- (3) Fences in the front yard in all districts shall be decorative fences. A decorative fence is any fence intended for decorative purposes having at least 50% of its vertical surface area open as viewed at right angles and uniformly distributed but not a chain link or wire fence. No fence exceeding four (4) feet in height shall be built in any front yard. The front yard shall be the entire area between the front building line and the street right-of- way line. On a corner lots the area between the side street building line and the side street right-of-way line is considered a front yard for purposes of this section;



- (4) In any district in the Village, a fence in a side or rear yard shall not exceed six (6) feet in height, except as otherwise permitted;
- (5) No fence shall be entirely constructed of barbed wire, be in any way electrified, or be topped with broken glass, spikes or other sharp-edged materials. In residential districts, barbed wire or other material which could readily cause bodily harm shall not be used for fencing, except on a farm in the Agricultural-Residential District where barbed wire may be used to contain animals;
- (6) No fence, including walls or hedges, shall be permitted which impedes the proper sight distance for the safe operation of motor vehicles. When a hedge is used as a fence, it shall be properly trimmed and maintained so not to endanger any person or animal or impede visibility of traffic;
- (7) When a solid fence is erected which affects water draining, outlets shall be placed at the bottom of the fence to eliminate possible accumulation of water or other adverse effects;
- (8) All fenced enclosures shall be provided with gates to permit entry by safety forces. Gates shall be not less than three feet in width. No gate of a fence shall swing over the public right of way.
- (9) No advertising or posting of bills shall be permitted on any fence.
- (10) Fence post depth shall be a minimum of thirty-six (36) inches or more below grade.

(d) Detached Structures

Any accessory buildings or structures greater than 150 square feet shall comply with the following specific standards and conditions:

- (1) Accessory buildings or structures shall be limited to two structures per lot in residential and commercial districts. Accessory buildings or structures shall include, but are not limited to detached garages, carports and sheds.
- (2) On a lot in a residential or commercial district one accessory structure shall not exceed 768 square feet and the other structure shall not exceed 300 square feet.
- (3) On a lot where any single-family or duplex dwelling unit is located, accessory buildings or structures shall be located eight (8) feet from any side and rear yard.
- (4) On lots where any commercial use is located, accessory buildings or structures shall be located eight (8) feet from any side or rear property line.
- (5) The maximum height shall be:
  - (A) Sixteen feet or the height of the main structure, whichever is less in residential districts.
  - (B) The height of the main structure in the commercial districts
  - (C) The height of an accessory structure when associated with a farm use in the Agricultural-Residential district shall not exceed 35 feet.

(e) Swimming Pool, Private

Permanent or portable swimming pool with an area of less than one hundred (100) square feet and holding 24 inches of water or less shall not require a permit. Pools exceeding that standard shall not be allowed in any Residential District except as an accessory use and unless it complies with the following conditions and requirements:

- (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- (2) It may not be located, including any walkway or paved areas or accessory structures adjacent thereto, closer than twenty (20) feet to any property line of the property on which located or located within twenty (20) feet of a structure.
- (3) The swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent

properties. Said fence or wall to be not less than four (4) feet in height and maintained in good condition.

(f) Porches and Decks

- (1) Porches and decks attached to the main structure shall meet the setback requirements of the main structure in Chapter 1133.09

(g) Outdoor Vending Machines

Outdoor vending machines that are accessory to a permitted main use on the same lot shall comply with the following specific standards and conditions:

- (1) No outdoor vending machine shall be placed within the street right-of-way, within an interior drive, or in any location that obstructs the sight lines of vehicular traffic.
- (2) Outdoor vending machines shall not be placed within a required parking space.
- (3) The outdoor vending machine shall be maintained in good operating order and appearance.
- (4) Outdoor vending machines shall only be placed along the façade of the main building and be protected from weather related exposure and damage.
- (5) Signage shall be limited to a maximum of six square feet on each vending machine and shall not count toward the permitted sign area allowed in Chapter 1145.

(h) Donation Boxes

Donation boxes that are accessory to a permitted main use on the same lot shall comply with the following specific standards and conditions:

- (1) Donation boxes shall be owned and maintained by entities that have tax-exempt status under section 501(c)(3) of the Internal Revenue Code, are registered to do business in Ohio as a non-profit organization and possess a certificate of corporate good standing from the Ohio Secretary of State.
- (2) Donation boxes shall not be placed within the street right-of-way, within an interior drive, or in any location that obstructs the sight lines of vehicular traffic.
- (3) Donation boxes shall not be placed within a required parking space.
- (4) Donation boxes shall only be permitted in the side or rear yard.
- (5) Each donation bin shall cover no more than 25 square feet and shall not exceed six feet in height.
- (6) Donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visual rust, and shall be free of graffiti. All boxes shall be free of debris and shall be serviced regularly so as to prevent overflow of donations or the accumulation of junk, debris or other material. No donations or other material outside the containers shall be permitted at any time.
- (7) Donation boxes shall contain the contact information in two-inch type, visible from the front of the box that includes the name, address, e-mail, and phone number of the operator. Additional signage shall not exceed to a maximum of six square feet on each donation box shall not count toward the sign area allowed for the main use in Chapter 1145.

#### **1141.02 TEMPORARY USES.**

Temporary uses are intended to occasionally permit some activities which would not normally be permitted. These uses require a permit from the Zoning Administrator subject to the requirements and restrictions herein.

(a) Mobile Offices.

- (1) Mobile offices may be used on a temporary basis for such purposes as construction offices, blood mobiles, book mobiles, and traveling museums. However, such uses must obtain a Temporary



Occupancy Permit from the Administrator if the use is to last more than forty-eight (48) hours at one (1) site.

- (2) Mobile offices may also be used for other office or business purposes in cases where the permanent structure has been destroyed through no fault of the owner or tenant. A Temporary Zoning Permit must be obtained from the Administrator before the use of the mobile office is initiated and if the use is to last more than forty-eight (48) hours at one (1) site. This Zoning Permit shall be valid for a specified period of time while reconstruction takes place, not to exceed six (6) months, and may be renewed no more than once.

(b) Mobile trailers

- (1) "House trailer" means any self-propelled and non-self-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to indicated utilities, whether resting on wheels, jacks or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets or highways.
- (2) In the event that a person's residence shall be more than fifty percent (50%), as determined by the Administrator, Fire Chief and Mayor or majority of them, destroyed by fire, flood, windstorm, tornado, riot, act of God or other causes, but excluding intentional act of owner, and provided said destroyed residence was the principal place of residence of such person immediately prior to its destruction, then such person shall be permitted to park one house trailer on his residence real estate and live therein during a period of reconstruction provided he first obtains a permit to do so from the Administrator.
  - (A) House trailer permits issued by this section shall be valid for six months and renewable by the Administrator for an additional six months provided that repairs of the destroyed residence are still underway.
  - (B) If the repairs have been completed, said permit shall not be renewed and any valid permit shall be void.
  - (C) Upon completion of the construction or the expiration of the permit such person shall disconnect said house trailer from all utilities, shall cease to live therein, and shall remove said house trailer from his residence real estate and from within the Village.

(c) Temporary storage and dumpster units.

- (1) Definitions. For the purposes of this section, words and terms used herein shall have the following meanings:
  - (A) "Temporary outdoor dumpster unit" means any unit or container intended or designed for the purpose of collecting and temporarily storing construction debris during building or remodeling work or large quantities of trash, yard waste, garbage, building or construction debris, trees, limbs to be filled or refilled while located outdoors on a residential property, and later removed from the property for disposal off-site. This does not include garbage cans that can be moved by a single person.
  - (B) "Temporary outdoor storage unit" means any device, unit or container, whether wheeled or not, intended or commonly used for the purpose of storing or keeping household goods and other personal property to be filled, refilled, and/or emptied while located outdoors on a property, and later removed from the property, and designed to be delivered and picked up by a truck.
- (2) General Provisions. Temporary outdoor storage and/or dumpster units, as defined in this section, may be permitted subject to the following standards and restrictions:
  - (A) Not more than two (2) temporary outdoor storage or dumpster units shall be permitted per address in a calendar year.

- (B) The maximum size of a temporary outdoor storage or dumpster unit shall not exceed a dimension of 10' x 10' x 22'.
- (C) Temporary outdoor storage or dumpster unit shall be stored on a property at any given time, for a period up to thirty (30) days unless it is in conjunction with a valid building permit.
  - (1) Outdoor storage or dumpster unit associated with a building permit shall be removed within three (3) days of completion of the project.
  - (2) Outdoor storage or dumpster units not associated with a construction project may be granted an extension, but no unit shall receive more than two (2) thirty (30)-day extensions (not to exceed a total of ninety (90) days).
- (D) Temporary outdoor storage and dumpster units are only permitted on properties containing a lawful principal use.
- (E) Temporary outdoor storage and dumpster units are prohibited from being placed within the right-of-way, on the front lawn of a property, or on any easements. Units shall be placed in the driveway, or on a paved surface, at the furthest accessible point from the street, or as otherwise approved by the Administrator.
- (F) No temporary outdoor storage units shall be used to store materials related to an off-premises business or a home occupation.
- (3) Permit Required. A temporary zoning permit shall be obtained from the Administrator prior to locating an outdoor storage or dumpster unit on any property. A temporary zoning permit for a dumpster only needs to be obtained if the dumpster will be used for more than seven days. A plot plan or survey shall be provided at the time of application, depicting the proposed location of the unit. A non-refundable fee as established by Village Council in the Fee Schedule will be charged to obtain a zoning permit for any temporary outdoor storage or dumpster unit.
- (d) Farm Stands

The sale of produce and the placement of farm stands in the R-1 Single Family Residential District shall be permitted only in accordance with the following regulations.

  - (1) Sale of Produce. Agricultural products, plants, eggs and honey grown or produced on a property may be sold on the premises in a Residential District. No sales shall be made before 8:00 a.m. or after dusk.
  - (2) A farm stand located in a required front yard area shall be located a minimum of 8 feet from any property line and/or the right of way line. Farm Stands shall be removed from the front yard or stored inside a building on the premises during that time of the year when the garden or farm is not open for public use. Farm stands shall not exceed two hundred (200) square feet in area on the subject property. A farm stand shall be set back at least eight (8) feet from any lot line.
  - (3) Each farm stand shall indicate where customers shall park when purchasing from the stand.
- (e) Food Trucks

Food Truck" means any mobile food preparation vehicle, whether self-propelled or attached as a trailer in which food or beverage is processed, prepared, stored, or dispensed to the paying consumer. An annual permit shall be required by the Village.

Food Trucks shall only be permitted subject to the following requirements and standards:

  - (1) Hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m.
  - (2) Food Trucks shall maintain a minimum separation of ten feet (10') between vehicles and/or equipment and shall not be parked or operated within eight feet (8') of a building.
  - (3) Sanitary facilities for vendors must be provided by the host property.
  - (4) Food Trucks may not be parked overnight, and must be removed from the property.



- (5) Food trucks must be self-contained when vending, except for the required trash and/or recycling receptacles, which shall be placed in close proximity to the food truck and shall not impede the free movement of automobiles or pedestrians.
- (6) Food Truck vendors or the host property owner shall remove all waste and trash at the close of business.
- (7) Food Trucks must be specifically designed and constructed to sell the food offered and be approved by the Lorain County Public Health.
- (8) Food Trucks shall serve pedestrian customers only. No drive-through or drive-in service.
- (9) Each Food Truck shall display its Lorain County Health Department Certificate in a prominent location.
- (10) Food Truck vendors must have a valid State of Ohio driver's license and vehicle registration.
- (11) Food Trucks shall be located so as to minimize the impact on available parking, and shall not block fire hydrants, fire lanes, or means of egress from buildings.
- (13) Food Trucks shall comply at all times with the Village's noise regulations.
- (14) Food Truck vendors may only conduct business when their vehicles are parked and stationary.
- (15) Food Trucks operators shall annually register with the Village and shall be subject to inspection by the Village's Fire Department during operation.
- (16) Fueling of Food Trucks or associated generators shall not be permitted at the vending site.
- (17) Each Food Truck shall have an exterior emergency shut off for flow from propane and/or natural gas tanks and said shut off shall be clearly marked.
- (18) All Food Trucks shall have a minimum ten (10) lb. ABC fire extinguisher. Food Trucks that produce grease laden vapors shall have a "K" class fire extinguisher.
- (19) Generators not permanently attached to Food Trucks shall be located a minimum of eight feet (8') from any building, vehicle, or other equipment.
- (20) There shall be no alcoholic beverage service associated with Food Truck vending.

## **CHAPTER 1145 OFF STREET PARKING AND LOADING REQUIREMENTS**

### **1145.01 INTENT.**

It is the intention of the Village through the creation of the regulations contained in this chapter to provide reasonable requirements for off street parking and loading thus lessening the congestion on the streets and preserving the traffic-carrying function of the Village streets and highways and to promote the safety and convenience of employees, guests, shopper and residents by locating parking areas to lessen congestion

### **1145.02 GENERAL PROVISIONS AND REQUIREMENTS.**

In all zoning districts, off street parking facilities for the storage or parking of self- propelled motor vehicles for use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Zoning Ordinance shall be provided and maintained as herein prescribed:

- (a) In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to be the nearest whole number.
- (b) Whenever a use requiring off street parking is increased in floor area, additional parking space shall be provided in the amounts hereafter specified for that use, if the total parking space is inadequate to serve the increased floor area.

- (c) For the purpose of this Zoning Ordinance, "Floor Area", shall mean the gross floor area of the structure.
- (d) Off street parking facilities for residential dwellings shall be located on the same lot or plot of ground as the building served. Off street parking facilities for other than residential dwellings shall be within three hundred (300) feet of the building intended to be served.
- (e) The off-street parking requirements for uses not specifically mentioned herein, shall be the same as those required for uses of a similar nature.
- (f) Collective off street parking facilities may be provided; however, such facilities shall be no less than the sum of such facilities as would otherwise be individually required.
- (g) Handicapped spaces shall be provided as required by the Ohio Building Code requirement. Handicapped spaces shall count toward the total number of required spaces and shall include all necessary markings, striping and signage.
- (h) The amount of off-street parking space for uses, buildings, or additions thereto shall be determined according to the following requirements, and the space, so required, shall be stated in the application for a building permit and shall be reserved for such use.

<b>LAND USES</b>	<b>REQUIRED PARKING</b>
Single family dwelling	Two (2) parking spaces for each dwelling unit.
Two family dwellings	Two (2) parking spaces per dwelling unit.
Residential Care Facility, Family Day Care Type A	Two (2) parking spaces plus designated drop off and pick up area.
Residential Care Facility A, Family Day Care Type B	Two (2) parking spaces for each classroom or care room plus four (4) parking spaces for drop off and pickup.
Private clubs	One (1) parking space for each one hundred (100) square feet of floor area.
Public Uses	One (1) parking space for each one hundred (100) square feet of floor area.
Places of Assembly (other than incidental to schools) and Places of Worship	One (1) parking space for each four (4) seats plus one (1) space for each two hundred fifty (250) square feet of office space.
Schools – Agricultural Vocational	Five (5) parking spaces per each classroom plus one (1) parking space for each three hundred (300) square feet of office space.
Schools	Two (2) parking spaces per each classroom plus one (1) parking space for each three hundred (300) square feet of administrative office space.
Places of assembly without fixed seats or assembly.	One (1) parking space for each one hundred (100) square feet of floor area.
Stadiums and sports arenas	One (1) parking space for each four (4) seats.
Establishments for sale and consumption on the premises of alcoholic beverages, food or refreshments	One (1) parking space for each one hundred, (100) square feet of floor area provided however that no less than seven (7) parking spaces shall be required.
<b>LAND USES</b>	<b>REQUIRED PARKING</b>



Restaurants without the sale of alcohol	One (1) space per one hundred (100) square feet of floor area.
Personal Services	Three (3) parking spaces per one thousand (1000) square feet of floor area.
All retail stores, except as otherwise specified herein	One (1) parking space for each two hundred fifty (250) square feet of floor area.
Contractor Shops	One (1) parking space per five hundred (500) square feet of gross floor area plus three (3) parking spaces for any retail area. The lot shall be sufficient to park contractor equipment and service vehicles.
Assembly of Premanufactured Parts	Two (2) parking spaces per one thousand (1000) square feet of floor area.
Distillery, Winery	One (1) parking space for each one hundred (100) square feet of tasting, restaurant or service area plus one (1) parking space for each fifteen hundred (1500) square feet of manufacturing or processing area.

(i)

- (1) Parking lots or areas adjacent to public streets, shall have driveways or openings not to exceed thirty-five (35) feet in width at the curb line nor be less than twenty (20) feet at the right of way line for two-way traffic. One way driveway shall not exceed 22 feet at the curb line nor be less than 12 feet at the right of way line.
- (2) Parking lots or areas shall have a protective wall or bumper block at least five (5) feet from any sidewalk line. Backing into a public street shall be prohibited.
- (3) Detailed plans shall be submitted for approval of all curb cuts or driveway openings in commercial and district before a building permit may be obtained therefore.

#### **1145.03 PARKING AND LOADING REGULATIONS FOR COMMERCIAL**

- (a) Any vehicle parking space in a commercial district shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, shall be deemed to constitute a separate commercial use in violation of the provisions of this Zoning Ordinance.
- (b) No building or structure of any kind shall be erected in any off-street parking space except a parking garage containing parking spaces equal to the requirements of this section.
- (c) No signs shall be displayed in any such vehicle standing space except signs to direct the orderly use of such space.
- (d) The design of all off street parking facilities and means of access thereto, shall be subject to the approval of the Planning Commission.
- (e) The vehicle parking space on any lot, as set forth and designated in this Ordinance, shall be deemed to be required open space on such lot, in addition to any yard space required by the provisions of this Zoning Ordinance and shall not be reduced or encroached upon in any manner.
- (f) All parking spaces, drives and aisles shall be surfaced with a bituminous or other dust-free surface.
- (g) Each parking spaces shall be a minimum of nine (9) feet in width and twenty (20) feet in depth.
- (h) Parking aisle width providing access to a parking stall shall meet the following requirement:

Angle of Parking (degrees)	Aisle width (feet)
90	22
60	20
45	18

- (i) Drive aisle without parking shall meet the following requirements:

Aisle Type	Minimum (feet)	Maximum (feet)
1 Lane	12	18
2 Lane	20	24

- (j) Parking lots adjacent to residential zoning shall be setback a minimum of eight (8) feet from the residential property line. The parking lot shall be screened and buffered by the use of fencing and or landscaping to minimize the impact on the adjacent residential property.
- (k) Any parking lot intended for use during non-daylight hours shall be illuminated. Any lighting shall be so arranged as to reflect the light away from adjoining property and the public right of way.

#### **1145.04 LOADING SPACE REQUIREMENTS.**

On the same premises with every building, structure, or part thereof erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading service in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space with a fourteen (14) foot height clearance for every ten thousand (10,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor use or land for above mentioned purposes.

#### **1145.05 PARKING REGULATIONS FOR RESIDENTIAL DISTRICTS.**

- (a) All motor vehicles at the premises, whether private, passenger, commercial or other, shall be parked on driveways or hard surface areas or concealed from public view in private garages, carports, etc. No vehicle shall be parked in the required front yard except on an approved driveway. Driveways maybe extended toward the side property line to provide additional parking. In no case shall driveways be permitted to be extended in front of the house.
- (b) All motor vehicles in public view on the premises shall be in operating condition and in compliance with all motor vehicle safety, equipment, registration and licensing laws, including displaying proper tags and validation stickers.
- (c) Motor vehicles shall not be parked on vacant property.
- (d) Parking of Recreational Vehicles in residential districts shall conform to the following:
- (1) Within any residential district no boats or recreational vehicles may be parked in a driveway of a residence in front of the main structure for more than three (3) consecutive days.
  - (2) Recreational vehicles parked or stored shall not have fixed connections for electricity, water, gas, or sanitary sewer facilities and at no time shall this equipment be used for living, housekeeping or business purpose.
  - (3) When not stored in a completely enclosed structure, no more than two recreational vehicles shall be parked or stored on the premises. Recreational vehicles shall be parked behind the front of the building no closer than eight (8) feet from the side and rear property lines. On corner lots, each side of a building facing a street is considered a front. The use of tarpaulins and/or a location within an open-sided carport does not qualify as being within a structure.



- (4) All recreational vehicles and recreational trailers when required by law shall be kept in good repair and have current legal license tags and/or plates. Trailers and recreational vehicles without current license plates shall not be parked or stored in a residential district other than in a completely enclosed building.
- (5) The recreational vehicle or trailer shall be owned by and used for the sole benefit and enjoyment of the resident occupants of the property on which it is stored or parked. Parking and storage of such vehicle or trailer belonging to a non-resident of the premises is prohibited.

#### **1145.06 NONCONFORMING PARKING, LOADING AND STACKING.**

Where a site is legally nonconforming due to lack of compliance with the parking, loading or staking space requirements of this Chapter, the use of the site is not required to comply with the required number of spaces provided that the number of spaces shall not be further reduced after the effective date of the code, unless the use is changes or the structure on the site is altered.

### **CHAPTER 1149 SIGNS**

#### **1149.01 PURPOSE.**

The purpose of these sign regulations is to promote the public health, safety and welfare through the provision of standards for existing and proposed signs as set forth herein and more specifically to:

- (a) Protect the physical appearance of the community by maintaining visually attractive, residential and business districts.
- (b) Ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
- (c) Provide review procedures that enable the Village to comprehensively evaluate the appropriateness of a sign to the site, building, and surroundings.

#### **1149.02 DEFINITIONS.**

For the purposes of this Chapter, the following terms shall have the meaning herein indicated. See Appendix A for graphic representations.

- (a) Sign - means any identification, description, illustration, or device which is affixed to or integrated into a building, structure or land, or otherwise situated on a lot, and which is intended to direct or attract attention to or announce or promote a product, place, activity, person, idea, institution or business by means of letters, words, designs, colors, symbols, banners fixtures, images, or illustrations.
- (b) Wall Sign - means any sign attached to, painted on, or integrated into the wall of any building and located in a plane parallel to the wall and supported by the building. Wall signs shall also include signs on awnings or canopies.
- (c) Free-standing Sign - means a sign that is supported from the ground by means of a free-standing wall, monument, poles, or other structural support system and not attached to any building. Free-standing signs may be:
  - (1) Pole Sign - means a stationary two-face sign erected on a metal pole or poles that is wholly independent of any building for support. The faces shall be back-to-back and shall not be more than a foot apart.

- (2) Monument Sign - means a stationary sign which is not affixed to a building or supported by a pole or poles. It may be supported from the ground by means of a free-standing wall, monument, or other structural support system.
- (d) Window Sign – means a sign, that is attached or affixed to, painted on, or located within two (2) feet inside of a window or door of a building and which is legible more than five (5) feet beyond the face of the window or door on which such sign is located.
- (e) Temporary Sign – means a sign constructed of cloth, paper, wood, fabric, or other temporary material, with or without a structural frame, and which is intended or designed for a limited period of display and removable without special handling.
- (f) Sign Structure - means the sign face(s) and walls, foundations, poles, brackets and other materials supporting the sign face(s).
- (g) Changeable Copy Sign - means a sign designed to display multiple or changing messages whether by manual, mechanical or electronic means. Such signs are characterized by changeable letters, symbols or numerals that are not permanently affixed to the structure, framing or background allowing the letters, characters, or graphics to be modified from time to time manually or by electronic or mechanical devices. Electronically changed signs may include either electronic message boards or digital displays.
- (h) Permanent Sign - means a sign permanently affixed or attached to the ground or a structure and which cannot be removed without special handling, such as removing or dismantling a foundation, fasteners, adhesives or similar materials providing support or structural integrity for the sign.
- (i) A-Frame or Sandwich Board Sign - A sign made of wood, cardboard, plastic, or other lightweight and rigid material having the capability to stand on its own rigid supporting frame in the form of a triangle or an inverted V and being portable and movable.
- (j) Directional Sign - A sign indicating a direction or a location to which traffic, whether pedestrian or vehicular, is requested to move within the parcel for the purpose of traffic control and public safety.
- (k) Feather Flag – Also known as feather banner or banner flag, shall mean a vertically oriented banner attached to a single pole allowing the fabric to hang loose at one, two or three of the four corners.
- (l) Canopy Sign – Signs that are attached to the side of a multisided overhead structure supported by columns, but not enclosed by walls.
- (m) Mural – Any design, inscription, artwork, figure, wall mural, marking, graphic, application, or one-of-a-kind unique representation that is marked, etched, scratched, drawn, painted, applied, or affixed to the exterior of a building wall through the application of paint, canvas, tile, metal panels, applied sheet graphic, or other medium generally so that the wall becomes the background surface or platform for the graphic.
- (n) Roof Sign - a sign placed, inscribed or supported upon a roof or upon any structure which extends above the roof line of any building.

### **1149.03 MEASUREMENT DETERMINATIONS.**

The following shall be the basis for determining sign area, sign height, and building or tenant frontage.

- (a) Sign Area or Dimension. Sign area shall include the entire face of the sign from edge to edge, including any frame or structure around the perimeter of the sign.
  - (1) For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or an irregular shaped free- standing sign, the area of the sign shall be the area of not more than three (3) adjacent regular geometric shapes that encompasses the perimeter



- of all the elements in the display. Regular geometric shapes are squares, rectangles, circles, ovals, triangles, and trapezoids.
- (2) When separate elements are organized to form a single sign, but the elements are separated by open space, the area of the sign shall include the space between the elements.
  - (3) For free-standing signs:
    - (A) The sign area shall be computed by the measurement of one (1) of the faces when two (2) identical display faces are joined, are parallel or are within 30 degrees of being parallel to each other and are at no point separated by a distance that exceeds two feet.
    - (B) No more than two display faces shall be permitted.
    - (C) The portion of a solid sign base, up to a maximum height of two (2) feet, may be excluded from the calculated sign area provided such base is adequately screened by landscaping.
  - (b) Sign Height. The height of a free-standing sign shall be measured from the average natural grade at the base of the sign or support structure to the tallest element of the sign. A free-standing sign on a man-made base, including a graded earth mound, shall be measured from the average site grade prior to any grade change in the area of a sign.
  - (c) Building Frontage and Building Unit. For the purposes of these sign regulations, the length of the building wall that faces a public street or that contains a public entrance to the uses therein shall be considered the building frontage.
    - (1) The building frontage shall be measured along such building wall between the exterior faces of the exterior side walls.
    - (2) In the case of an irregular wall surface, a single straight line extended along such wall surface shall be used to measure the length.
    - (3) A building is considered to have two frontages whenever the lot fronts on two or more streets, or the building has a public entrance on a wall other than the wall that faces the street. The property owner shall determine which wall shall be the primary building frontage and which wall shall be the secondary building frontage. Only one outside wall of any business shall be considered its primary frontage and only one additional wall considered its secondary frontage.
    - (4) For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

#### **1149.04 GENERAL PROVISIONS.**

- (a) All signs shall be of substantial construction so as to withstand weather conditions, such as rain, snow, wind, and freezing and thawing, without deterioration of the sign or its structure. Cloth, paper, or any other temporary materials shall not be permitted as permanent signs.
- (b) No signs, except as herein provided, shall be permitted.
- (c) No sign shall be audible or emit sounds of any type.
- (d) No sign, except for changeable copy signs permitted hereunder, shall have:
  - (1) Flashing, moving, intermittent or blinking lights or other illumination; or
  - (2) Any moving parts.
- (e) All signs, including temporary signs, shall at all times be maintained in good condition and repair at all times. Upon determination that a sign is not being maintained, is faded or is in poor condition or repair, the Administrator or his designated agent may order such sign to be brought into compliance or removed within a specified time period. Should the property owner fail to bring the sign into compliance as directed, the Administrator may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.
- (f) Where illuminated signs are permitted:

- (1) Any sign incorporating light or illumination shall use only light or illumination of constant intensity and color. No sign shall utilize lights or illumination which varies in color or intensity, flashes, rotates, moves or is intermittent except as specifically provided in Section 1149.02 (g).
- (2) Where sign lighting or illumination is permitted, either indirect internal and/or external lighting may be used. Where external illumination is used, the light source shall be so mounted and shielded that the field of illumination is limited to the sign. In no event shall a sign be placed so that light is directed or reflected upon highway right of ways or adjacent property. Where internal lighting is used, the light source shall be so placed that light cannot be directed or reflected upon highway right of ways or adjacent property. This restriction shall apply even in the event of the failure of surface elements of the sign through cracking, breakage, improper installation and/or maintenance or other failure modes.
- (3) Temporary signs shall not be illuminated.
- (g) Electronic changeable copy signs shall conform to the following standards:
  - (1) Each message or copy shall remain fixed for at least ten (10) seconds. Messages shall not flash, include moving video displays or animation, or emit intermittent light.
  - (2) Changes to messages, copy, or images shall be accomplished in not more than three (3) seconds.
  - (3) Each such sign must be capable of regulating the digital display intensity and the light intensity level of the display must automatically adjust to natural ambient light conditions.
  - (4) No such sign shall be of such intensity as to create a distraction or nuisance for motorists or adjacent property.
  - (5) Displays shall not emulate traffic control devices.
  - (6) Such signs shall contain a default design that will freeze the sign in one position or cause it to go dark if a malfunction occurs.
  - (7) The entire message shall change at once, without scrolling, animation, flashing, blinking or other movement or noise.
  - (8) An electronic changeable copy sign shall be a free-standing sign; no wall sign shall be an electronic changeable copy sign.
- (h) The following signs shall be exempt from these regulations in all districts:
  - (1) Any public purpose/safety sign and any other notice or warning required by a valid and applicable federal, state or local law, regulation or resolution.
  - (2) Signs located within the grounds of public facilities such as baseball fields, stadiums, community centers, and other public facilities placed by a governmental entity.
  - (3) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, or similar devices provided it is six (6) square feet or less.
  - (4) Any sign inside a building, including those attached or near windows that do not exceed 8 square feet in sign face area, and do not cover more than 25% of the area of the window pane
  - (5) Signs which are not visible from off the premises.
- (i) The following shall be prohibited:
  - (1) Pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices;
  - (2) Inflatable images
  - (3) Signs which employ any part or element which revolves, rotates, whirls, spins, or otherwise makes use of motion to attract attention except for temporary feather flags;
  - (4) Beacons or searchlights;
  - (5) High intensity strobe lights;
  - (6) Roof signs
- (j) Free-standing signs which were legally in existence prior to the effective date of this Chapter, but which do not conform with the provisions hereof, may be continued as a matter of right provided



such signs comply with all safety regulations and are maintained as required by this chapter. Normal maintenance and repairs, repainting, and/or the replacement of tenant panels shall be permitted. Any alteration to the size or structure of such signs shall cause the sign to lose its nonconforming status and said sign shall be brought into compliance with this Chapter.

#### **1149.05 SIGNS IN RESIDENTIAL DISTRICTS**

(a) Signs not requiring a permit.

(1) Residence Signs: Each residence or dwelling shall be permitted one (1) sign not exceeding four (4) square feet in area. Home occupations shall be permitted on sign not to exceed six (6) square feet in area.

(2) Real estate signs:

(A) When placed on vacant properties for sale or rent, not exceeding twenty-four (24) square feet in area or eight (8) feet in height. Signs shall not be located closer than eight (8) feet from the public right-of-way.

(B) When placed on developed property shall not exceed six (6) square feet in area and four (4) feet in height. Signs shall not be located closer than eight (8) feet from the public right-of-way.

(3) Temporary Signs: Temporary signs shall be less than sixteen (16) square feet in area and six (6) feet in height, shall not be displayed more than thirty (30) days. No property shall display more than one (1) temporary sign at a time and no more than four (4) temporary signs may be displayed in any one year. Temporary signs shall not be located closer than eight (8) feet from the public right-of-way.

(4) Signs advertising the sale of products raised or produced on the premises provided they do not exceed twelve (12) square feet

(b) Signs requiring a permit

(1) Signs for any nonresidential permitted or conditional use in the A-R Agricultural- Residential and R-1 Residential Districts shall comply with the following requirements:

(A) Free-standing signs shall be monument signs not exceeding thirty-two (32) square feet in area or eight (8) feet in height. Signs shall be setback a minimum of eight (8) feet from the public right-of-way and eight (8) feet from a side property line.

(B) Wall signs shall be located on the front of the building and shall not exceed twenty-four (24) square feet in area.

(C) Directional Signs

(1) No more than two (2) permanent free-standing directional signs not exceeding three (3) square feet in area and located not more than three (3) feet above grade shall be permitted at each access drive to the site.

(2) Directional signs shall be located so as not to hinder sight distance for exiting traffic.

#### **1149.06 SIGNS IN C-1 COMMERCIAL DISTRICT**

(a) Area of Signage. The total area of all permanent signs for each use, building, or land under common ownership or control shall not exceed three (3) square feet for each lineal foot of the primary building wall or facade which faces the principal street or contains the main entrance.

(b) Temporary signs shall be displayed for more than thirty (30) days and no more than four (4) temporary signs may be displayed in any one year. The following temporary signs shall not require a permit:

- (1) Temporary Signs, no property shall display more than one (1) temporary sign at a time. A temporary sign shall not exceed thirty -two (32) square feet in area and six (6) feet in height. A temporary sign shall be setback a minimum of eight (8) feet from any property line.
  - (2) One "A" Frame or Sandwich Board signs of less than two (2) feet in width and three (3) feet in height located on the property on which the business is located, may only be displayed during the posted hours the business is open and must be removed at the end of each business day. Signs shall not be located on the public sidewalk or within the right-of-way.
  - (3) Feather flags shall not exceed sixteen (16) square feet in area, eight (8) feet in height and shall be setback a minimum of eight (8) feet from any property line. Only one feather flag per lot is permitted.
  - (4) Mobile, portable, or wheeled signs shall not exceed thirty -two (32) square feet in area and six (6) feet in height and shall be setback a minimum of eight (8) feet from any property line. Mobile, portable or wheeled signs may be illuminated between 8 AM and 9 PM.
- (c) Signs requiring a permit:
- (1) Permanent Signs
    - (A) Freestanding sign may be monument signs or pole signs but not both.
      1. A freestanding pole sign shall not exceed sixteen (16) feet in height, and the lowest horizontal projecting feature of the sign shall not be less than eight and one-half (8.5) feet above grade. The freestanding sign shall not exceed forty (40) square feet in area. Signs shall not be located closer than eight (8) feet to a front or side property line.
      2. A freestanding monument sign shall not exceed eight (8) feet in height. The freestanding sign shall not exceed forty (40) square feet in area. Signs shall not be located closer than eight (8) feet to a front or side property line.
      3. Any freestanding signs shall not be less than fifty (50) feet from any lot in any residential district and not within twenty (20) feet from the intersecting right-of-way of any streets.
    - (B) Wall Signs
      1. The maximum sign area for a wall sign shall be two (2) square feet per one (1) linear foot of store front.
      2. Buildings with frontage on two or more public streets shall be permitted an additional sign on each secondary frontage provided the sign shall not exceed twenty-five percent (25%) of the area of the sign permitted on the primary frontage. In no case shall the area of the signs exceed the total amount of signage permitted on the site.
      3. No more than one (1) wall sign shall be permitted per building frontage or individual tenant space.
      4. Wall signs shall be affixed flat to the wall of the building and not project more than one (1) foot.
      5. No wall sign shall extend above the roof line of the building.
    - (C) Directional Signs
      1. No more than two (2) permanent free-standing directional signs not exceeding three (3) square feet in area and located not more than three (3) feet above grade shall be permitted at each access drive to the site.
      2. Directional signs shall be located so as not to hinder sight distance for exiting traffic.
    - (D) Window Signage
      1. The total area of all window signs, inclusive of both permanent and temporary, shall not exceed twenty-five (25%) percent of the area of a single window.
      2. For the purposes of this section, a single window shall include the entire area of glass with a separation between the glass panes less than four (4") inches.



(E) Canopy Signs

1. A freestanding canopy is permitted signage on the faces of the canopy parallel to the public right of way. The square footage of all canopy signage counts toward the total signage permitted on the site by section 1149.06 (a).

**1149.07 MURALS.**

- (a) Wall murals shall be permitted in the C-1 Commercial district. Murals shall not be counted as wall signs provided, they do not include promotional or commercial advertising but may contain limited references to the establishment, product, or service provided on the site which is painted or drawn on a wall on that site in conformance with the following requirements:
  - (1) Wall murals shall not be permitted on the front façade of a building.
  - (2) A wall mural shall not cover, destroy, or materially alter a distinctive architectural or historic feature of a building or structure.
  - (3) Wall murals may be illuminated with up or down lighting. No glare shall be observed from neighboring properties or the public right-of-way.
  - (4) Wall murals shall be kept in good repair and free of vandalism.
  - (5) An application for a wall mural shall be submitted to the Administrator including the following as a minimum:
    - (A) A color rendering or digital image of the proposed mural including wall location.
    - (B) A description of the materials to be used.
    - (C) Written permission from the owner of the building or structure where the mural is to be located.
    - (D) Any other information the Administrator deems necessary to review and evaluate the request.
- (b) Wall murals shall be approved by the Village of South Amherst Council or their designee prior to the installation of such mural.

**CHAPTER 1153  
ADMINISTRATION AND ENFORCEMENT**

**1153.01 OVERVIEW.**

The duly authorized representative as specified in this chapter is hereby charged with the duty of enforcing the provisions of this Ordinance. The administration of this Ordinance is hereby vested in the following entities:

- (a) Council (Village Council).
- (b) Commission (Planning Commission).
- (c) BZA (Board of Zoning Appeals).
- (d) Administrator

The purpose of this chapter is to set forth the responsibilities and scope of authority of these entities.

**1153.02 RESPONSIBILITIES AND AUTHORITY OF THE COUNCIL.**

The Council shall have the following responsibilities and authority pursuant to this Ordinance:

- (a) Adoption of Zoning Ordinance and Amendments. In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by the O.R.C. the Council shall have the authority to adopt this Ordinance, as well as amendments first recommended by the Commission or at a hearing or as decreed by a court of competent jurisdiction. No such ordinance or amendment which violates, differs from, or departs from the plan or report submitted by the Commission shall take effect unless it receives the affirmative vote of

five Council members. No ordinance or amendment which is in accordance with the recommendations, plan or report submitted by the Commission shall be deemed to pass or take effect unless it receives the affirmative vote of four Council members.

- (b) Review and Approval of Plans. Council review and approval shall be required for all planned developments, in accordance with provisions outlined in this Ordinance.
- (c) Setting of Fees. The Council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Council to set a fee for a specific permit or application, the Administrator shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- (d) Election of One Commission Member. In accordance with the Ohio Revised Code, one member of the Commission shall be elected by the Council to serve on the Commission for the remainder of their term on the Council.
- (e) Approval of BZA Members. In accordance with the O.R.C., members of the BZA shall be appointed by the Mayor with the approval of the Council.

### **1153.03 RESPONSIBILITIES AND AUTHORITY OF THE COMMISSION.**

The Commission shall have the following responsibilities and authority pursuant to this Ordinance.

- (a) Creation. The Commission is created pursuant to the Ohio Revised Code.
- (b) Membership and Operation. Members of the Commission include the Mayor, one member elected from Council pursuant to Section [1153.02\(d\)](#), and three additional members appointed by the Mayor. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the Commission shall be in accordance with the Ohio Revised Code. The Commission by resolution shall determine the time and place of meetings. The Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. A member may serve simultaneously on the Commission and the BZA, and it is suggested (although not required) that at least one such member be so appointed to both the Commission and the BZA at any one time, so as to encourage communication between both bodies.
- (c) Officers and Quorum. The Commission shall bi-annually elect a Chairman and Vice Chairman and appoint a Secretary that need not be a member of the Commission. A majority of the members of the Commission shall constitute a quorum.
- (d) Meetings. Meetings of the Commission shall be held in accordance with an adopted schedule, or at the call of the Chair, or at such other times as the Commission may specify in its rules and procedures. The Commission shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Administrator.
- (e) Concurring Vote Required. The concurring vote of a majority of those Commission members present at any meeting shall be necessary to take any action. The Commission's failure to achieve a concurring vote of a majority of those Commission members present at any meeting shall not be construed to be an approval or denial of any particular requested action or motion of the Commission. An abstention shall not be counted in any manner.
- (f) Jurisdiction. The Commission shall discharge the following duties pursuant to this Ordinance:
  - (1) Formulation of Zoning Ordinance and amendments. The Commission shall be responsible for formulation of this Ordinance, review of amendments to this Ordinance, holding hearings on this Ordinance or amendments, and reporting its findings and recommendations concerning this Ordinance or amendments to the Council.



- (2) Site plan review. The Commission shall be responsible for review of applications for site plan approval in accordance with provisions outlined in this Ordinance. As provided for in this Ordinance, the Commission shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of site plan approval.
- (3) Conditional use review. The Commission shall be responsible for holding hearings and review of all applications for conditional use approval in accordance with provisions outlined in this Ordinance. As provided for in this Ordinance, the Commission shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of conditional use approval.
- (4) Planned development review. The Commission shall be responsible for holding hearings and review of all applications for planned developments in accordance with provisions outlined in this Ordinance. The Commission shall be responsible for making a recommendation to the Council to grant approval, approval with conditions, or denial of a planned development proposal.
- (5) Review of matters referred by the Council. The Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Council. The Commission shall recommend appropriate regulations and action on such matters.
- (6) Interpretation of the Zoning Map. The Commission shall act on all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning district map, and the interpretation of the exact location of a boundary line between zoning districts shown on the zoning district map.
- (7) Similar Uses. The Commission shall be responsible for making the determination if a proposed use that is not listed as a permitted or conditional use is of the same general character as a permitted or conditional use.
- (8) Platting Commission. The Commission shall also be the Platting Commission per the requirements of Ohio Revised Code 713.03.
- (g) Decision Final. The decision of the Commission shall be final, but shall be subject to appeal pursuant to the Ohio Revised Code, except in those instances where its decision is in the form of a recommendation to the Council, and in those cases where its decision is subject to appeal to the Council pursuant to the provisions outlined in this Ordinance.

#### **1153.04 RESPONSIBILITIES AND AUTHORITY OF THE BZA.**

The BZA shall have the following responsibilities and authority pursuant to this Ordinance.

- (a) Creation. The BZA is created pursuant to the Ohio Revised Code.
- (b) Membership and Operation. Members of the BZA shall be appointed by the Mayor with the approval of the Council. Members shall serve for staggered terms of six (6) years each. Each member shall have been a citizen of the Village for not less than one (1) year prior to appointment to the BZA and shall serve until his or her successor is appointed and sworn in as a member. The BZA by resolution shall determine the time and place of meetings. The BZA shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. A member may serve simultaneously on the Commission and the BZA, and it is suggested (although not required) that at least one such members so appointed to both the Commission and the BZA at any one time, so as to encourage communication between both bodies.
- (c) Officers and Quorum. The BZA shall annually elect a Chairman and Vice Chairman and appoint a Secretary that need not be a member of the BZA. A majority of the members of the BZA shall constitute a quorum.

- (d) Meetings. Meetings of the BZA shall be held in accordance with an adopted schedule, or at the call of the Chair, or at such other times as the BZA may specify in its rules and procedures. The BZA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Administrator.
- (c) Concurring Vote Required. The concurring vote of three members of the BZA shall be necessary to reverse an order, requirement, decision or determination of a zoning official or body; to decide in favor of an applicant on any matter upon which the BZA is required to act; or, to affect any variation to this Ordinance. The BZA's failure to achieve a concurring vote of three members of the BZA shall not be construed to be a decision in favor of or against an applicant on any matter upon which the BZA is required to act. An abstention shall not be counted in any manner.
- (f) Jurisdiction. The BZA shall discharge the following duties pursuant to this Ordinance:
  - (1) Appeals. The BZA shall also hear and decide appeals from and review any written order, requirement, decision, interpretation or determination made by any administrative or enforcement official or body charged with enforcement of this Ordinance. An appeal must be filed within 14 days of the applicable decision, and such appeal shall be made on forms made available by the Administrator.
  - (2) Area variances. The BZA shall have the authority to grant area variances, based upon a showing of "practical difficulties" and a weighing of the factors set forth in Section 1161.04.
- (g) Issuance of Oath. The Chairman of the BZA, or in his absence the Vice Chairman, may administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence pertinent to any issue before the BZA.
- (h) Decision Final. The decision of the BZA shall be final, but shall be subject to appeal pursuant to the Ohio Revised Code.

#### **1153.05 RESPONSIBILITIES OF THE ADMINISTRATOR.**

- (a) Overview. Certain actions necessary for the implementation of these regulations shall be administered by the Administrator. The Administrator shall be the Mayor of the Village of South Amherst or their designee. In carrying out designated duties, the Administrator shall be required to administer this Ordinance precisely as it is written. No Administrator shall make changes or vary the terms of this Ordinance.
- (b) Responsibilities of the Administrator. The Administrator may be a Village employee or consultant or combination thereof, and in either case shall serve at the will of the Mayor. In addition to specific responsibilities outlined elsewhere in this Ordinance, the Administrator shall have the following responsibilities:
  - (1) Provide citizens and public officials with information relative to this Ordinance and related matters.
  - (2) Assist applicants in completing appropriate forms and following procedures related to site plan review, rezoning and other zoning matters outlined in this Ordinance.
  - (3) Determine the completeness of materials submitted for site plan review, conditional use review and planned development, and takes any action required under guidelines stated in this Ordinance.
  - (4) Issue Zoning Permits in accordance with this Ordinance when all provisions of this Ordinance and other applicable ordinances and codes are met.
  - (5) Forward to Commission completed applications for site plan review, conditional use review, planned unit development proposals, petitions for amendments to this Ordinance, and other matters that must be reviewed by the Commission.



- (6) Forward to BZA all materials related to applications for appeals, variances, or other matters on which the BZA is required to act.
- (7) Forward to the Council all recommendations of the Commission concerning matters on which action is either mandatory or discretionary on the part of the Council.
- (8) Periodically report to the Commission on the status of Village's zoning and planning administration.
- (9) Maintain the current official Zoning Map of the Village and an up-to-date Zoning Ordinance text by recording all adopted map and text amendments.
- (10) Maintain records as accurately as is feasible for all nonconforming uses, structures, and lots that exist on the effective date of the Zoning Ordinance, updating the record as conditions affecting the nonconforming status of such uses changes.
- (11) Review and investigate permit applications to determine compliance with the provisions of this Ordinance.
- (12) Issue an approval of completion when all provisions of this Ordinance and other applicable ordinances are met.
- (13) Perform inspections of buildings, structures, and premises to ensure that the land use or improvements to the land are and will remain in compliance with this Ordinance.
- (14) Initiate and perform investigations into alleged violations of this Ordinance and proceed with appropriate corrective measures as required, including issuance of violation notices, issuance of orders to stop work, and revocation of permits.
- (15) Publish all notices required by this Ordinance.
- (16) Record or cause to be recorded and prepare the official minutes of all meetings of the Commission and BZA.
- (17) Maintain official records and file all official minutes and documents in an orderly fashion.
- (18) Perform other related duties required to administer this Ordinance.

## **CHAPTER 1157 SITE PLAN REVIEW**

### **1157.01 PURPOSE AND INTENT.**

Site development plans are intended to promote orderly and appropriate development that is designed and intended to preserve and maintain the character of the Village, to ensure proper design for efficient use of land, to protect adjoining properties from adverse impacts, and to promote high quality developments. The purpose of this Chapter is to provide specific standards and requirements for design and construction of new developments, for additions and modifications to existing developments, for the establishment of new uses, and for the re-use of sites.

### **1157.02 DEFINITIONS.**

- (a) Site Development Plan: (Also known as a plot plan) a plan required to be submitted showing the proposed location of the buildings, parking areas, and other installations on the property, and their relation to existing conditions, such as roads, neighboring land uses, natural features, public facilities, ingress and egress roads, interior roads, and similar features.
- (b) Major Site Development Plan: A plan required for new commercial development, additions, expansions or major renovations to a commercial site in the C-1 Commercial District and for non-residential uses in the A-R Agricultural-Residential and the R-1 Single Family Residential Districts.
- (c) Minor Site Development Plan: A plan required for new detached single-family dwellings, additions to single family dwellings, accessory buildings and structures commonly incidental to single family

dwellings or farms on individual building lots in A-R Agricultural-Residential and the R-1 Single Family Residential Districts and signs in any district.

**1157.03 SITE DEVELOPMENT PLANS REQUIRED.**

- (a) A site development plan or a plot plan is required and shall be submitted for any use or development involving new construction, reconstruction, alteration, expansion, or relocation of buildings and/or structures. Site plans shall also be required for site improvements, such as, but not limited to, off-street parking, driveways, drainage provisions, and site lighting. No construction activity shall commence for any such use or project unless and until a site plan has been submitted to the Administrator for review and approval, and a valid Zoning Permit has been issued for said use or project pursuant to Chapter 1125 of this Zoning Ordinance.
- (b) Site development plans for new detached single-family dwellings, additions to single family dwellings, accessory buildings and structures commonly incidental to single family dwellings or farms on individual building lots in A-R Agricultural-Residential and the R-1 Single Family Residential Districts and signs in any district shall comply with the requirements and procedures for Minor Site Plans as set forth in Section 1157.04.
- (c) Site development plans for commercial development, additions, expansions or major renovations to a commercial site in the C-1 Commercial District and for non-residential uses in the A-R Agricultural-Residential and the R-1 Single Family Residential Districts shall comply with the requirements and procedures for Major Site Development Plans as set forth in Sections 1157.05 to 1157.08 hereof.

**1157.04 MINOR SITE DEVELOPMENT PLANS.**

- (a) One (1) electronic copy of a minor site development plans shall be submitted to the Administrator along with a completed application for a Zoning Permit as set forth in Chapter 1125 for new detached single-family dwellings, additions to single family dwellings, accessory buildings and structures.
  - (1) Minor site development plans for new detached single-family dwellings, additions to single family dwellings, accessory buildings and structures shall contain the following information:
    - (A) The name of the owner and developer, north arrow, date, and scale;
    - (B) The owners, zoning classification, and present use of adjoining parcels;
    - (C) The property boundaries, property pins must be visible for inspection;
    - (D) The area of the parcel;
    - (E) Proposed building or structure elevations;
    - (F) Location and dimensions of existing public rights-of-way and of all minimum building setback lines;
    - (G) Locations and dimensions of all existing and proposed structures and drives;
    - (H) Provisions for adequate disposition of storm water;
    - (I) Location and dimensions of the on-site sewage disposal system; and
    - (J) Location of proposed existing or proposed septic system.
- (b) One (1) electronic copy of a minor site development plan shall be submitted to the Administrator along with a completed application for a Zoning Permit as set forth in Chapter 1125 for fences and signs in all districts.
  - (1) Minor site development plans for new fences and signs shall contain the following information:
    - (A) The name of the owner and developer, north arrow, date, and scale;



- (B) The owners, zoning classification, and present use of adjoining parcels;
  - (C) The property boundaries, property pins must be visible for inspection;
  - (D) Location and dimensions of existing public rights-of-way and of all minimum building setback lines;
  - (E) Location of proposed fence or sign;
  - (F) Description, drawing or picture of the proposed fence or sign with dimensions.
- (c) Minor site development plans may be reviewed and approved by the Administrator, who shall act within fifteen (15) days of formal acceptance of a complete application.
  - (d) Applicants or affected property owners aggrieved by a decision of the Administrator with regard to approval or denial of a minor site development plan may appeal such decision to the Board of Zoning Appeals following the procedures set forth in Chapter 1161 of this Zoning Ordinance.

#### **1157.05 MAJOR SITE DEVELOPMENT PLANS.**

- (a) All applications for Major Site Development Plan approval shall be filed with the Administrator along with a completed application for a Zoning Permit as set forth in Chapter 1125.
- (b) Major Site Development Plan applications shall consist of:
  - (1.) One (1) electronic copy of a site development plan drawing conforming to the requirements of Section 1157.06; and
  - (2) A narrative description of the proposed project;
- (c) Once the application is determined to be complete and is officially accepted by the Administrator, the Administrator shall forward all submitted materials to the Planning Commission. The Planning Commission shall review and take action on each site plan within ninety (90) days from the time the Administrator officially accepts the application as being complete unless such time period is extended with the consent of the applicant.
- (d) Prior to acting on a site plan application the Planning Commission may, whenever it deems necessary, seek expert advice or cause special studies to be made to determine compliance with the requirements set forth in Sections 1157.05 and 1157.06. The costs of securing such expert or consultant advice and/or the preparation of such special studies shall be borne by the applicant.

#### **1157.06 INFORMATION REQUIRED ON MAJOR SITE PLANS.**

- (a) Major site development plan drawings shall contain the following minimum information:
  - (1) The name and address of the applicant and the engineer, architect, and/or surveyor responsible for preparation of the drawings;
  - (2) A project summary including the area of all proposed parcels, the total number of dwelling units of each type, the area of land uses by type, the number and areas of buildings, the total number of parking spaces, the amount of land area designated for public and/or private streets, open space, storm drainage, wetlands, and all proposed uses;
  - (3) Development phases if the project is to be done in phases;
  - (4) The names and address of adjacent property owners;
  - (5) A vicinity map at a scale of 1" equals 1000';
  - (6) A north arrow, date, and scale;
  - (7) The current zoning classification and all zoning district boundary lines;
  - (8) A boundary survey showing all existing and proposed property lines, easements, rights-of-way, and setback lines, property pins must be visible for inspection;
  - (9) Existing and proposed topography at two-foot contour intervals;
  - (10) Existing areas of significant vegetation and designation of areas of vegetation to be retained and to be removed;

- (11) Existing and proposed watercourses, water bodies, flood plains, and wetlands;
- (12) Location and dimensions of all existing and proposed buildings and structures;
- (13) Location and dimensions of all existing and proposed public streets, rights-of-way, private streets and access easements;
- (14) Location, design, and dimensions of existing and proposed parking areas and truck loading areas;
- (15) Location, design, and dimensions of all existing and proposed walkways, sidewalks, bike paths, and other pedestrian facilities;
- (16) Existing and proposed water facilities including location, design, and sizes of water lines, hydrants, valves, etc.;
- (17) Existing and proposed sanitary sewer facilities including location, design, sizes of on-site treatment systems;
- (18) Existing and proposed utilities including natural gas, electric, internet and telephone;
- (19) Existing and proposed location and dimensions of common open areas, recreation areas, preservation areas, and similar facilities;
- (20) Location and type of site lighting;
- (21) Location and specifications of screening features such as walls, fences, mounds, and landscape buffers;
- (22) Location and specifications of all proposed signage;
- (23) A landscaping plan including location, size, and type of plant materials;
- (24) Provisions for solid waste;
- (25) Proposed building elevations;
- (26) Location and dimensions of proposed access drives;
- (27) Provisions for storm drainage including design calculations, storm sewer sizes, grades, and inverts, manhole locations and inverts, detention and/or retention facilities, and proposed outlets;
- (28) Provisions for erosion and sedimentation control; and
- (29) A perpetual maintenance plan for proposed common areas.
- (30) A cost estimate for all required public and common area improvements prepared and certified by the applicant's registered engineer.

#### **1157.07 DESIGN STANDARDS.**

All major site development plans shall be reviewed based on principals of good site design intended to provide safe and efficient vehicular and pedestrian movement, to preserve and protect significant natural features and sensitive environmental areas, to advance the goals and objectives of the Village, and to be consistent with the spirit and intent of the Zoning Ordinance. In addition, all major site development plans shall conform to the following minimum design standards:

- (a) All proposed sanitary sewer improvements shall be designed and constructed in accordance with the standards and requirements of Lorain County Public Health, and the Ohio Environmental Protection Agency.
- (b) All proposed water improvements shall be designed and constructed in accordance with the standards and requirements of the Village of South Amherst.
- (c) Development features, including buildings, parking areas, driveways, etc., shall be so located and designed as to minimize adverse impacts on adjacent properties. Maximum possible visual and auditory privacy for surrounding properties shall be provided through good design and landscaping buffers.
- (d) Building location and placement shall be developed with consideration given to minimizing the removal of trees and changes of topography.



- (e) Parking, service, and refuse storage areas shall be screened from view from adjoining residential properties. Screening of parking, service, and refuse storage areas shall be provided by means of landscaping, ornamental walls, fences, or similar means.
- (f) Drives, travel lanes, and parking areas shall be designed and related to public thoroughfares to provide for pedestrian and vehicular safety both in the right-of-way and on the site. On-site circulation shall provide for adequate access by emergency vehicles.
- (g) Storm runoff provisions shall be designed in accordance with the standards, policies and requirements of the Village Engineer as set forth in Chapter 1335 of the Codified Ordinances of the Village of South Amherst.
- (h) The design and construction of all streets, both public and private, shall conform to the design criteria of the Village of South Amherst Subdivision Regulations.

#### **1157.08 ACTION ON MAJOR SITE DEVELOPMENT PLANS.**

- (a) The Planning Commission may within ninety (90) days of receipt of a completed application for a major site development plan:
  - (1) Approve the site development plan as submitted; or
  - (2) Approve the site development plan with modifications expressly stated and/or duly noted on the plan; or
  - (3) Disapprove the site development plan indicating the reasons for denial.
- (b) Planning Commission or the applicant may request an extension of the timeframe for approval if mutually agreed upon by both parties.

#### **1157.09 PERFORMANCE BONDS.**

The Planning Commission may determine which of the proposed improvements must be completed prior to site occupancy or operation and which site improvements may be completed later subject to a performance bond or other financial guarantee. A performance bond or other financial guarantee shall be placed on deposit with the Fiscal Officer to ensure that any required improvements not completed at the time of approved occupancy or operation are completed in accordance with approved plans. Such bond or guarantee shall be in an amount equal to the cost of construction of the improvements based on the certified cost estimate and shall be for a period not to exceed two (2) years and providing for the complete construction of the improvements.

#### **1157.10 CONFORMANCE WITH APPROVED PLANS.**

Developments shall conform in all respects to the approved site development plan. No building or premises shall be occupied or used except in conformance with the approved site development plan and this Zoning Ordinance. The Administrator shall make such periodic inspections during construction of the project as may be necessary and appropriate to determine continued compliance with the approved site development plan and Zoning Ordinance. Approved site development plans may be amended in the same manner and following the same procedure as the original site development plan approval, provided, however, that the applicant need not resubmit information which was provided as part of the original site development plan review process.

#### **1157.11 FEES AND DEPOSITS.**

The Village Council may establish fees for the processing and review of site development plans, including minor site development plans, and may require applicants to place funds on deposit with the Fiscal Clerk, in such amounts as the Village Council may determine, for the purpose of retaining experts or consultants to assist with plan review. The Council may also establish fees for the purpose of retaining consultants to

provide inspections during construction if the public agencies are unable to provide such services or to supplement the inspection services provided by those public agencies.

#### **1157.12 GRADING AND DRAINAGE.**

Any person or entity that is changing the grading or drainage of a parcel shall comply with the requirements of Chapter 1331 *Grading and Drainage* and/or Chapter 1335 *Storm Water Management; Construction Site Runoff Control and Post Construction Water Quality* of the Village of South Amherst Codified Ordinances.

### **CHAPTER 1161 BOARD OF ZONING APPEALS**

#### **1161.01 APPEALS OF ADMINISTRATIVE DECISIONS.**

An appeal of an administrative decision or interpretation shall be entertained by the Board of Zoning Appeals (BZA) only if formal action has been taken by the Administrator or other City Official with regard to an application for a Zoning Permit, the issuance of a stop order, a specific referral, a notice of violation, or some similar action provided that:

- (a) The application for appeal from a decision shall be filed with the Administrator within thirty (30) days of the alleged adverse decision.
- (b) The application for appeal shall include reference to the decision and provision of this Zoning Ordinance from which the appeal or variance is sought and the grounds thereof.
- (c) The applicant for an appeal shall submit an application fee as established by Council.
- (d) Every appeal of an interpretation shall refer to the specified provision of this Zoning Code involved and shall exactly set forth the interpretation that is claimed.
- (e) All appeals and applications made to the Board shall be in writing and on the forms prescribed therefore.
- (f) An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board of Zoning Appeals, after notice of appeal has been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charge is transitory in nature, a stay would seriously interfere with the enforcement of the Zoning Ordinance, in which case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record to whom an appeal has been made.
- (g) The Board shall decide all appeals of Administrative Decisions within thirty (30) days after the date of hearing, except that such time may be extended by mutual consent.

#### **1161.02 APPLICATIONS FOR VARIANCES.**

- (a) A variance from the terms of this Zoning Ordinance may be authorized in specific cases upon appeal, if the Board of Zoning Appeals determines that it will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in undue and unnecessary hardship or a practical difficulty and that the variance will maintain the spirit of this Ordinance.
- (b) Any application for a variance shall be submitted on special forms supplied for that purpose and shall contain:
  - (1) Site plan, plot plan, or development plan of the entire property being considered, drawn to reasonable scale and showing the location of all abutting streets, names and addresses of all adjacent and abutting property owners, the location of all existing and proposed structures and



the types of buildings and their uses on the subject property, and dimensions of all properties and buildings, and the location of structures on adjacent property within one hundred (100) feet of the proposed use or structure.

- (2) A statement of justification providing substantiating evidence regarding the required findings set forth in Section 1161.04.
- (3) A fee as set by Council.

#### **1161.03 NOTICE OF HEARINGS.**

When a notice of appeal or application for a variance has been filed in proper form with the Administrator, he shall forward same to the Board of Zoning Appeals. The Board shall immediately place the request upon the calendar for hearing and shall cause notice to be given stating the time, place, and object of the hearing. Notice is to be given by written notice sent by first class mail, addressed to the parties making the request for appeal or variance and the owners of all property contiguous to and directly across the street from the property for which a deviation from this Zoning Ordinance is requested, at least ten (10) days prior to the date of the scheduled hearing and by posting on the Village website and on the bulletin board at Village Hall at least ten (10) days before the date of such hearing. The Board, at its discretion, may send out further notices to publicize such hearings. The Board may recess such hearings from time to time and, if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required.

#### **1161.04 REQUIRED FINDINGS FOR VARIANCES.**

- (a) When considering a request for a variance, the Board of Zoning Appeals shall be subject to the powers and limitations previously set forth and further subject to the required findings set forth herein.
- (b) No variance to the provisions or requirements of the Zoning Ordinance shall be granted by the Board unless the Board has determined by clear and convincing evidence that a practical difficulty does exist or will result from the literal enforcement of the Zoning Ordinance. The factors to be considered and weighed by the Board in determining whether a property owner, seeking an area or setback variance, has proved practical difficulty include:
  - (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - (2) Whether the variance is substantial;
  - (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  - (4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage, fire, police, or other);
  - (5) Whether the property owner purchased the property with the knowledge of the zoning restriction;
  - (6) Whether the property owner's predicament can be obviated through some method other than a variance;
  - (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;
  - (8) Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Ordinance or other adopted plans of the Village;
  - (9) Whether the variance requested arises from a condition which is unique and which is not generally shared by other properties in the same zoning district, and which is created by the Zoning Ordinance and not by any action or actions of the property owner or the applicant; and

- (10) Whether the variance desired will adversely affect the public health, safety, or general welfare.

**1161.05 USE VARIANCES PROHIBITED.**

Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use within a district where such use is specifically not permissible within said district under the terms of this Zoning Ordinance. Nor shall the Board authorize establishment within a district of any use which is expressly or by implication prohibited by the terms of this Ordinance in said district.

**1161.06 ACTION BY THE BOARD OF ZONING APPEALS.**

- (a) In granting a variance the Board of Zoning Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this Zoning Ordinance. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Chapter 1125.
- (b) A certified copy of any decision of the Board of Zoning Appeals shall be transmitted to the applicant or appellant, and the Administrator by the Secretary of the Board. Such decision shall be binding. The Administrator shall incorporate such terms and conditions as may be set by the Board in any permit to the applicant or appellant, whenever a permit is authorized by the Board.
- (c) No application or appeal which has been denied wholly or in part by the Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration, as determined by the Board.

**1161.07 APPEALS FROM THE BOARD OF ZONING APPEALS.**

Appeals to the Lorain County Common Pleas Court may be taken by any person, firm, or corporation aggrieved, or by any officer, department, board, or bureau of the Village of South Amherst, Ohio affected by any decision of the Board of Zoning Appeals, provided such appeals shall be taken within thirty (30) days after the decision of the Board of Zoning Appeals is filed in the office of the Administrator.

**CHAPTER 1165  
CONDITIONAL USES**

**1165.01 PERMIT REQUIRED.**

Conditional Use Permits shall be required for certain uses as set forth in this Zoning Ordinance because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements, potential for nuisance, or for other reasons. Such conditionally permitted uses shall not be permitted by right. Those uses enumerated in this Zoning Ordinance as conditionally permitted may be permitted in the district enumerated only if a determination is made by the Planning Commission that such uses conform to the criteria provided herein and subject to specific conditions by the Planning Commission, otherwise they shall be prohibited.

**1165.02 APPLICATION.**

- (a) Any person, firm, or corporation owning or leasing land who desires a Conditional Use Permit shall file a written application with the Administrator, on the forms provided. If the applicant is not the owner of the land, the owner shall sign and be made a party to the application.
- (b) All applicants for a Conditional Use Permit shall supply the following information:
  - (1) The form supplied by the Administrator and completed by applicant.



- (2) Legal description maps, a site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location and dimensions of all existing and proposed structures, the types of buildings and their uses, the acreage or area involved, including that for parking and loading, and any proposed planting and landscaping plans, and other information so as to completely describe the proposed use and existing conditions.
- (3) Location of all structures within fifty (50) feet of the property.
- (4) Location and depth, if known, of any existing utility lines in the property or along any adjacent street.
- (5) Location of property boundaries.
- (6) Location of any access, storm drainage or utility easements which cross or occupy any portion of the property.
- (c) The applicant shall provide to the Administrator a list of names and addresses of all adjacent property owners.
- (d) In those instances where the Planning Commission deems it appropriate, the applicant may also be required to provide such additional information as may be required by the Commission including, but not limited to:
  - (1) A Traffic Impact Analysis;
  - (2) A Drainage Impact Analysis;
  - (3) Evidence of Financial Capability; and
  - (4) Detailed architectural, engineering and construction plans.
- (e) Each application shall be accompanied by a fee as established by Village Council. In addition, the Commission, where appropriate, may refer an application to qualified consultants for study and report if it deems the same necessary. The cost of such study and report shall be borne by the applicant, and the fee for same shall be deposited with the Village.

#### **1165.03 ACTION BY PLANNING COMMISSION.**

- (a) When an application for a Conditional Use Permit has been deemed complete and filed in proper form with the Administrator, the Administrator shall forward such application and all supporting documents to the Planning Commission. The Planning Commission shall immediately place the application upon the calendar for hearing and shall cause notice to be given, as set forth herein, stating the time, place and subject of the hearing. Notice of the hearing shall be given by written notice sent by first class mail at least ten (10) days prior to the date of the scheduled hearing to the applicant and the owners of all property contiguous to and directly across the street from the property for which a Conditional Use Permit has been requested. Notice of the time, place, and subject of the hearing shall also be published on the Village's website. The Planning Commission may, at its discretion, send out additional notices to other persons or entities to further publicize said hearing. The Commission may recess such hearing from time to time and, if the time and place of the continued public hearing is publicly announced at the time of such recess, no further notice of the continued hearing shall be required. A notice of "Final Action" shall be served by first class mail or email to the applicant at the address specified in the application regarding the decision of the Planning Commission upon such application.
- (b) The Planning Commission shall approve, modify, or deny the Conditional Use Permit within sixty (60) days of the date that the application first appears on its agenda. In cases where the Commission requests a report from a consultant, such time may be extended by mutual consent of the Commission and the applicant.

- (c) Prior to the granting of any Conditional Use Permit, the Planning Commission may stipulate such conditions and restrictions upon the establishment, location, or construction, maintenance, and operation of the conditional use as it deems necessary for the protection of the public and to secure compliance with the standards and requirements specified in this Zoning Ordinance. In all cases in which conditional uses are granted, the Planning Commission shall require such evidence, guarantees or deposits as it may deem necessary to assure that the conditions stipulated in connection therewith are being and will be complied with.
- (d) In approving a Conditional Use Permit, the Planning Commission, with due regard to the nature and state of all adjacent structures and uses in the district within which same is located, shall make written findings that the following are fulfilled:
  - (1) The use requested is listed among the conditional uses in the district for which application is made; or is similar in character to those listed in that district;
  - (2) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, or welfare of the community or of the immediate neighbors of the property;
  - (3) The requested use is essential or desirable to the public convenience or welfare;
  - (4) The requested use will be in conformity with a land use plan and vision for the Village;
  - (5) Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
  - (6) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public streets; and
  - (7) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located and preserve the purpose and intent of this Zoning Ordinance.
- (e) If the Commission finds that a request does not meet the above criteria and any specific criteria as outlined in this chapter, the request shall be denied. Such denial shall be in writing and shall state the reasons for denial. A copy of the findings shall be provided to the applicant.
- (f) In granting any conditional use permit, the Planning Commission may impose such conditions as it may deem necessary to protect the public welfare, preserve the purpose and intent of this section, and protect the character of the neighboring properties. Such conditions may include, but shall not be limited to, the regulation of:
  - (1) Setbacks;
  - (2) Screening and buffers;
  - (3) Noise;
  - (4) Hours of operation;
  - (5) Access and traffic;
  - (6) Glare;
  - (7) Vibration;
  - (8) Odors;
  - (9) Dust;
  - (10) Smoke;
  - (11) Hazardous materials; and
  - (12) Refuse matter or water-carried waste.
- (g) No Conditional Use Permit or Zoning Permit shall be issued by the Administrator for fifteen (15) days after the Planning Commission's approval of a conditional use. Within those fifteen (15) days, an appeal may be filed to the Village Council by filing with the Fiscal Officer a written notice of appeal. The Fiscal Officer shall schedule the appeal for the next available Council meeting. The Conditional Use Permit shall not be granted until the resolution of the appeal. If no appeal is filed



within fifteen (15) days of the Planning Commission's decision, that decision shall be final and a Conditional Use Permit shall be issued by the Administrator.

- (h) If the Planning Commission denies an application for a Conditional Use Permit, the applicant shall have the right to appeal such decision to the Village Council by filing with the Fiscal Officer a written Notice of Appeal within fifteen (15) days of the Planning Commission's action. The Fiscal Officer shall schedule the appeal for the next available Council meeting. If no appeal is filed within fifteen (15) days, the Commission's decision shall be final.
- (i) The Planning Commission shall have the authority to modify or waive standards as outlined in this Chapter, if the Commission determines that the project will meet the spirit and intent of the Chapter, the Vision of the Village of South Amherst and will not be detrimental to the health, Safety and Welfare of the community.

#### **1165.04 COMPLIANCE WITH OTHER ORDINANCES.**

Granting of a Conditional Use Permit does not exempt the applicant from complying with all of the requirements of the Building Code and other ordinances.

#### **1165.05 DURATION OF CONDITIONAL USE.**

- (a) Any conditions imposed on a conditional use authorized and exercised shall be perpetually binding upon the property unless expressly limited by the Conditional Use Permit or subsequently changed or amended by the Planning Commission after a public hearing.
- (b) A conditional use permit shall not be transferred to any other entity or person without the approval of the Planning Commission. When considering a transfer of a conditional use permit the Commission may change the conditions stipulated, which shall be legally binding on the new entity. If conditions stipulated are changed or modified the Permit shall be subject to the requirements of section 1165.03 (g) and 1165.03 (h).

#### **1165.06 EXPIRATION.**

A Conditional Use Permit shall become void at the expiration of one (1) year after its date of issuance, unless construction has been started or the use established.

#### **1165.07 REVOCATION.**

- (a) In any case where the conditions of a Conditional Use Permit have not been or are not being complied with, the Zoning Administrator shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to a public review thereof by the Planning Commission. The Planning Commission may revoke any Conditional Use Permit for violation of the terms and conditions of said Permit or of any regulations of the Zoning Ordinance or other applicable Village laws.
- (b) Any person who is aggrieved by a decision of the Planning Commission to revoke a Conditional Use Permit may appeal such revocation to the Village Council by filing an appeal with the Fiscal Officer within fifteen (15) days of such action. Upon receipt of a written appeal, the Fiscal Officer shall schedule such appeal for the next available Council meeting. The Conditional Use Permit shall not be revoked until the resolution of the appeal.

#### **1165.08 REAPPLICATION.**

No application for a Conditional Use Permit, which has been denied wholly or in part by the Planning Commission, shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient

to justify reconsideration as determined by the Commission. Each application shall be accompanied by the fee as established by Council.

### **1165.09 CONDITIONS FOR SPECIFIC USES**

The following uses shall have specific standards for consideration by the Planning Commission in addition to those identified in Section 1165.03 (d).

#### **(a) Bed and Breakfast**

An application for a Bed and Breakfast permit shall include a floor plan illustrating the proposed operation, a site plan indicating all on-site improvements, and any additional information required by the Commission.

- (1) A bed and breakfast inn shall have no more than four (4) guest rooms if it is located within a residential district or more than eight (8) guest rooms within a local commercial district.
- (2) Guest rooms shall have a minimum area of 80 square feet per room for single occupancy, 100 square feet per room for double occupancy, plus 40 square feet for each additional room occupant. There shall be one bathroom per two guest rooms.
- (3) The bed and breakfast shall be owner occupied.
- (4) Guest shall not stay longer than three weeks at any one stay.
- (5) Meals shall be provided for guests only.
- (6) The facility shall be in compliance with all appropriate health, safety and fire regulations.
- (7) Off-street parking shall be provided at the rate of two spaces plus one space per guest room. In all residential zones, the front setback area shall not be used for parking, except on existing driveways.
- (8) Signage shall identify rather than advertise, the establishment. Signs in commercial district shall comply with Chapter 1149. Within residential districts, signs shall be limited to one per establishment per street frontage and be limited to:
  - (A) A ground sign not exceeding two sq. ft. in area and three ft. in height, or
  - (B) A wall sign not exceeding two sq. ft. in area.

#### **(b) In-law Suites**

The construction of an in-law suite is permitted in single-family dwellings provided the following requirements are satisfied:

- (1) A maximum of one in-law suite is permitted per detached dwelling.
- (2) An in-law suite shall not be any greater than forty percent (40%) of the total gross floor area of the dwelling.
- (3) An in-law suite shall be used for housing family members only. No in-law suite shall be rented to non-family members nor shall the commercial use of the in-law suite be permitted.
- (4) The family member residing in the in-law suite must have direct internal access to the common areas of the Dwelling Unit.
- (5) The in-law suite shall not have separate gas and electric utilities.
- (6) The in-law suite shall not be located in any detached accessory building.
- (7) Interior modifications may require review and approval by the Building Department.

#### **(c) Places of Worship**

The following conditions shall apply to Places of Worship:

- (1) A master plan for long-range development of the property shall be submitted which includes all potential uses to be located on the property in conjunction with the Place of Worship.
- (2) Outdoor activities shall not be allowed before 8 a.m. or after 10 p.m.
- (3) The Place of Worship shall not be used as a shelter.
- (4) The minimum lot area for Places of Worship shall be one (1) acre.



- (5) The minimum lot width requirement for Places of Worship shall be one hundred and twenty (120) feet.
- (6) All structures shall conform to the setbacks established for the district.
- (7) Parking shall be provided in conformance with Chapter 1145 and shall be located in either the side or the rear yard. Parking adjacent to residential uses shall be setback a minimum of 10 feet from the property line and screened and buffered with a solid fence or evergreen landscaping.
- (8) Play fields, ball diamonds and other recreational apparatus shall be located a minimum of 25 feet from any property line.

**(d) Schools**

The following conditions shall apply to Schools:

- (1) A master plan for long-range development of the property shall be submitted which includes all potential uses to be located on the property in conjunction with the school.
- (2) Outdoor activities shall not be allowed before 8 a.m. or after 10 p.m.
- (3) Play fields, ball diamonds and other recreational apparatus shall be located a minimum of 25 feet from any property line.
- (4) The minimum lot area for a school shall be one (1) acre.
- (5) The minimum lot width requirement for School shall be one hundred and twenty (120) feet.
- (6) All structures shall conform to the setbacks established for the district.
- (7) Parking shall be provided in conformance with Chapter 1145 and shall be located in either the side or the rear yard. Parking adjacent to residential uses shall be setback a minimum of 10 feet from the property line and screened and buffered with a solid fence or evergreen landscaping.

**(e) Schools -Agriculture Vocational**

Specialized Schools for the instruction of trades and skills associated with agriculture shall comply with the following conditions:

- (1) A master plan for long-range development of the property shall be submitted which includes all potential uses to be located on the property in conjunction with the school.
- (2) Outdoor activities shall not be allowed before 8 a.m. or after 10 p.m.
- (3) Outdoor areas for educational activity shall be located a minimum of 25 feet from any property line.
- (4) The minimum lot area for a school shall be one (1) acre.
- (5) The minimum lot width requirement for School shall be one hundred and twenty (120) feet.
- (6) All structures shall conform to the setbacks established for the district.
- (7) Parking shall be provided in conformance with Chapter 1145 and shall be located in either the side or the rear yard. Parking adjacent to residential uses shall be setback a minimum of 10 feet from the property line and screened and buffered with a solid fence or evergreen landscaping.

**(f) Cemetery**

- (1) The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity. In addition, the site shall have direct access to a public thoroughfare.
- (2) Any new cemetery shall be located on a site containing at least twenty (20) acres.
- (3) All burial buildings shall be set back at least eighty (80) feet from any street bounding the cemetery and there shall be two (2) side yards and a rear yard of at least fifty-five (55) feet each. A burial building is any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults or columbaria.
- (4) All graves or burial lots shall be set back at least thirty (30) feet from any street bounding the cemetery and there shall be two (2) side yards and a rear yard of at least twenty-five (25) feet each.

- (5) Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently covered by a conditional use permit. Any expansion to land not covered by an existing conditional use permit must comply with the requirements of this paragraph.

**(h) Cemetery – Family**

- (1) The site a family cemetery must be on property owned by the family or relative of the persons to be entered.
- (2) The owner of the cemetery must record a deed indicating the location and description of the cemetery.
- (3) Family cemeteries shall provide an endowment or other mechanism to maintain the property in perpetuity.
- (4) The Village shall not have responsibility for the maintenance or long-term care of the cemetery.

**(i) Swimming Pools- Club, Community**

Community and club swimming pools shall comply with the following conditions and requirements:

- (1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- (2) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line of the property on which located.
- (3) The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees and maintained in good condition.
- (4) The pool shall not be open before 8 a.m. or after 10 p.m.

**(j) Multi-Family Dwellings**

Multi-family developments may be permitted in the C-1 Commercial District provided the development complies with the following:

- (1) Minimum acreage shall be 9 acres.
- (2) Minimum lot width shall be not less than one hundred fifty (150) feet.
- (2) The maximum permitted density shall be 8 dwelling units per acre.
- (3) Minimum dwelling unit size shall be nine hundred (900) square feet.
- (4) The redevelopment or renovation of an existing building is preferred.
- (5) New construction shall comply with the following:
  - (A) Building setbacks:
    - Front Setback: 125 Feet
    - Side Setback: 20 feet
    - Rear Setback: 50 feet
  - (B) Separation between buildings:
    - Side to Side: 20 feet
    - Side to Rear: 30 feet
    - Rear to Rear: 40 feet
  - (C) Accessory Structures shall comply with the following setbacks:
    - Front Setback: behind the front of the main structure
    - Side Setback: 10 feet
    - Rear Setback 20 feet
- (6) Maximum building height shall be 35 feet.



- (7) Permitted unit types: Units may be apartments or townhouses which may be rented or sold fee simple or condominiums.
- (8) Maximum lot coverage, including parking and walkways, shall be 60%. Areas not used for structures, parking or walkways shall be landscaped.
- (9) A minimum of 10% of the site shall be open space for the enjoyment of the residents.
- (10) On-site storm drainage and detention facilities shall be provided.
- (11) Parking: 1.5 spaces per unit plus 1 space for every 5 units. Parking shall be behind the front setback and screened and buffered from the adjacent property.
- (12) Signage: One freestanding sign no larger than 32 square feet in area and 8 feet in height shall be permitted. One wall sign not to exceed 32 Square feet in area may be permitted over the main entrance to the building.
- (13) Covenant and Restriction's: If the units are to be sold the developer shall submit covenants and restrictions for maintenance of the site for Village approval. Said covenants and restricts shall be recorded as a deed restriction on all properties in the development.
- (14) The Planning Commission shall consider the location, impact on the adjacent property, scale and scope of the development, re-use of existing structures and future development of the area when considering a multi-family request. The Planning Commission may waive any of the standards of this section if it determines that the project will meet the spirit and intent of the section and support the vision of the Village. The Planning Commission may also require additional conditions or limitations on the development to minimize negative impacts to the neighboring property owners and protect the health safety and welfare of the community.
- (k) **Assembly of premanufactured material to a finished product**  
The assembly of premanufactured materials to a finished product may be permitted in the C-1 Commercial District provided the following:
  - (1) The use will not generate noise, fumes, dust, or vibration that is noticeable off the site.
  - (2) There shall be no outside storage of materials unless fully screened from view by the adjacent properties.
  - (3) The site provides adequate parking for employees in conformance with Chapter 1145 and areas for delivery of materials on site.
  - (4) Any activity that involves the use or storage of flammable or explosive material shall be prohibited.
- (l) **Drive-thru when associated with a permitted use**
  - (1) Any use having a drive-thru service shall provide drive-in stacking area on-site to minimize off-site traffic congestion.
  - (2) Each stacking space shall each be the size of a regular parking space.
  - (3) The design of maneuvering and stacking aisles for the drive-through shall not interfere with circulation or visibility for vehicular or pedestrian traffic either on or off site.
  - (4) Drive thru is not permitted on the front of the building.
  - (5) Any proposed loudspeaker system shall be approved as part of the permit and designed to minimize off-site disturbance.
  - (6) All access drives shall be located as far as practicable from an existing intersection in order to minimize congestion and constricted turning movements.
- (m) **Residential Care Facility per ORC 5119.341(B)**  
Residential care facilities shall meet the following standards and conditions:
  - (1) The facility shall be licensed by the State of Ohio for 6 to 16 persons.

(2) The facility shall be of an architectural design and site layout that compatible with the adjoining land uses and the residential character of the neighborhood. In evaluating the design and layout the Commission may consider but is not limited to the following:

(A) the location of the home on the property;

(B) the nature and design of any walls screens or fences;

(C) the architectural design, color and material used on the structure.

(3) The facility's location on the site shall comply with all setbacks, height, lot area and lot coverage requirements of the district in which it is located.

(4) Parking shall be located behind the front of the main dwelling.

(5) Signage shall not exceed 12 square feet in area.

**(n) Family Day Care Type A**

The applicant shall submit a site plan and descriptive plan of operation for the facility.

(1) The facility shall comply with the State of Ohio requirements for a Family Day care regulated by Ohio Revised Code Chapter 5104 and shall provide evidence of a State of Ohio license.

(2) Parking shall be located behind the front line of the principal building. An exception to this requirement may be granted when necessary due to the shallow depth of the parcel, the location of mature trees, or other similar circumstances.

(3) A paved off-street drop-off area and pick up area shall be provided.

(4) Exterior lighting shall be residential in character and compatible with the surrounding neighborhood.

(5) No exterior changes shall be made that are non-residential in character.

(6) A driveway entrance meeting the standards for single-family residential construction shall be provided.

**(o) Auto Repair Garage**

(1) When such use abuts a lot in any residential district, a three (3) foot solid wall, chain link fence, or painted board fence shall be maintained from the street right-of-way line to the building line. Whereupon a six (6) foot solid wall, chain link fence, or painted board fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs or trees shall be incorporated which will attain a height of three (3) feet from the street right-of-way line to the building line and six (6) feet along the remainder of the property lines.

(2) Building used for such purposes shall not be nearer than seventy-five (75) feet from any R District.

(3) Automobile, truck and trailer repairs shall be conducted completely within an enclosed building.

(4) No more than two (2) driveway openings shall be permitted directly from any major thoroughfare nor more than one (1) driveway opening from any minor street, each of which shall not exceed thirty (30) feet in width at the intersection of the property line and the street right-of-way line; no part of any access way shall be nearer than one hundred (100) feet to the intersection of any two (2) street right-of-way lines, nor shall any such part be nearer than fifty (50) feet to any side or rear property line.

(5) One (1) off-street parking space for each employee shall be provided in addition to one (1) space for each 250 square feet of floor space to accommodate loading and unloading of materials, customer parking and storage of vehicles repaired and to be repaired.

(6) No overnight or weekend outside storage of trucks or trailers shall be permitted on the premises and no partially dismantled or junked vehicles shall be stored outside the buildings on the premises.

(7) Signage shall comply with Chapter 1149.



**(p) Service Station**

- (1) Site - a minimum of three quarters (3/4) of an acre (for a station having four pumps and two service bays).
- (2) Yard requirements as follows:
  - (A). Frontage - minimum frontage on the primary street of one hundred (100) feet.
  - (B). Building Setback - a required minimum setback of sixty (60) feet from all street right-of-way lines.
  - (C). Rear Yard - a required minimum of seventy-five (75) feet where the use abuts a residential area or thirty-five (35) feet abutting a non- residential area.
  - (D). Side Yard - a required minimum of seventy-five (75) feet where the use abuts a residential area and thirty-five (35) feet where the use abuts a non-residential area.
  - (E). Lot Coverage - a maximum of 20% shall be permitted.
- (3) Driveways.
  - (A). Maximum width of curb openings for stations should not be more than thirty-five (35) feet or less than twenty (20) feet.
  - (B). No driveway or curb cut for a driveway shall be located within ten (10) feet of any adjoining property line or within twenty (20) feet of an exterior (corner) lot line as extended.
  - (C). Any two driveways giving access to a single street shall be separated by a buffer strip with a minimum depth of twenty (20) feet from the right-of-way line.
  - (D). The angle of intersection of the center line of the driveway with the center line of the street shall not be less than 60 degrees.
- (4) Landscaping. Any unpaved area of the site shall be landscaped or maintained in a dust free condition and separated from the paved areas by a curb or other barrier.

When such use abuts a lot in any residential district, a three (3) foot solid wall, chain link fence, or painted board fence shall be maintained from the street right-of-way line to the building line. Whereupon a six (6) foot solid wall, chain link fence, or painted board fence from the building lot line along the remainder of the property lines shall be maintained. In addition, a row of shrubs or trees shall be incorporated which will attain a height of three (3) feet from the street right-of-way line to the building line and six (6) feet along the remainder of the property lines.
- (5) Parking. One parking space for each one hundred (100) square feet of retail space in addition to parking at each pump.
- (6) Lighting. Exterior lighting shall be shielded from adjacent properties to prevent possible glare.
- (7) Signs shall comply with the Chapter 1149.
- (8) Service equipment.
  - (A). Gasoline pump islands, compressed air connections and other equipment shall be set back a minimum of 30 feet from any right-of- way line.
  - (B). Hydraulic hoists, pits and all lubrication, washing and repair equipment shall be enclosed entirely within a building.

**(q) Places of assembly**

- (1) All structures, except utility poles and meters and activity areas shall be located at least fifty (50) feet from any R District.
- (2) All points of ingress and egress shall be located no closer than one hundred (100) feet from an intersection.
- (3) Signs shall be regulated and in compliance with Chapter 1149 of this Ordinance.
- (4) Parking shall be regulated and in compliance with Chapter 1145 of this Ordinance.

- (5) Events at any place of assembly that service alcohol shall be required to submit a security plan which may require the presence of a Police Officer during any event for approval by the Planning Commission and the Chief of Police.

**(r) Distillery, winery**

Any distillery or winery shall comply with the following specific standards and conditions:

- (1) Each distillery or winery shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and shall maintain current licenses as required by said agency.
- (2) All alcoholic beverage production shall be completely enclosed within the main building.
- (3) Each establishment shall include on site food service as an accessory use.
- (4) Such establishments may have retail outlets for the sale of alcoholic beverages bottled and sealed for off-site consumption.
- (5) Each establishment shall provide adequate parking on site, in conformance with Chapter 1145, which shall be screened and buffered from adjacent properties.
- (6) The hours of operation for establishments that provide outdoor seating and or entertainment shall be restricted as determined by the Planning Commission.
- (7) Such establishments shall not generate truck traffic materially different in truck size or frequency from that truck traffic generated by the surrounding commercial uses.
- (8) No deliveries shall be made between 10 p.m. and 6 a.m.

**(s) Two Family Dwelling**

Any two family in the R-1 Single Family District shall comply with the following standards and conditions:

- (1) The minimum lot area shall be 22,500 square feet.
- (2) Minimum lot frontage shall be 100 feet.
- (3) Setbacks:
  - Front setback: 30 Feet
  - Rear setback: 40 feet
  - Side Setback: 10 feet each side
- (4) Total building height shall not exceed 35 feet.
- (5) Unit size: Each dwelling unit of the two-family shall be a minimum of one thousand (1000) square feet of area excluding the garage. Each dwelling unit shall include a two garage.
- (6) Accessory structures and uses shall be regulated by the requirements of the R-1 Residential District.
- (7) To the extent possible the two-family building shall have the appearance of a single-family home.

**(t) Public uses**

Any public use shall comply with the following specific standards and conditions:

- (1) The proposed public use shall have adequate parking available for employees and customers.
- (2) In residential districts the facility shall be located to minimize the impact on adjacent properties.
- (3) In all districts, the proximity of the public use to other public uses shall be reviewed, so as not to have a detrimental impact on the neighborhood.

**(u) Apartments accessory to commercial uses**

The following standards shall apply to apartments accessory to commercial use:

- (1) The accessory apartment shall be accessory to the main permitted nonresidential use on the property.
- (2) Each accessory apartment shall be required to have a parking requirement of 2 spaces in addition to the minimum number of spaces required for the main permitted use.
- (3) The accessory apartment shall occupy the same building as the main use.



- (4) The accessory apartment may exceed the commercial use in total floor area provided the residential use does not occupy the ground floor of the building.
- (5) The minimum floor area requirements per accessory apartment unit shall be as nine hundred (900) square feet in area.

**(v) Solar Energy System**

**(1) PURPOSE.**

- (A) It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied electricity upon both private and public owned lands and also all zoning districts within the Village of South Amherst.

**(2) DEFINITIONS.**

As used in this section:

- (A) **ALTERNATING-CURRENT (AC) MODULE (ALTERNATING-CURRENT PHOTOVOLTAIC MODULE).** A complete, environmentally protected unit consisting of solar cells, optics, inverter, and other components, exclusive of tracker, designed to generate ac power when exposed to sunlight.
- (B) **ARRAY.** A mechanically integrated assembly of modules or panels with a support structure and foundations, tracker, and other components, as required, to form a direct-current power producing unit.
- (C) **BUILDING INTEGRATED PHOTOVOLTAICS.** Photovoltaic cells, devices, modules, or modular materials that are integrated into the outer surface or structure of a building and serve as the outer protective surface of that building.
- (D) **ELECTRICAL PRODUCTION AND DISTRIBUTION NETWORK.** A power production, distribution, and utilization system, such as a utility system and connected loads, which is external to and not controlled by photovoltaic power system.
- (E) **OFF-GRID.** Not using or depending on public utilities, especially the supply of electricity.
- (F) **SOLAR CELL.** The basic photovoltaic device that generates electricity when exposed to light.
- (G) **SOLAR PANEL.** An electrical device consisting of a large array of connected solar cells.
- (H) **SOLAR PHOTOVOLTAIC SYSTEMS.** The total components and sub-systems that, in combination, convert solar energy into electric energy suitable for connection to utilization load.
- (I) **STAND-ALONE SYSTEM.** A solar photovoltaic system that supplies power independently of an electrical production and distribution network.

**(3) TYPES OF SOLAR SYSTEMS.**

- (A) Solar water heating for use in buildings.
- (B) Solar water heating for space heating.
- (C) Solar pool heating.
- (D) Photovoltaic systems.

**(4) STANDARDS.**

**(A) General.**

- (1) No ground mounted solar energy system shall be visible from the street or alley adjacent to the front of the main dwelling, main building or main structure.
- (2) Roof mounted solar energy systems shall not extend beyond the roof line in any direction including the peak. Roof mounted panels on a sloped roof shall not show any apparent change in relief or projection of any roof elevation. Roof mounted panels shall be installed per manufactures instructions.

- (3) Ground mounted solar panels may not exceed six feet in height as measured from the natural grade.
  - (B) Setbacks.
    - (1) A ground mounted solar energy system or systems shall not project past the width of the main dwelling, main building or main structure. Rear yard and side yard setbacks shall be a minimum of ten feet measured from the property line.
    - (2) A solar energy system or systems shall not be located in the front or side yards.
    - (3) Roof mounted solar energy systems shall not be placed on the roof that fronts the street; also applies to corner lots with two fronts.
  - (C) Access. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. All conductors supplying power to the equipment shall be underground.
  - (D) Appearance, Color and Finish. The solar energy system shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless a different color or finish is approved by the Planning Commission.
  - (E) Signs. There shall be no signs that are visible from any public road posted on a solar energy system or any associated building, except for the manufacturers or installers identification, appropriate warning signs or owner identification.
  - (F) Utility Interconnection and Notification. Solar energy systems that connect to the electrical utility shall comply with Ohio's Interconnection Standards, NEC Standards and the standards of the utility and all other applicable standards.
  - (G) Mounting. No type of solar energy system may be mounted to any accessory structure.
  - (H) Screening. A ground mounted solar energy system or systems shall be screened from view with a fence or vegetation to a maximum height of six feet measured from natural grade and shall be installed and constructed as outlined in Section 1141.02(b). A separate permit shall be required.
  - (I) The Planning Commission may vary the standards in subsections (1) through (8) of this section when they determine that strict compliance with the requirements is not in the best interest of the Village.
- (5) COMPLIANCE WITH THE OHIO BUILDING CODE.
- Building permit applications for a solar energy system or systems shall be accompanied by standard construction documents of the solar panel and related frame work, including but not limited to: the mounting hardware and attachment to the dwelling, building or structure, base and/or footings, etc. An engineering analysis showing compliance with the current adopted Ohio Building Code shall be prepared by a registered design professional and shall be submitted at the time of application. This analysis may be prepared by the manufacturer of the solar panel provided that they are a registered design professional in the State of Ohio. This analysis and construction documents shall be sealed according to the State of Ohio Seal law.
- (6) SITE PLAN.
- (A) A site plan shall be prepared and stamped by a design professional registered in the State of Ohio.
  - (B) The site plan shall:
    - (1) Be drawn to a minimum scale of 1/4" per 1'-0" and all site plan surveys shall be drawn at a minimum of 1" equals 20';
    - (2) Show property address, lines and physical dimensions of the property;
    - (3) Show location, dimensions and types of existing structures on the property;
    - (4) Show the location of the proposed solar energy system;



- (5) Show the right-of-way of any public road that is contiguous to the property;
  - (6) Show any overhead utility lines including any special easements for the lines;
  - (7) Show any underground utilities present within proximity of the solar energy system or its foundations;
  - (8) Show all specified set back distances;
  - (9) Show all property owners, areas and structures within 200 feet of the proposed system;
  - (10) Indicate solar energy system manufacturer, contact information, make, model number, and min and max KW or KVA ratings for photovoltaic units.
- (C) The site plan shall be reviewed by the Zoning Administrator for zoning issues. The Building Official shall review and approve the construction documents.
- (7) COMPLIANCE WITH THE NATIONAL ELECTRICAL CODE.
- An electrical permit application for a solar energy system or systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the current adopted National Electrical Code. This engineering analysis showing compliance with the current adopted National Electrical Code shall be prepared by a registered design professional and shall be submitted at the time of application. This analysis may be prepared by the manufacturer of the solar panel provided that he/she is a registered design professional in the State of Ohio. This analysis shall be sealed according to the State of Ohio Seal law.
- (8) UTILITY NOTIFICATION.
- No solar energy system or systems shall be installed until evidence has been presented to the Building Commission that the utility company has been informed of the customer's intent to install an interconnected customer-owned solar energy system. Off-grid systems shall be exempt from this requirement. A supplemental review and or a system impact and facility study may be required. The applicant will need to contact the utility company to inquire about their procedures and requirements.
- (9) ABANDONMENT.
- (A) At such time that a solar energy system is scheduled to be abandoned or discontinued, the applicant will notify the Village of South Amherst by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
- (B) Upon abandonment or discontinuation of use, the owner shall physically remove the solar energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Official. PHYSICALLY REMOVE shall include, but not be limited to:
- (1) Removal of the solar energy system and related above grade structures.
  - (2) Restoration of the location of the solar energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.
- (C) In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the Building Official may issue a notice of abandonment to the owner of the solar energy system. The owner shall have the right to respond to the notice of abandonment within ten days from notice receipt date. The Building Official shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.

- (D) If the owner fails to respond to the notice of abandonment or if after review by the Building Official it is determined that the solar energy system has been abandoned or discontinued, the owner of the solar energy system shall remove the system at the owner's sole expense within 30 days of receipt of the notice of abandonment. An extension of an additional 30 days may be granted to the applicant for just cause by the Building Official. If the owner fails to physically remove the solar energy system after the notice of abandonment procedure, the village shall have the authority to enter the subject property and physically remove the solar energy system.
- (E) The Planning Commission may at the time of the issuance of the conditional use permit, and as a condition of the permit, require the applicant to provide a form of surety (i.e., post a bond, letter of credit or establish an escrow account or other) at the time of construction to cover costs of the removal in the event the city must remove the facility. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by an engineer registered in the State of Ohio. The amount shall include a mechanism to accommodate the rate of inflation over 15 years.

**(w) Small Wind Energy Conversion**

Small wind energy conversion systems (SWECS) less than five megawatts in capacity shall be permitted, with an approved conditional use permit, subject to all requirements as provided herein. Wind power systems five megawatts in capacity or greater are regulated by the Ohio Public Utilities Commission (PUCO).

**(1) DEFINITIONS.**

- (A) "FAA" means the Federal Aviation Administration of the United States Department of Transportation.
- (B) "Guy cable" means any cable or wire that extends from a small wind energy system for the purpose of supporting the system structure.
- (C) "Meteorological tower" means a facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a small wind energy conversion system. Meteorological towers shall not be allowed for time periods in excess of six months, and shall be removed prior to the installation of the wind energy conversion system for which they are measuring. A request to install a meteorological tower shall be included in the application to install a small wind energy conversion system.
- (D) "Rated nameplate capacity" means the maximum rated output of electric power production equipment for a small wind energy conversion system. This output is typically specified by the manufacturer with a "nameplate" on the equipment.
- (E) "Rotor diameter" means the length as measured across the center of the full spin of the rotors of a SWECS turbine.
- (F) "Small Wind Energy Conversion System (SWECS)" means a wind energy conversion system consisting of a wind turbine, tower and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a rated nameplate capacity of 100kW or less. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for on site use, may be utilized by the utility company.
- (G) "Tower height". The tower height of a small wind energy conversions system means the total height above finished grade of the fixed portion of the tower, excluding the wind turbine blades.



- (H) "Turbine" means the parts of a small wind energy conversion system including the blades, generator and tail.

(2) PERMIT APPLICATION AND FEE.

- (A) Any person desiring to install a SWECS within the corporate boundaries of the Village shall make application for a conditional use permit to the Planning Commission in accordance with the requirements of this Chapter.
- (B) All requests for permits shall be accompanied by a completed application, all required information, and a three hundred fifty-dollar (\$350.00) fee for each wind turbine. No refund of any part of a permit application fee shall be made to an applicant in cases of a denial of a permit by the Village.
- (C) At the time of application, one thousand five hundred dollars (\$1,500) shall be deposited with the Fiscal Officer for application review costs. Each time a Village incurred cost is charged against this amount, the deposit shall be replenished to the one thousand five-hundred-dollar (\$1,500) level. All such Village costs shall be documented, a permanent record maintained, and a copy sent to the applicant. Upon completion of the review of the application, whether approved or denied, any unused portion of this deposit shall be returned to the applicant.

(3) LOCATION REQUIREMENTS.

As a basis for assuring that SWECS and any associated equipment will be of minimum hazard to and compatible with, surrounding development, the location, evaluation and approval of a proposed tower site and associated production and processing equipment site shall be based upon the following criteria:

- (A) Maximum Tower Height. The maximum tower height shall be 150 feet, except as imposed by FAA regulations.
- (B) Turbine Clearance. No portion of the turbine, including rotor blades, shall extend within twenty feet of the ground. No portion of the turbine may extend over overhead utility lines, parking areas, driveways or sidewalks.
- (C) Minimum Setbacks. Minimum setbacks from all property lines for the SWECS shall be either 100 feet or equal to 1.5 times the overall blade tip height of the SWECS, whichever is greater. No part of the small wind energy conversion system structure, including, but not limited to, guy wire anchors and any necessary ground-mounted conversion equipment, may extend closer than twenty-five feet to the property line. SWECS shall be set back a distance equal to 1.5 times the overall blade tip height of the SWECS from the nearest existing residential or commercial structure.
- (D) Noise. Noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency or shrillness. Noise shall not exceed the surrounding ambient noise level or seventy-five (75) dBC (C-2 weighted) for an average period of five (5) minutes in any one hour period, whichever is greater. Noise will be measured at the closest neighboring inhabited dwelling or dwelling setback, whichever is closer.
- (E) Automatic Over-Speed Controls. All small wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the small wind energy conversion system.
- (F) Utility Notification. No small wind energy conversion system shall be installed until evidence has been given that the electrical utility company has been informed of, and approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

- (G) Tower Color. Tower colors shall be white, off-white, gray or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.
- (H) Multiple Towers. Multiple small wind energy conversion systems are allowed on any site, provided all minimum standards are met and total wattage is less than 5MW.
- (I) Lighting. Small wind energy conversion systems shall not be artificially lighted, except as required by the FAA.
- (J) Wiring/Electrical Components. All wiring from the tower to any structures or connections shall be underground. All electrical and components shall comply with all applicable, local, state, national codes and international codes and permit requirements. Electrical permit and inspection shall be required.
- (K) Climb Prevention. Small wind energy conversion systems shall not be climbable up to fifteen feet above the ground surface.
- (L) Compliance with Other Regulations. The applicant or owner shall be responsible for acquiring all necessary approvals/permits from other applicable agencies, including but not limited to the FAA.
- (M) Maintenance. Small wind conversion systems shall be maintained in working order, structurally sound, and with any surface treatments intact and in compliance with all applicable standards/codes.
- (N) Abandoned Facilities/Public Nuisance. Any small wind energy conversion system that is in disrepair or not operated on a functional basis for a period of six consecutive months shall be deemed abandoned and be removed. Abandoned Facilities shall be deemed a public nuisance. The Administrator may order the repair or removal of said small wind energy conversion system, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or remove the same within sixty days of receipt of notification, notification shall be sent by certified mail and regular mail to the last known address for applicant, owner, or other person responsible for the facility. Such notice shall be deemed received upon the mailing of the certified mail notice and the regular mail notice. If said facility is not either operational or removed after sixty days, the Village may remove the system at the owner's expense and such expense may be certified to the County Auditor as a lien against such property to be paid with other taxes for such property.
- (O) Insurance. Prior to the issuance of a zoning permit for the installation of a SWECS, the applicant shall provide the Village with evidence that the applicant's insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the SWECS.

**(x) Wireless Cellular Communication Facilities**

- (1) Wireless, Cellular and Communications Facilities. In recognition of the quasi-public nature of wireless, cellular and/or communication systems, it is the purpose of these regulations to: accommodate the need for wireless, cellular and/or communications towers and facilities for the provision of personal wireless/cellular services while regulating their location and number in the Village of South Amherst; minimize adverse visual effects of communication towers and support structures through proper siting, design, and screening; to minimize the adverse impacts that communication facilities may have on the health, safety and welfare of the Village of South Amherst; to avoid potential damage to adjacent properties from communication tower and support failure; and encourage the joint use of any new and existing communication towers and support structures to reduce the number of such structures in the future.



- (A) Special application requirements. In addition to the provisions of this chapter for applications for conditional use permits, the following shall be required for a conditional use permit application for a wireless, cellular or communication facility:
  - (1). A plot plan including, in addition to other requirements of the Zoning Code, the following:
    - (a). The total area of the property.
    - (b). The existing zoning of the site and all adjoining properties.
    - (c). All public and private rights-of-way and easements located on the property.
    - (d). The location of all existing buildings and structures on the property; all buildings or structures and uses within 500 feet of the tower site; and the proposed location of the wireless/cellular communication tower and all wireless/cellular communication support structures including dimensions, heights, and, where applicable, the gross floor areas.
    - (e). The location and dimensions for all curb cuts, driving lanes, off-street parking spaces, grades, surfacing materials, drainage plans, illumination of the facility, and landscaping.
    - (f). The location of all proposed fences, screening and walls.
    - (g). Any other information as may be required by the Planning Commission.
  - (B). A report prepared by a licensed professional engineer documenting the height, design, proof of compliance with nationally accepted structural standards, and a description of the tower's capacity, which shall include the number and types of antennae it can accommodate.
  - (C). For the purpose of demonstrating the necessity for the erection of any new communication tower, any applicant requesting permission to install a new tower shall provide evidence of written communication with all other wireless/cellular service providers who supply service within a one-mile radius of the proposed facility requesting use of the other providers' towers for collocation of the applicant's antennae. The contacted provider shall be requested to respond in writing to the inquiry within thirty days. The applicant's letter(s) as well as the responses received shall be presented to the Planning Commission to demonstrate the need for a new tower.
  - (D). The applicant shall also provide evidence of written communication with owners of nearby tall structures within a one-mile radius of the proposed tower site, asking permission to install the wireless/cellular antennae on those structures. Tall structures shall include, but not be limited to: smoke stacks, water towers, buildings over fifty feet in height, other communication towers, and roadway light poles.
  - (E). The facility owner/operator shall present a maintenance plan demonstrating responsibility for the site.
  - (F). The applicant shall provide a copy of a permanent easement or appropriate leasehold estate providing for access to the tower site. The access to the tower site must be maintained regardless of other development that may take place on the site.
  - (G). The communication company must demonstrate proof to the Village that the company is licensed by the Federal Communications Commission (FCC).
- (2) Requirements for communication facilities. The requirements below, subsections (a)(2)A. through O., in addition to other requirements in the Zoning Code, shall apply to conditional use permits for wireless, cellular or communications facilities.
  - (A). Wireless, cellular or communication sites shall be located at least 1000 feet from any residential zoning district.

- (B). The required setback between the base of the tower or any guy wire anchors and any property line shall be forty percent (40%) of the tower's height or fifty feet, whichever is greater.
- (C). The maximum height of a communication tower shall be 200 feet. The maximum height of the equipment building shall be thirty-five feet.
- (D). Maximum size of an equipment building shall be 750 square feet.
- (E). The minimum lot size and area restriction shall be a minimum lot size of five (5) acres and a lot width of three hundred (300) feet.
- (F). A security fence eight feet in height with barbed wire around the top shall completely surround the tower, the equipment building and any guy wires
- (G). Towers and antennae shall be designed to withstand wind gusts of at least 100 miles per hour.
- (H). The tower shall be painted in a non-contrasting gray or similar color to minimize its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- (I). No advertising is permitted anywhere on the facility.
- (J). Buffer planting shall be located around the perimeter of the security fence as follows: An evergreen screen shall be planted that consists of either a hedge or evergreen trees that shall provide a minimum of seventy-five percent (75%) opacity year-round.
- (K). The tower shall not be artificially lighted except to assure safety or as required by the FAA.
- (L). Warning signs shall be posted around the facility with an emergency telephone number of whom to contact in the event of an emergency.
- (M). The owner/operator of any communications facility shall design such facility so that additional service providers may add their antennae, platforms, and associated hardware to the structure at a later date. The owner/operator shall negotiate in good faith with other providers for the collocation of other service providers' antennae at the facility, shall cooperate with the Village of South Amherst in identifying other wireless/cellular service providers for the purpose of negotiating sub-lease agreements for collocation of other service providers' antennae at the facility, and shall not interfere or hinder service providers from utilizing the facility.
- (N). Where possible, an antenna or tower for use by a wireless/cellular service provider shall be attached to an existing structure or building. A new wireless communication facility shall not be erected if there is a technically suitable space for a wireless communication facility available on an existing wireless communication tower or other suitable structure within the applicant's search area. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing structure or that bona fide efforts to negotiate location on structures have been rejected.
- (O). Any owner of a tower whose use will be discontinued shall submit a written report to the Village of South Amherst indicating the date on which such use shall cease. If at any time the use of the facility is discontinued for 180 days (excluding any dormancy period between construction and the initial use of the facility), the Zoning Administrator may declare the facility abandoned. The tower owner and the owner of the property upon which the tower is located shall receive written instruction from the Zoning Administrator to either reactivate the use within 180 days or dismantle and remove the facility.



- (1). If reactivation does not occur within said period, the Village may thereafter proceed to remove the facility and assess the costs of removal to the owner as well as certify those costs to the County Auditor as a lien against the property.
  - (2). In addition to the foregoing requirements, the following standards, subsections (a)(2) P. through S. shall apply to conditional use permits for wireless, cellular or communications facilities permitted on a property with an existing use.
  - (P). The existing use on the property may be any permitted use or lawful nonconforming use in the C-1 Commercial District, and said use need not be affiliated with the wireless/cellular communication provider.
  - (Q). The communication facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
  - (R). The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
  - (S). Subsequent to approval of a conditional use permit for a communication tower, the owner shall submit building permit applications to the Village for any additional antennae proposed to be placed on the tower. Such permit applications may be approved by the Codes Administrator, except that he/she may refer such applications to the Planning Commission if he/she determines that such additions do not conform with the Conditional Use Permit.
- (y) Similar Use**
- (1) Within the C-1 Commercial district established by the Zoning Code, uses of land, buildings or structures that are compatible with each other are permitted in the district. To the extent that new types of uses are created and are not addressed by this Zoning Code, this section provides the procedure by which the Planning Commission may make a determination that a new use is similar to a use permitted in the C-1 Commercial district.
  - (2) A proposed use may be permitted as a similar use when the Planning Commission determines that such proposed use is in compliance with the following provisions:
    - (A) The proposed use conforms to and is consistent with the purpose statement of the commercial district more appropriately than in any other district;
    - (B) The proposed use is of the same general character as the permitted uses in the commercial district to which it is proposed or is similar to a specific use permitted in the district.
  - (3) The Planning Commission shall review the proposed use according to the conditional use review procedures set forth in Section 1165.03 of this Chapter, including the requirement for a public hearing.

## **CHAPTER 1169 AMENDMENTS**

### **1169.01 GENERAL.**

The Village Council may, after public notice and hearings as provided in Section 713.10 of the Ohio Revised Code, amend, supplement or change the regulations, district boundaries or classification of property now or hereafter established by this Zoning Ordinance or amendments thereof.

### **1169.02 INITIATION OF AMENDMENTS.**

Any proposed amendments, supplements or changes to this Zoning Ordinance may be initiated by any person, firm or corporation filing a petition therefor; or by the Village Planning Commission passing a recommendation therefor; or by the introductions of an ordinance therefor in Council.

**1169.03 AMENDMENT PROCEDURE AND FEE.**

- (a) Initiation by Petition. The petition for any proposed zoning change shall be directed to Council on forms prescribed for such purpose, accompanied by sufficient information, so as to assure the fullest presentation of facts for the permanent record. A plot plan and deed description of the property for which the change is requested shall also be filed together with a map showing all property and the names of record title owners thereof within a radius of five hundred (500) feet of the area, zone or district proposed to be changed. A fee to be determined by actual cost to the Village, for each parcel of land requested for rezoning shall accompany the petition to cover the cost of publishing, posting and/or mailing the notice of hearings. The request and deed description of the property to be rezoned shall then be referred as an ordinance to the Village Planning Commission for action thereon. Planning Commission shall schedule a public hearing at the next available meeting and provide written notice to property owners within 500 feet of the proposed rezoning a minimum of ten (10) days prior to the hearing date. The Planning Commission shall not be required to hold public hearings for amendments to the text of this ordinance.
- (b) Initiation by Resolution or Ordinance.
  - (1) If an amendment, supplement or change is initiated by action of the Planning Commission, said change, amendment or supplement shall be prepared in ordinance form for introduction in Council. Upon its introduction in Council, the Council shall set the same for public hearing and shall provide for the proper notice thereof, as provided by the Ohio Revised Code as amended.
  - (2) If the amendment is initiated by its introduction as an ordinance in Council, the ordinance shall forthwith be referred to the Village Planning Commission for action thereon.
- (c) Consideration by Planning Commission. The Planning Commission shall consider the change, supplement or amendment referred to it and shall act upon the matter, within sixty (60) days from the date of referral unless a different period of time be provided by Council. Planning Commission shall schedule a public hearing at the next available meeting and provide written notice to property owners within 500 feet of the proposed rezoning a minimum of ten (10) days prior to the hearing date. The Planning Commissions shall not be required to hold public hearings for amendments to the text of this ordinance. If the Planning Commission shall fail to act within the time allotted, it shall be deemed to have approved such matter. Any provision or any resolution, ordinance or order disapproved by formal action of the Planning Commission shall require a two thirds (2/3) vote of all members of the Council for adoption or authorization.
- (d) Date and Notice for Public Hearing. Upon receipt of a notice of an action from the Planning Commission regarding a proposed ordinance amending this Zoning Ordinance or the Zoning Map, or upon the introduction of such ordinance when initiated by the Planning Commission, Council shall establish a date for a public hearing of such ordinance. The date of such public hearing shall be not less than thirty (30) days after the date of the hearing is established. The Fiscal Officer shall give notice of such public hearing as required by the Ohio Revised Code as amended and such additional notice as may be directed by the Council at the time the date of the public hearing is established. Any notice given shall set forth the time and place of public hearing and a summary of the proposed amendment. A copy of the proposed ordinance or amended zoning map and all reports in connection therewith shall be on file for public inspection in the office of the Fiscal Officer.
- (e) Procedure at Public Hearing. At the public hearing established by the Section, "Date and Notice for Public Hearing," of this section, any interested person shall be heard who desires to present reasons for or against the adoption of a proposed amendment, subject, however, to reasonable regulations of the Council or rulings from the presiding officer. Council, by motion, may recess from time to time the public hearing, but no further notice by mail or advertisement shall be given



for the time or place of any subsequent recessed public hearing of such proposed amendment. Council need not take final action on such proposed amendment at the time of said public hearing.

- (f) Action by Council. At any time after the conclusion of the public hearing required by this chapter, Council may adopt the proposed ordinance by the affirmative vote of at least a majority of the members of Council eligible to vote, provided the proposed ordinance was initiated by the Planning Commission or had received the prior approval by the Planning Commission. If the proposed ordinance or any part thereof has been disapproved by the Planning Commission it shall be adopted only if it receives the affirmative vote of two-thirds (2/3) of all members of Council eligible to vote.

#### **1169.04 REVIEW GUIDELINES FOR AMENDMENTS**

The following policy guidelines shall be followed by the Planning Commission and Council concerning zoning amendments and no proposed zoning amendment shall receive favorable recommendation unless:

- (a) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- (b) There is convincing demonstration that the uses permitted under the proposed district classification would be in the general public's interest and not merely in the interest of an individual or small group.
- (c) There is convincing demonstration that the uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.
- (d) There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by the proposed change.
- (e) The proposed change is in accord with Vision of the Village of South Amherst, Ohio and sound planning principles.

## APPENDIX A SIGN GRAPHICS

### "A" FRAME OR SANDWICH BOARD SIGN



### CHANGEABLE COPY OR ELECTRONIC



### FREESTANDING MONUMENT SIGN

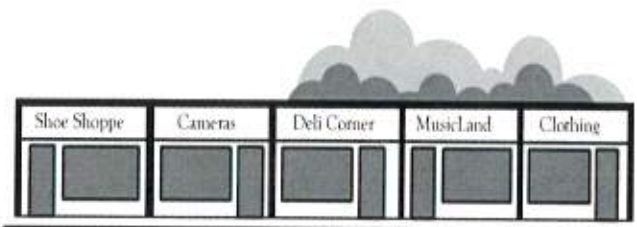


Monument Sign

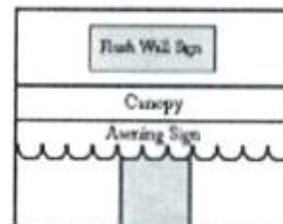
### FREESTANDING POLE SIGN



### WALL SIGN



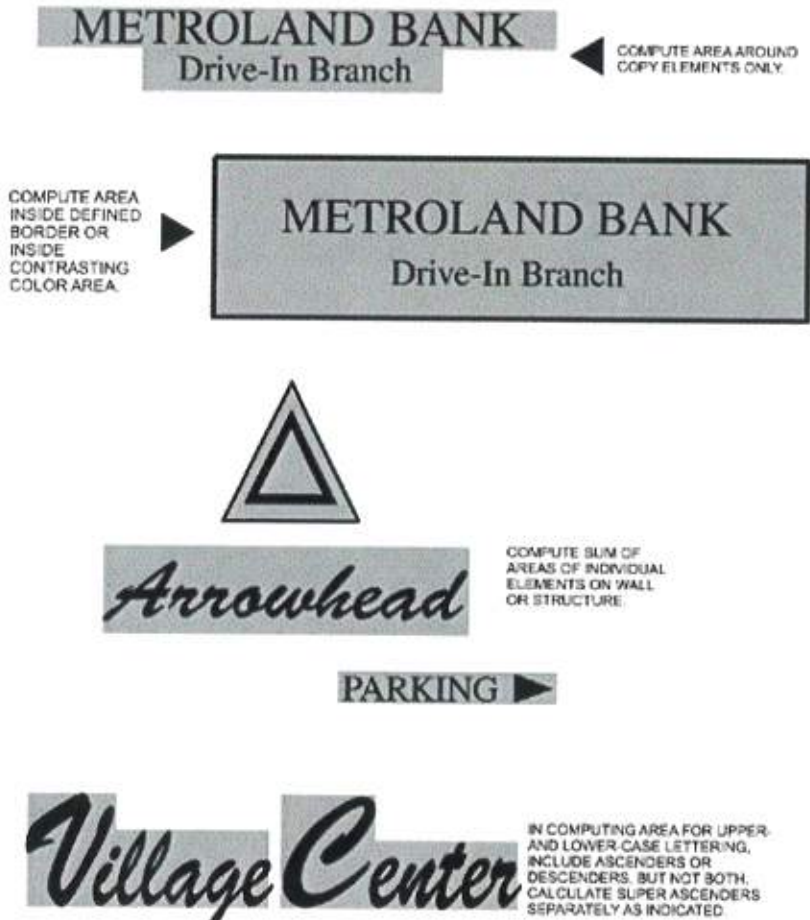
WALL OR FASCIA SIGNS ON STOREFRONTS



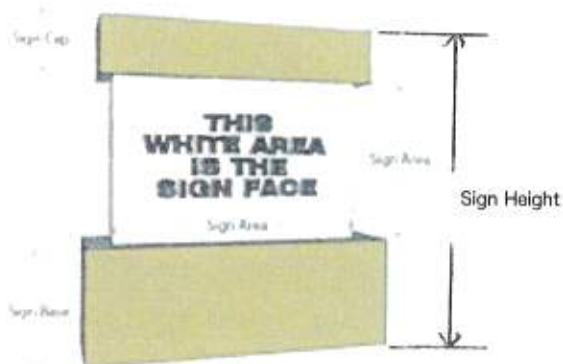


## SIGN AREA COMPUTATION

### SIGN AREA—COMPUTATION METHODOLOGY



## SIGN HEIGHT



DIRECTIONAL SIGN



FEATHER FLAG



WINDOW SIGNAGE

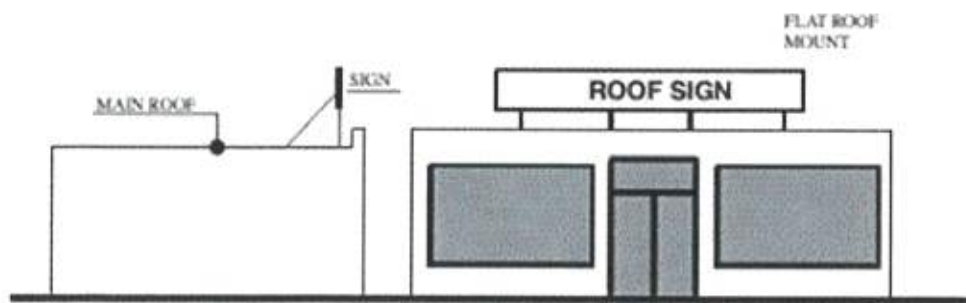


CANOPY SIGN



CANOPY SIGN  
ON FREE-STANDING CANOPY

ROOF SIGNS



FLAT ROOF  
MOUNT



## List of properties on Zoning Map proposed to be changed

### **Changed from R-1 to C-1**

516 W. Main PP# 0500091101009  
518 W. Main. PP#0500091191010  
513/515 W. Main PP# 0900001102020  
517 W. Main. PP# 0900001102019

### **Changed from HI to R-1**

444 W. Main. PP# 05000091192005  
500 W. Main. PP# 05000091102010  
502 W. Main. PP# 05000091102019

### **Changed from B-1 to R-1**

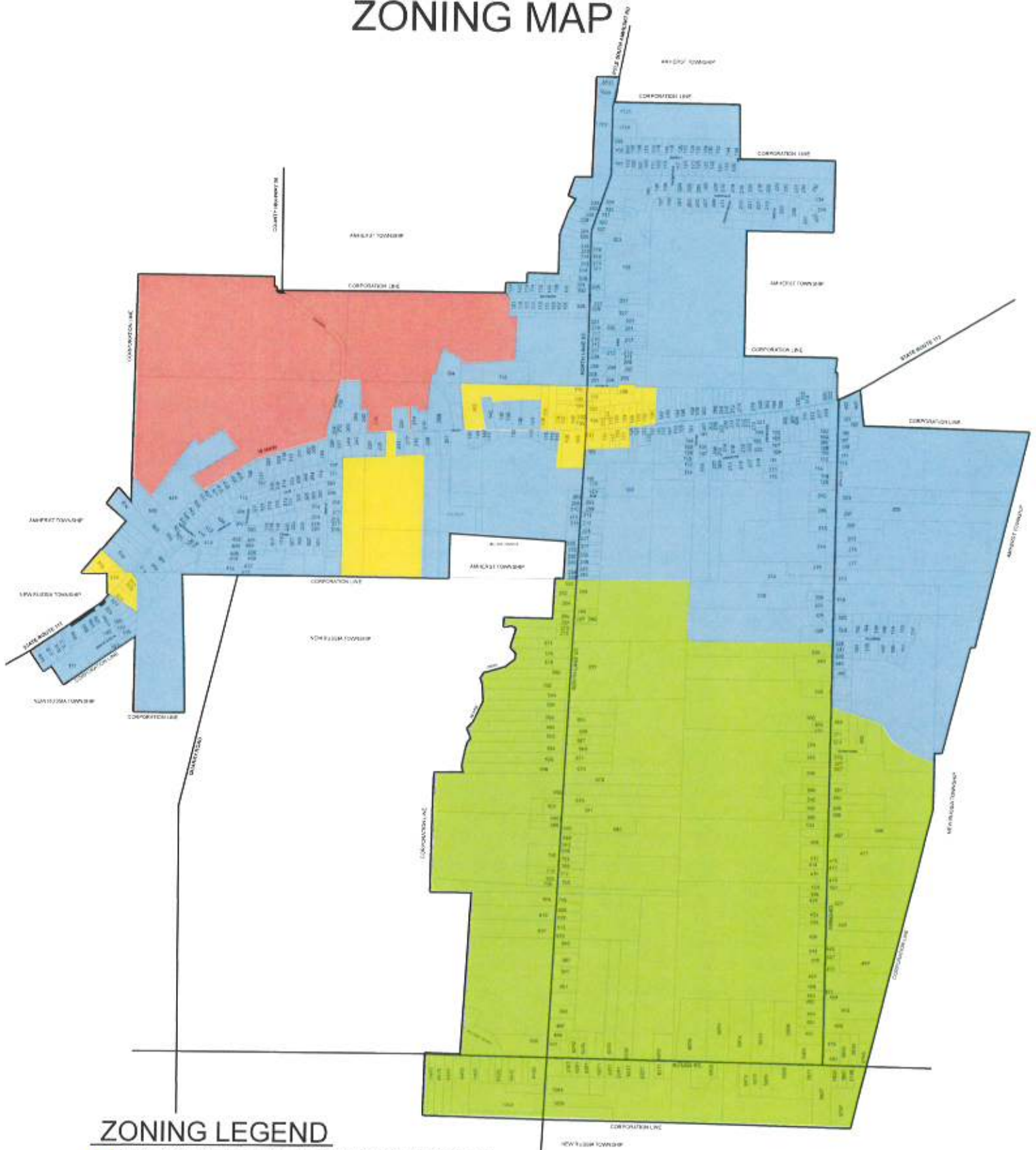
124 W. Main. PP# 0500010101031  
130 W. Main. PP# 0500010101017  
136 W. Main PP# 0500010101047  
140 W. Main. PP# 0500010101014  
146 W. Main PP# 0500010101035

### **Changed from R-1 to C-1**

103 W. Main. PP# 0500010102025  
105 W. Main. PP# 0500010102024  
Village property PP# 0500010102058, 0500010102052, 0500010102061

# VILLAGE OF SOUTH AMHERST

## ZONING MAP



### ZONING LEGEND

- A-R AGRICULTURAL-RESIDENTIAL DISTRICT
- R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
- C-1 COMMERCIAL DISTRICT
- PDD PLANNED DEVELOPMENT DISTRICT