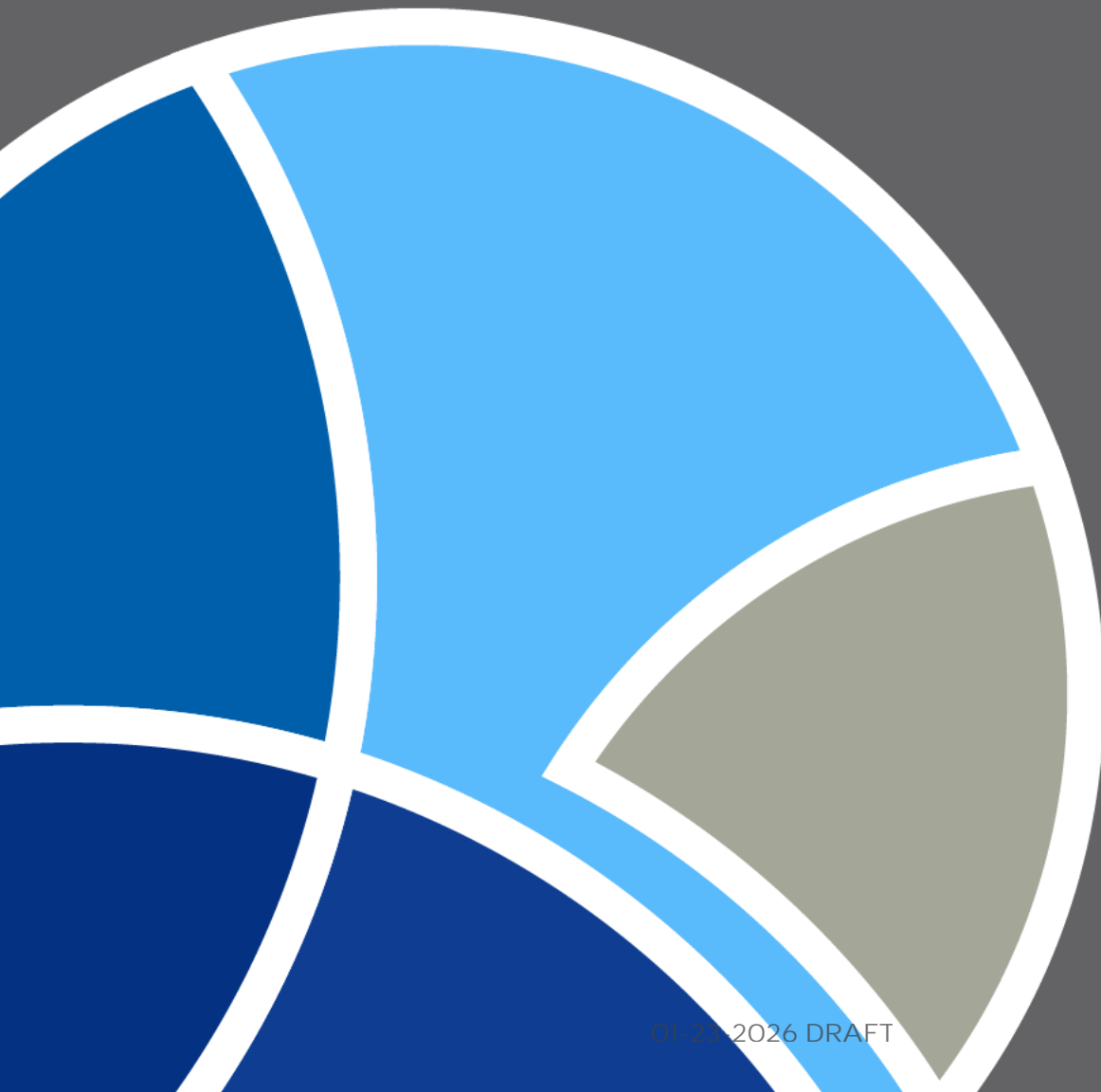


Village of Buckeye Lake

Development Code



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1000.01: Title of the Development Code

- (a) This Development Code shall be known and cited as the Village of Buckeye Lake “Development Code.”

1000.02: Effective Date of the Development Code

- (a) This Development Code was adopted on XXXX, XXXX, 2025 with an effective date of XXXX, XXXX, 2025.

1000.03: Purpose of the Development Code

- (a) The purpose of this Development Code is to promote the public’s health, safety, and general welfare; to facilitate the provision of public utilities, schools, and other public requirements; to promote the preservation of historic resources; and to promote the Village ’s interests in building attractive, walkable, and vibrant neighborhoods.
- (b) The following standards were developed to promote a development form that aligns with the vision and policies set forth by the Buckeye Lake Comprehensive Plan.

1000.04: Applicability of the Development Code

- (a) This Development Code shall apply to all uses of land, all structures, and all lots within the Village, but not including uses of land, structures, and lots owned and controlled by the Village, County, State, or Federal government, or by special governmental subdivisions of the State.

1000.05: Repeal of Former Development Code

- (a) Upon enactment of this Development Code, the former Official Zoning Regulations, which addresses zoning and land use restrictions, shall be simultaneously repealed.

1000.06: Continuance of Existing Projects

- (a) No regulation contained herein shall require any change in the overall layout, plans, construction, size, or designated use of any development, structure, or part thereof, for which official approvals and required zoning permits have been granted before the enactment of this Development Code, and the construction of which, conforming with such plans, shall have been started prior to the effective date of this Development Code, or within thirty (30) days thereafter, and completion thereof carried on in a normal manner within the subsequent twelve (12)-month period and not discontinued until completion except for reasons beyond the owner’s control.

1000.07: Compliance with the Development Code Required

- (a) **Compliance with Structure and Use Standards Required.** No structure of land shall hereafter be used or occupied, and no structure or part hereof shall hereafter be erected, constructed, reconstructed, moved, or altered unless in conformity with all the provisions of this Development Code and after the lawful issuance of all permits and certificates required by this Development Code.

INTRODUCTION TO THE DEVELOPMENT CODE

- (b) Compliance with Lot Standards Required.** Lots created after the effective date of this Development Code shall comply with the requirements of this Development Code.
- (c) Conflicts with Private Agreements.** The provisions of this Development Code are not intended to nullify, abolish, or repeal any easement, covenant, or other private agreement or restriction.

1000.08: Conflict with Other Regulations

- (a)** In the case of any conflict or inconsistency between two or more provisions of this Development Code or any other Village ordinance, law, rule, or regulation - including the International Building Code - the provision which imposes the greater, higher, or more restrictive requirement or standard of performance shall control.

1000.09: Invalidity / Severability of the Development Code

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

1000.10: Rules of Interpretation

- (a) General Interpretation of Words.** Whenever a defined word appears in this Development Code, its meaning is as defined in this Development Code. Words not defined in this Development Code are interpreted in accord with their dictionary meaning and customary usage. Some specific interpretations should be minded, as listed below:
 - (1)** The word “person” includes a firm, association, organization, partnership, trust limited liability company, corporation, or other legal entity, as well as an individual.
 - (2)** The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular in each case if the context so requires.
 - (3)** The word “shall” is mandatory; the word “may” is permissive.

- (4)** The words “used” or “occupied” include the words “intended,” “designed,” “constructed,” “altered,” or “arranged” to be used or occupied.
- (5)** The word “lot” includes the words “plot,” “tract,” or “parcel.”
- (6)** The terms “standards,” “regulations,” and “requirements” are used to mandate a specific course of action or built outcome.

- (b) Interpretation of Conjunctions.** Where a regulation involves two or more items, conditions, provisions, or events which are connected by a conjunction—“and,” “or,” or “either...or”—the conjunction shall be interpreted as follows:
 - (1)** “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - (2)** “Or” indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - (3)** “Either...or” indicates that all the connected items, conditions, provisions, or events shall apply singularly but not in combination.
- (c) References to Most Updated Versions of Regulations.** All references to other regulations or manuals shall refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, such reference or requirement for compliance is no longer in effect.
- (d) Section Headings as Navigational Aids.** Section headings are provided for ease of use and organization and shall not be interpreted as regulatory.
- (e) Interpretation of Illustrations.** Illustrations, diagrams, and flowcharts are included in this Development Code to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text shall control.
- (f)** The Development Code applies to all property within the Zoning District as shown in the Village’s Official Zoning Map (also known as the Digital Zoning Map or Zoning Map).

INTRODUCTION TO THE DEVELOPMENT CODE

(g) Interpreting Zoning Map Boundaries.

- (1) Boundaries indicated as approximately following the centerlines of streets, or highways; platted lot lines; municipal limits; railroad lines; or the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed as such.
- (2) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
- (3) Where a district boundary line divides a lot that was in single ownership at the time of passage of this Zoning Ordinance, the Zoning Administrator or their designee may permit the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot.

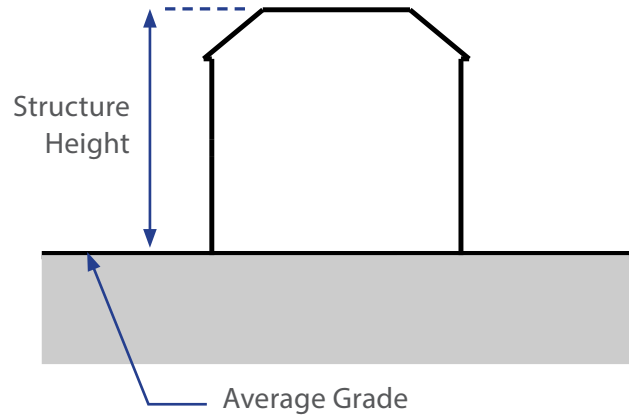


Figure 1000.11 (A): Measuring structure height on flat ground plane

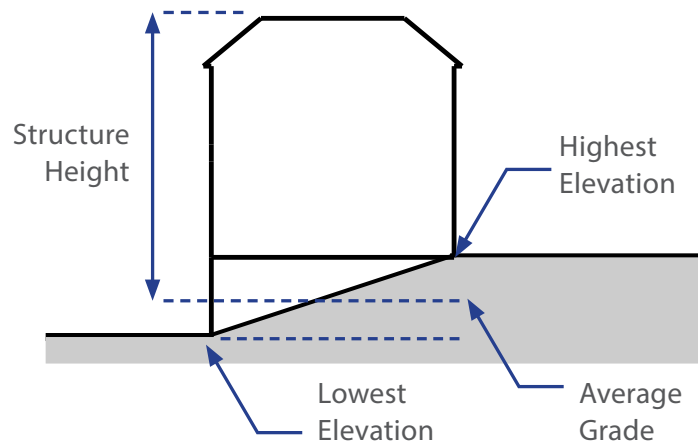


Figure 1000.11 (B): Measuring structure height on a sloped ground plane

1000.11: Rules of Measurement

(a) **How to Measure Sign Area.** See Section 1050.08 (1) (A). "Measuring Sign Area."

(b) **How to Measure Sign Height.** See Section 1050.08 (1)(B). "Measuring Sign Height."

(c) How to Measure Structure Height.

- (1) **Structure Height Defined.** Structure Height is the vertical distance between the average grade plane along the front elevation of the structure and the highest point of any flat roof or any pitched roof.
- (2) **Exceptions to Structure Height Regulations.** The height regulations prescribed herein shall not apply to telecommunications facilities under the control of governmentally licensed utility service providers, church spires, belfries, monuments, tanks, water and fire towers, cooling towers, ornamental towers and spires, cupolas, chimneys, elevator bulkheads, smokestacks, conveyors, and flagpoles, except where the height of such structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

(d) How to Determine Lot Lines.

- (1) **Lot Line, Defined.** A Lot Line is a line dividing one (1) lot from another lot or from a street or any public place.
- (2) **Front Lot Line, Defined.** A Front Lot Line is a lot line dividing a lot from a public or private street and is the line from which the required front setback is measured. If a lot has more than one (1) Lot Line that abuts a street right-of-way, such as is the case

INTRODUCTION TO THE DEVELOPMENT CODE

with a corner lot, the lot may have more than one (1) Front Lot Line with the front line being the one with the assigned street addresses.

- (3) Side Lot Line, Defined. A Side Lot Line is any Lot Line not considered a Front Lot Line or a Rear Lot Line.
- (4) Rear Lot Line, Defined. The Rear Lot Line is the lot line which is most opposite the front lot line. Each lot shall have one (1) Rear Lot Line. In the case of a corner lot with more than one (1) Front Lot Line, the Rear Lot Line is the lot line which is most opposite the shortest front lot line. In the case of an irregular or triangular-shaped lot, the Rear Lot Line is a line ten (10) feet in length within the lot situated parallel to and at the maximum distance from the Front Lot Line.

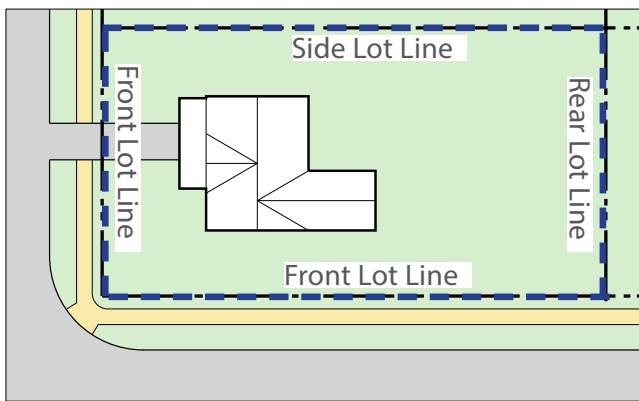


Figure 1000.11 (C): Lot lines for a corner lot

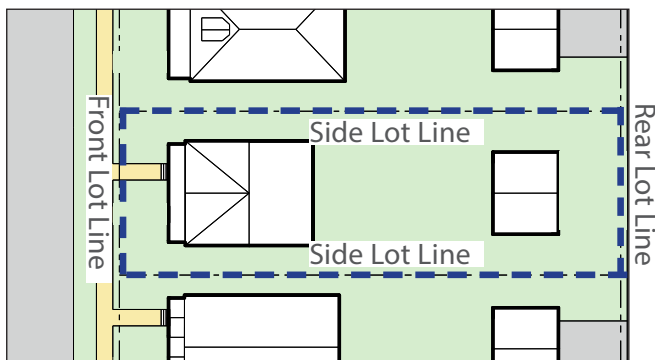


Figure 1000.11 (D): Lot lines for an interior lot

(e) Determining Lot Width and Depth.

- (1) Lot Width Defined. The Lot Width is the length of a lot's shortest Front Lot Line.
- (2) Lot Depth Defined. The Lot Depth is the distance between the midpoint of the Front Lot Line and the rear of the lot along a path perpendicular to the Front Lot Line.

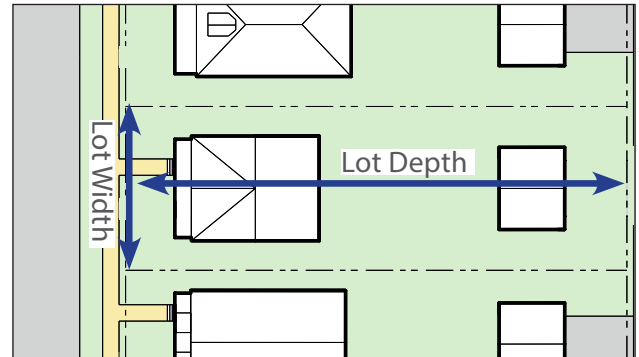


Figure 1000.11 (E): Lot Width and Lot Depth

(f) Determining Lot Area and Lot Coverage

- (1) Lot Area, Defined. The Lot Area is the square footage of a lot on a horizontal plane, not including any area within the right-of-way.
- (2) Lot Coverage, Defined. Lot Coverage is the percentage of the total Lot Area that is covered by man-made surfaces, such as principal structures; accessory structures over one hundred (100) square feet, such as patios, decks, garages, carports, and pools; and other surfaces, such as driveways, sidewalks, parking lots, and areas of pavement; but excluding pervious pavement and permeable paver systems.

INTRODUCTION TO THE DEVELOPMENT CODE

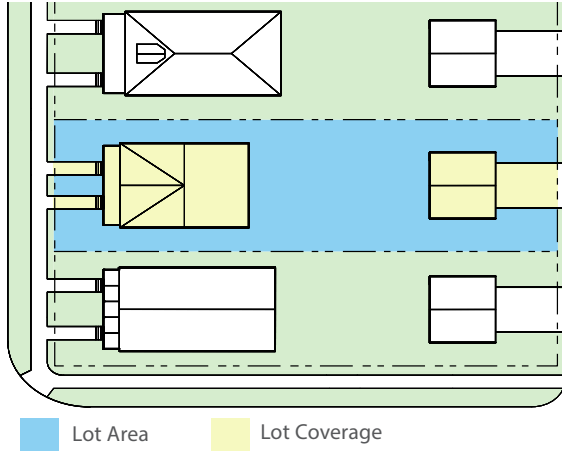


Figure 1000.11 (F): Lot Area and Lot Coverage

(g) Determining Setbacks

- (1) Front Yard Setback, Defined. A Front Yard Setback is the shortest horizontal distance between a structure and any portion of the Front Lot Line.
- (2) Side Yard Setback, Defined. A Side Yard Setback is the shortest horizontal distance between a structure and a Side Lot Line.
- (3) Rear Yard Setback, Defined. A Rear Yard Setback is the shortest horizontal distance between a structure and a Rear Lot Line.

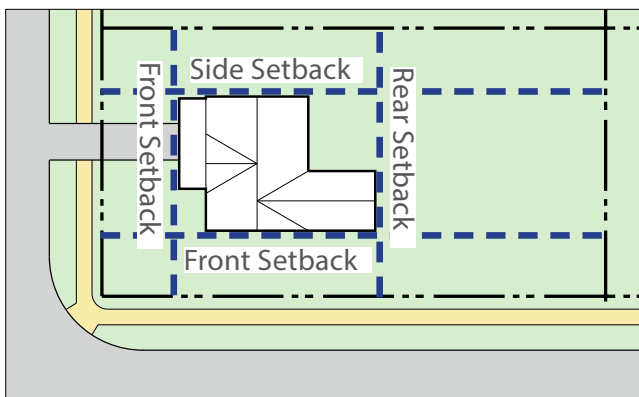


Figure 1000.11 (G): Setbacks for a corner lot

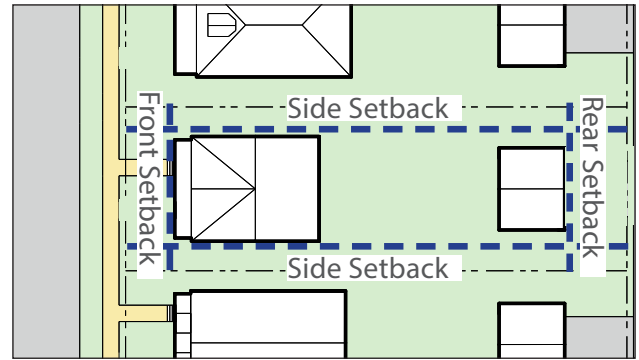


Figure 1000.11 (H): Setbacks for an interior lot

(h) Exceptions to Setbacks

- (1) Open or lattice-enclosed fire escapes, outside stairways, balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard may extend rearward of a principal structure by up to five (5) horizontal feet, regardless of the rear setback requirements for the district in which it resides.
- (2) Ramps built to provide wheelchair accessibility to entrances of dwellings are exempt from the setback requirements.
- (3) Roof eaves or overhangs may project into a required side yard setback no more than 24 inches, provided that the remaining distance between the eaves and the property line is not less than 3 feet. All overhangs must include drainage systems that direct runoff away from adjacent properties.

How to use this Development Code

Below is a summary guide. Please refer to the Village's permit procedures and application requirements for all necessary information.

1.

Find the zoning district for your parcel.

1030.01: Zoning District Map

2.

Review the intent, uses, standards, typologies, and additional regulations for the zoning district.

Chapter 1030, Section depending on your zoning district

3.

Select the building, frontage, street, and open space type(s) from the typologies allowed in the zoning district.

Chapter 1030, Sections 12, 13, and 14

4.

Review the use regulations for each use allowed in the zoning district.

Chapter 1040

5.

Review the standards for general uses allowed in the zoning district.

Chapter 1050

6.

Address any existing nonconforming uses.

Chapter 1040

7.

Follow the procedures and comply with the requirements for application.

Chapter 1050

1010

Zoning Districts

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1010.01: Introduction to Zoning Districts

(a) Zoning Districts. To achieve the purposes of this Development Code, the Village is hereby divided and classified into the districts established in this chapter.

(b) Establishment of Zoning Map.

- (1)** The district classification of all land in the Village shall be shown on the map designated as the Village Zoning District Map, dated and signed by the Clerk of Council upon adoption.
- (2)** The Zoning District Map and all amendments thereto shall be as much a part of this Development Code as if fully described herein and shall be filed as part thereof by the Clerk of Council. The Map shall be available for public inspection in the Planning and Zoning Department. Any amendments to this Map shall be similarly dated, filed, and made available to the public.

(c) List of Districts.

- (1)** Village Neighborhood (VN)
- (2)** Suburban Residential (SR)
- (3)** Urban Neighborhood (UN)
- (4)** Mobile Home Park (MH)
- (5)** Village Center (VC)
- (6)** Lakefront Neighborhood (LN)

(7) Lakefront Mixed-Use (LN)

(8) Corridor (CO)

(9) Employment (EM)

(10) Interchange Commercial (IC)

(11) Rural (RU)

(12) Civic Parks & Open Space (OS)

(13) Planned Mixed-Use (PMUD)

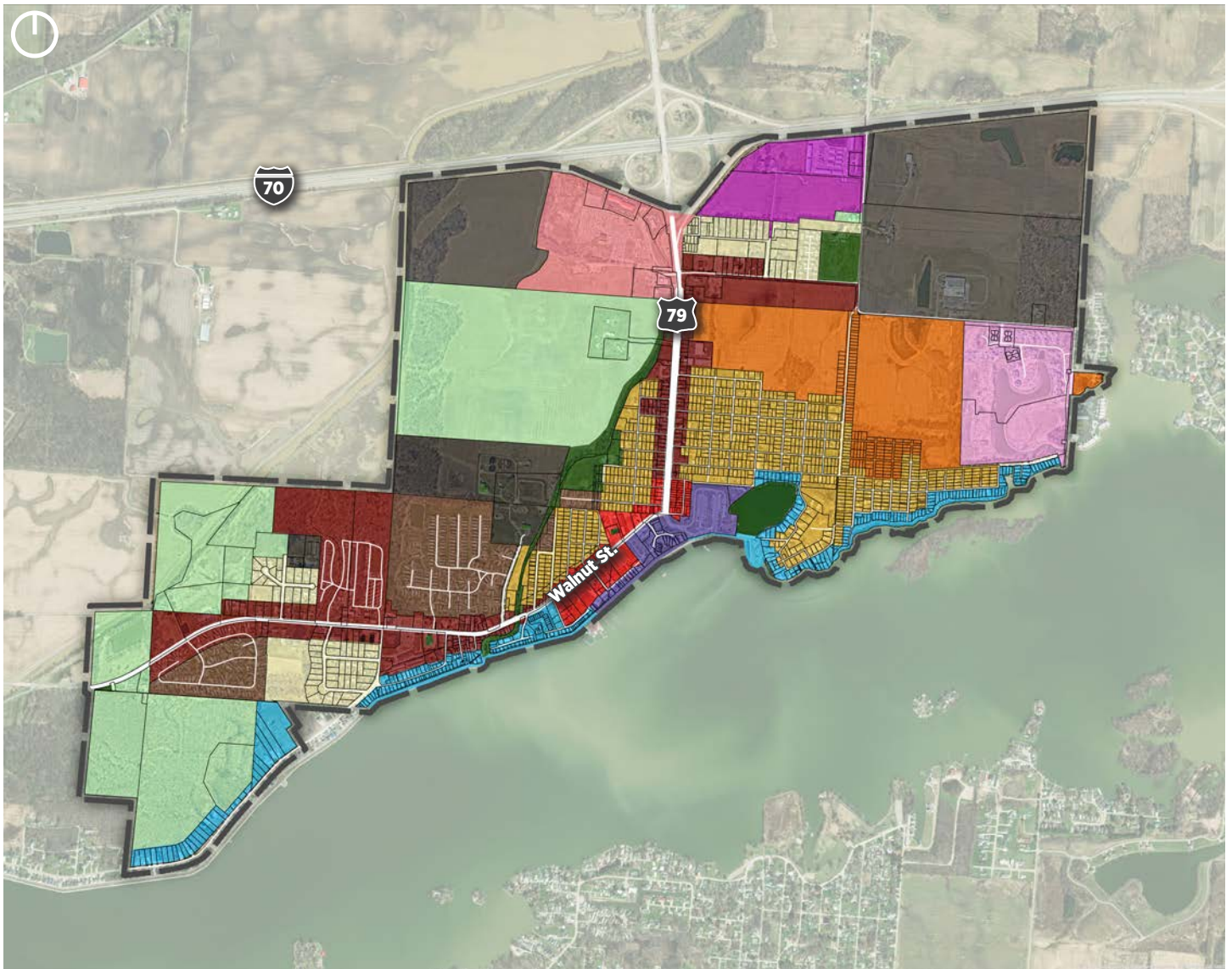
(14) Planned Development District (PDD)

(d) Compliance with Regulations.

- (1)** All developments and uses must conform to the standards set forth in this chapter.
- (2)** Additional applicable development standards are included elsewhere in the Development Code, such as Chapter 1020 Use Regulations and Chapter 1030 Generally Applicable Regulations.

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FIGURE 1010.01: ZONING DISTRICT MAP

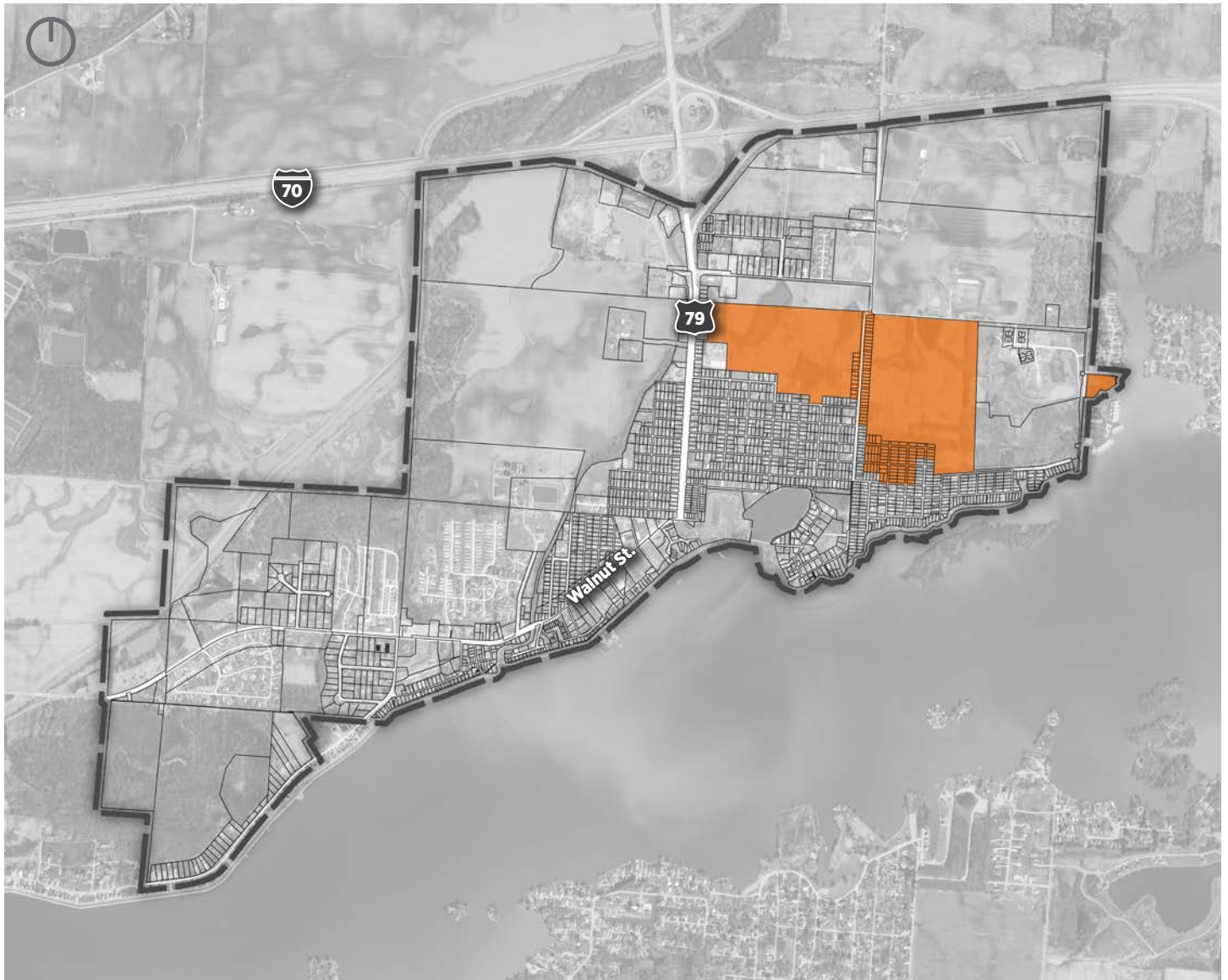


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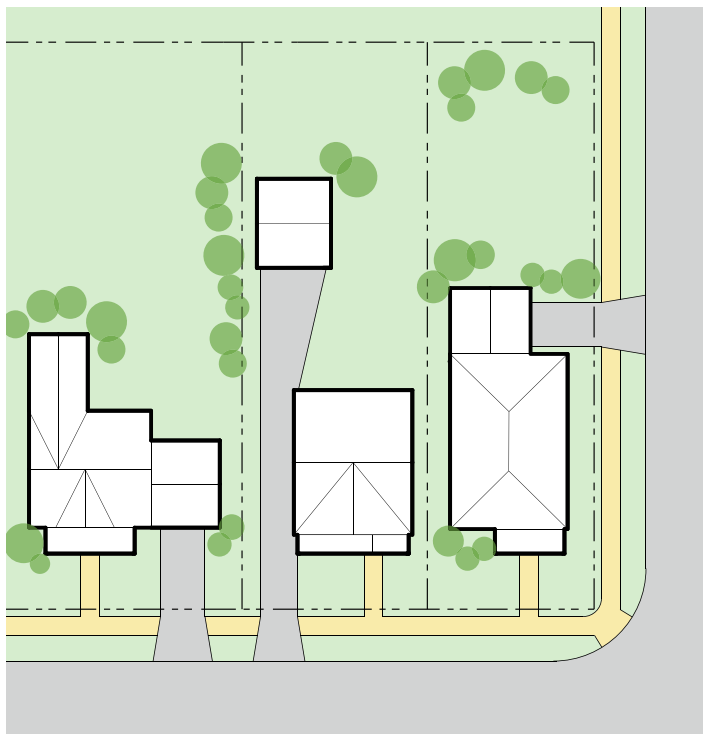
Village Neighborhood	Corridor
Suburban Neighborhood	Employment
Urban Neighborhood	Interchange Commercial
Mobile Home Park	Rural
Village Center	Civic Parks & Open Space
Lakefront Neighborhood	Planned Mixed-Use
Lakefront Mixed-Use	Planned Development District

ZONING DISTRICTS

FIGURE 1010.02: VILLAGE NEIGHBORHOOD (VN) DISTRICT MAP



1010.02: Village Neighborhood (VN)

**(a) Intent**

The Village Neighborhood (VN) District is intended to promote urban residential development as an extension of walkable neighborhoods. The existing development pattern consists of traditionally-designed homes near commercial centers and major corridors. Future developments may include a range of housing options with different price points and styles that can accommodate a diversity of household sizes. They can include a mix of residential and non-residential uses at the neighborhood scale. These uses can be integrated vertically in the same building, or horizontally in the same development, and create a live-work-play environment. The district should enhance walkability through short setbacks, improved streetscapes, and small blocks.

(b) Uses

- (1) **Accessory Uses.** Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter 1020.
- (2) **Uses Restricted.** No building or land within the Village Neighborhood (VN) shall be used for any purpose other than for a purpose included in the list of allowed uses below. Additional use regulations of Chapter 1020 shall apply.

TABLE 1010.02 (A): VN ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1020.03
General Right-of-Way	1020.04
Parks and Preserves	1020.05
Accessory	1020.06
Temporary	1020.07
Civic and Institutional	1020.09
Single-Unit Residential	1020.10
Two-Unit Residential	1020.11
Three-to-Eight-Unit Residential	1020.12
Nine-Plus-Unit Residential	1020.13
Neighborhood Commercial	1020.14
ALLOWED BY CONDITIONAL USE APPROVAL	
Recreational	1020.08
Manufactured or Mobile Home	1020.23
Short-Term Rental	1020.24

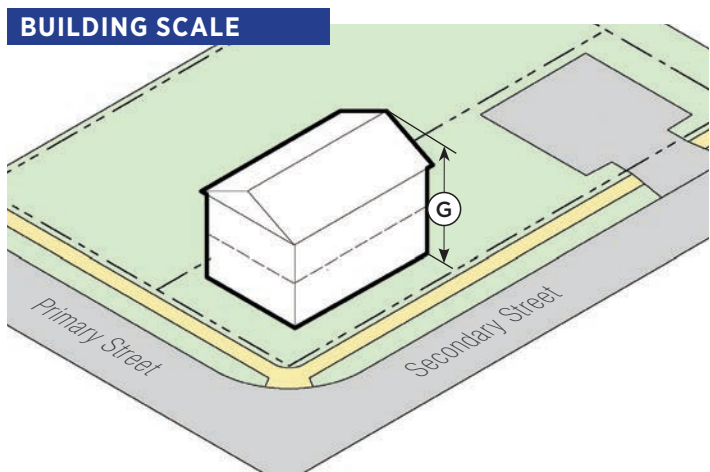
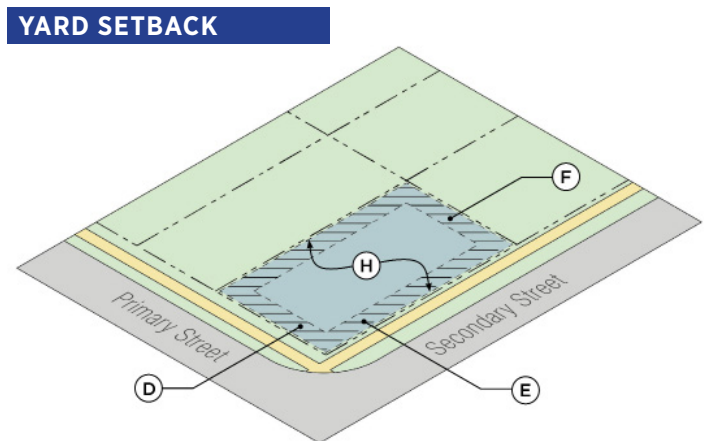
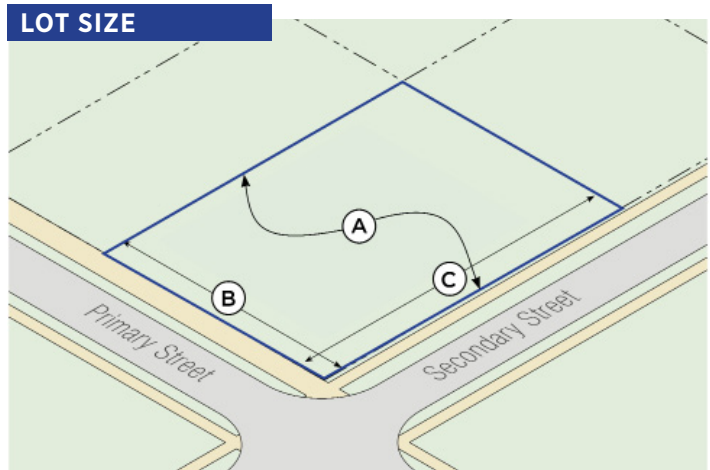
ZONING DISTRICTS

(c) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

TABLE 1010.02 (B): VN BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS		
Lot Area	4,500 sq. ft. min.	(A)
Lot Width	50 ft. min.	(B)
Lot Depth	125 ft. max.	(C)
YARD SETBACK STANDARDS		
Front Yard Setback	10' min.; 25' max.	(D)
Side Yard Setback	A side yard setback is required on each of two sides of the building; 5 ft. min. per side (1)	(E)
Rear Yard Setback	10 ft. min.	(F)
BUILDING SCALE STANDARDS		
Building Height	35 ft. max.	(G)
Lot Coverage	45 percent max.	(H)
NOTES		
(1) Setback measured from the fascia board or the edge of the roof overhang.		



(d) Typologies

- (1) The following Building, Frontage, and Open Space Typologies are permitted. More detailed descriptions are found in Sections 1010.14 to 1010.16.

TABLE 1010.02 (C): VN TYPOLOGIES TABLE

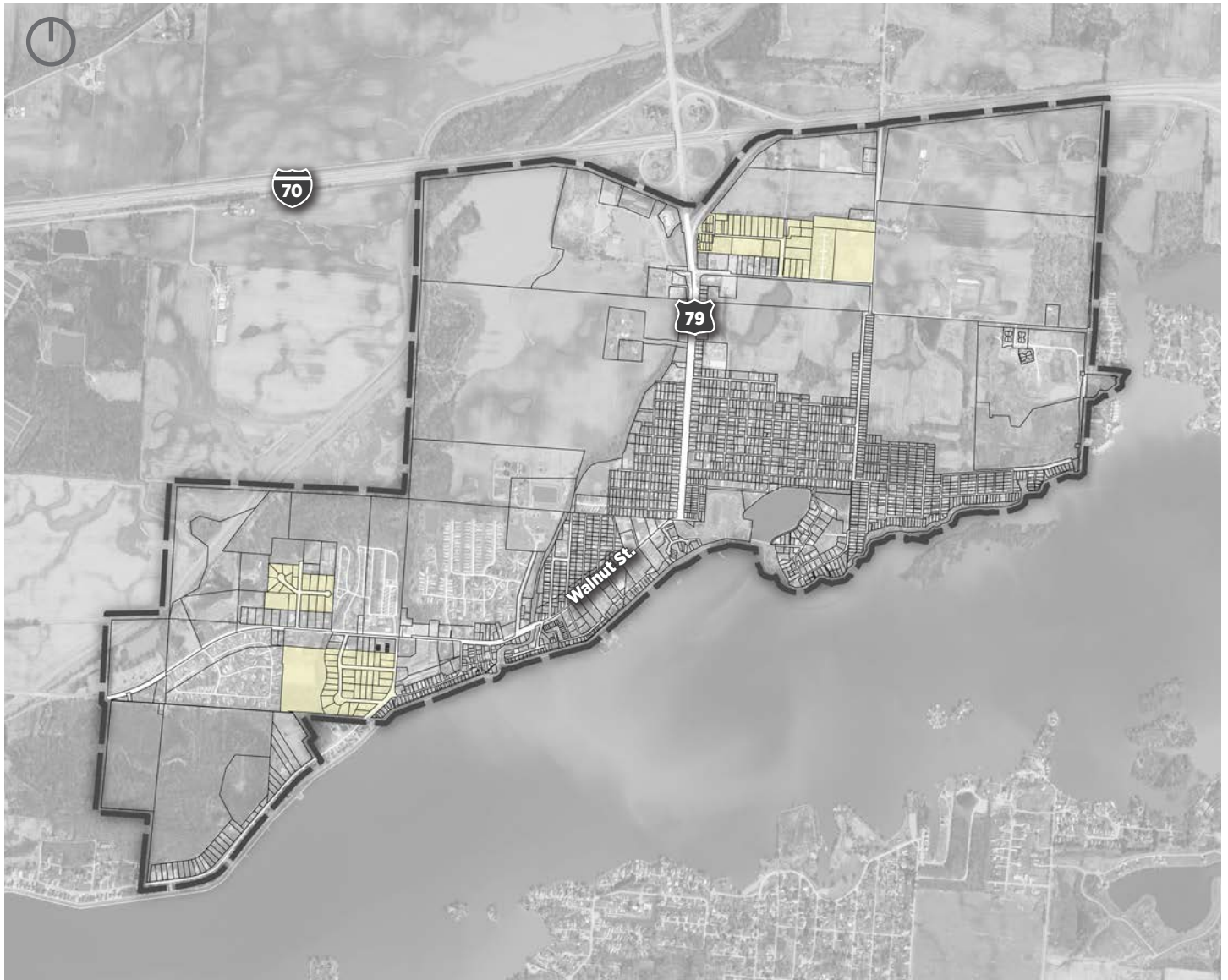
ALLOWED TYPOLOGIES	REFERENCE
BUILDING TYPOLOGIES	
Detached Single-Unit Building (Suburban)	1010.14 (A1)
Detached Single-Unit Building (Traditional)	1010.14 (A2)
Attached Single Unit Building	1010.14 (B)
Duplex Building	1010.14 (C)
Small Flex Retail Building	1010.14 (F)
Primary School Building	1010.14 (J)
School and Institutional Building	1010.14 (K)
Bed and Breakfast Building	1010.14 (L)
Community Center Building	1010.14 (M)
Maker Space or Live-Work Units	1010.14 (T)
FRONTAGE TYPOLOGIES	
Yard	1010.15 (E)
Terrace	1010.15 (F)
Forecourt	1010.15 (G)
Streetwall	1010.15 (H)
Porch	1010.15 (I)
Stoop	1010.15 (J)
OPEN SPACE TYPOLOGIES	
Greenway /Trail	1010.16 (A)
Plaza	1010.16 (B)
Square	1010.16 (C)
Green	1010.16 (D)
Passage	1010.16 (E)
Pocket Plaza	1010.16 (F)
Sport Field	1010.16 (G)
Green Infrastructure	1010.16 (H)

(e) Additional Regulations

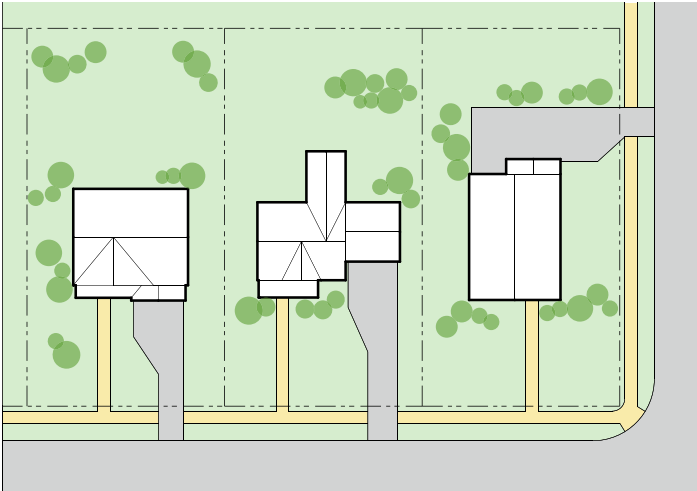
- (1) Garage Door Standards. No street-facing garage door that is attached to the principal building shall exceed sixteen (16) feet in width and should be either detached, accessed from an alley, or setback a minimum of (10) feet from the proposed primary building front setback.
- (2) Generally Applicable Regulations. In addition to the provisions of this section, the provisions of Chapter 1030 Generally Applicable Regulations shall also apply. These provisions govern elements including: Parking and Loading Standards; Signage; Landscaping and Buffers. In the event of conflicting regulations, the regulations of this chapter shall apply.

ZONING DISTRICTS

FIGURE 1010.03: SUBURBAN NEIGHBORHOOD (SN) DISTRICT MAP



1010.03: Suburban Neighborhood (SN)

**(a) Intent**

The Suburban Neighborhood (SN) District is intended to accommodate multiple forms of single-unit residential development, while also promoting walkability and connectivity. The existing development pattern includes single-unit homes on large lots and blocks that are within driving distance of commercial centers. New development should include single-unit and two-unit development, promote pedestrian connectivity, and encourage the retention of open space as an amenity. Where possible, new residential development should be connected to trail systems and within a half-mile walk from parks or significant open space.

(b) Uses

- (1)** Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter 1020.
- (2)** Uses Restricted. No building or land within the Suburban Neighborhood District (SN) shall be used for any purpose other than for a purpose included in the list of allowed uses below. Additional use regulations of Chapter 1020 shall apply.

TABLE 1010.03 (A): SN ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1020.03
General Right-of-Way	1020.04
Parks and Preserves	1020.05
Accessory	1020.06
Temporary	1020.07
Civic and Institutional	1020.09
Single-Unit Residential	1020.10
Two-Unit Residential	1020.11
ALLOWED BY CONDITIONAL USE APPROVAL	
Recreational	1020.08
Three-to-Eight-Unit Residential	1020.11
Neighborhood Commercial	1020.14
Agricultural	1020.19
Short-Term Rental	1020.24

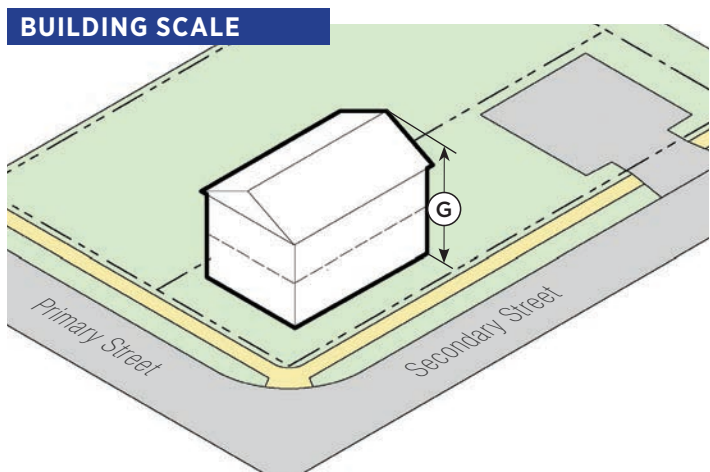
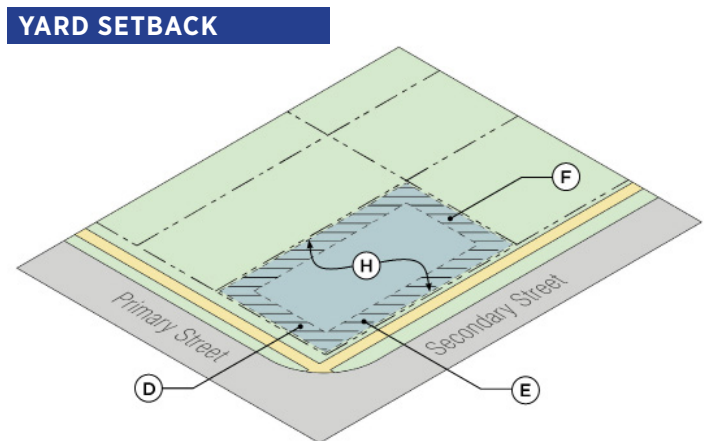
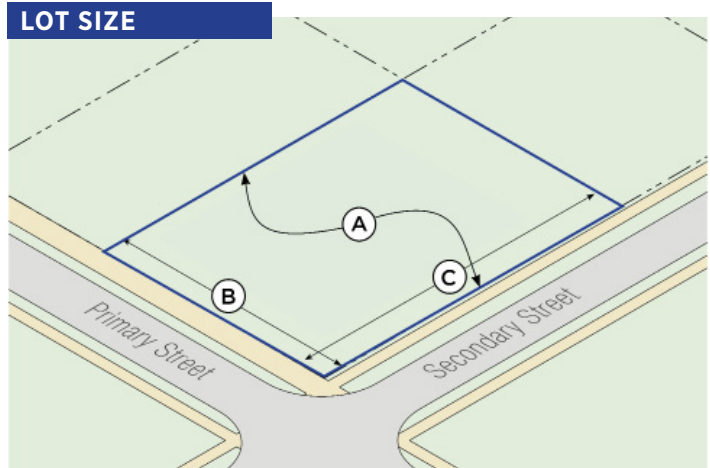
ZONING DISTRICTS

(c) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

TABLE 1010.03 (B): SN BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS		
Lot Area	7,200 sq. ft. min. (4)	(A)
Lot Width	45 ft. min. (4)	(B)
Lot Depth	NA	(C)
YARD SETBACK STANDARDS		
Front Yard Setback	Context Average (1)	(D)
Side Yard Setback	A side yard setback is required on each of two sides of the building; 5 ft. min. per side (3)	(E)
Rear Yard Setback	25 ft. min. (2)	(F)
BUILDING SCALE STANDARDS		
Building Height	35 ft. max.	(G)
Lot Coverage	35 percent max.	(H)
NOTES		
<p>(1) See Section 1010.03 (f), Context Average. Where no context average can be determined due to lack of appropriate benchmarks the front setback shall be 20 feet minimum.</p> <p>(2) Detached garages may be located within 3 feet from the rear lot line.</p> <p>(3) Setback measured from the fascia board or the edge of the roof overhang.</p> <p>(4) See Section 1040.06 Single Nonconforming Lots of Record for the allowance that applies even if the lot does not meet the current minimum lot area or lot width requirements.</p>		



(d) Typologies

- (1) The following Building, Frontage, Street, and Open Space Typologies are permitted. More detailed descriptions are found in Sections 1010.14 to 1010.16.

TABLE 1010.03 (C): SN TYPOLOGIES TABLE

ALLOWED TYPOLOGIES	REFERENCE
BUILDING TYPOLOGIES	
Detached Single-Unit Building (Suburban)	1010.14 (A1)
Detached Single-Unit Building (Traditional)	1010.14 (A2)
Duplex Building	1010.14 (C)
Primary School Building	1010.14 (J)
School and Institutional Building	1010.14 (K)
FRONTAGE TYPOLOGIES	
Yard	1010.15 (E)
Porch	1010.15 (I)
Stoop	1010.15 (J)
OPEN SPACE TYPOLOGIES	
Greenway /Trail	1010.16 (A)
Green	1010.16 (D)
Sport Field	1010.16 (G)
Green Infrastructure	1010.16 (H)

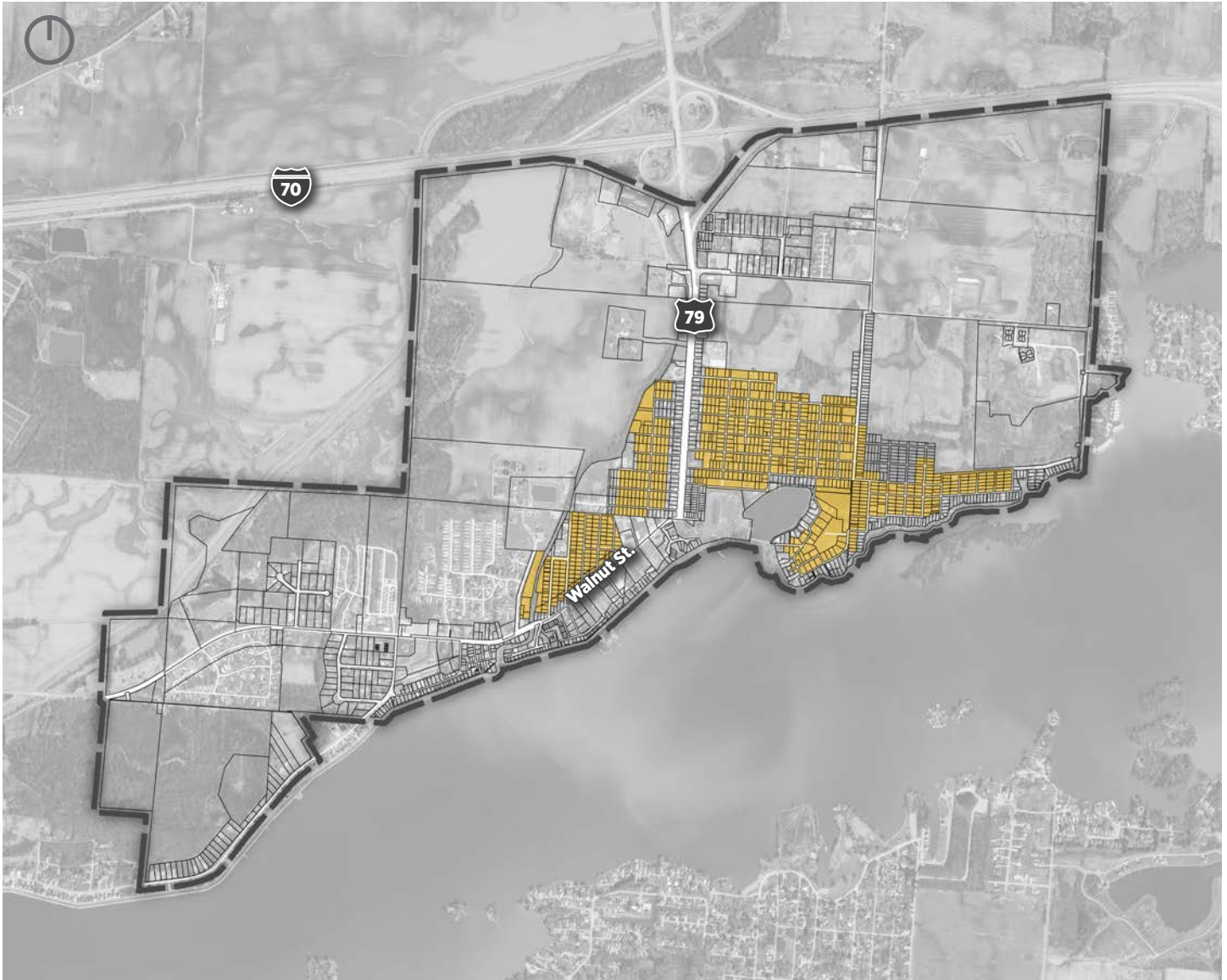
(e) Additional Regulations

- (1) Garage Door Standards. No street-facing garage door that is attached to the principal building shall exceed sixteen (16) feet in width.
- (2) Generally Applicable Regulations. In addition to the provisions of this section, the provisions of Chapter 1030 Generally Applicable Regulations shall also apply. These provisions govern elements including: Parking and Loading Standards; Signage; Landscaping and Buffers. In the event of conflicting regulations, the regulations of this chapter shall apply.

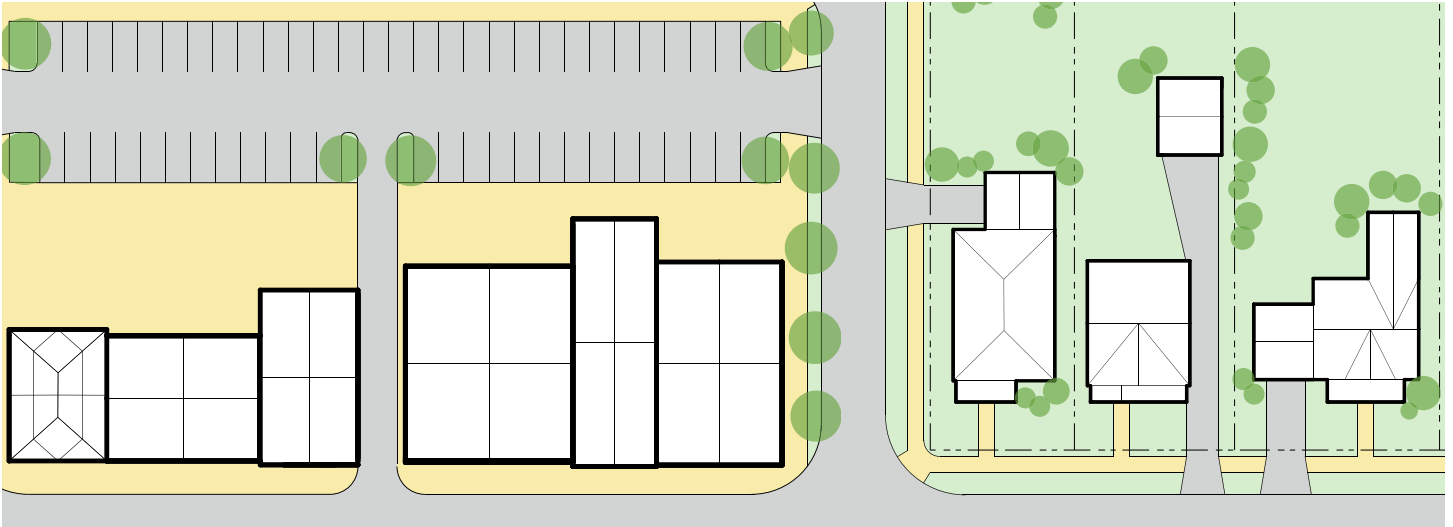
ZONING DISTRICTS

Replace map with revisions

FIGURE 1010.04: URBAN NEIGHBORHOOD (UN) DISTRICT MAP



1010.04: Urban Neighborhood (UN)

**(a) Intent**

The Urban Neighborhood (UN) District intends to strengthen the compact nature of the community's original historic neighborhood with narrow, one-way streets and small blocks. Future infill development on vacant lots or redevelopment of existing properties should be designed to promote pedestrian safety and comfort and should provide a well defined public realm with consistent building setbacks and links to adjacent commercial establishments and public parks.

(b) Uses

- (1) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter 1020.
- (2) Uses Restricted. No building or land within the Urban Neighborhood (UN) shall be used for any purpose other than for a purpose included in the list of allowed uses below. Additional use regulations of Chapter 1020 shall apply.

TABLE 1010.04 (A): UN ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1020.03
General Right-of-Way	1020.04
Parks and Preserves	1020.05
Accessory	1020.06
Temporary	1020.07
Civic and Institutional	1020.09
Single-Unit Residential	1020.10
Two-Unit Residential	1020.11
ALLOWED BY CONDITIONAL USE APPROVAL	
Recreational	1020.08
Three-to-Eight-Unit Residential	1020.12
Neighborhood Commercial	1020.14
Short-Term Rental	1020.24

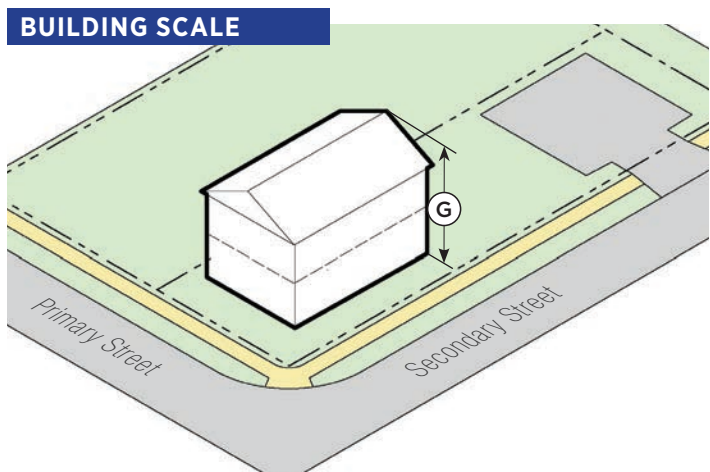
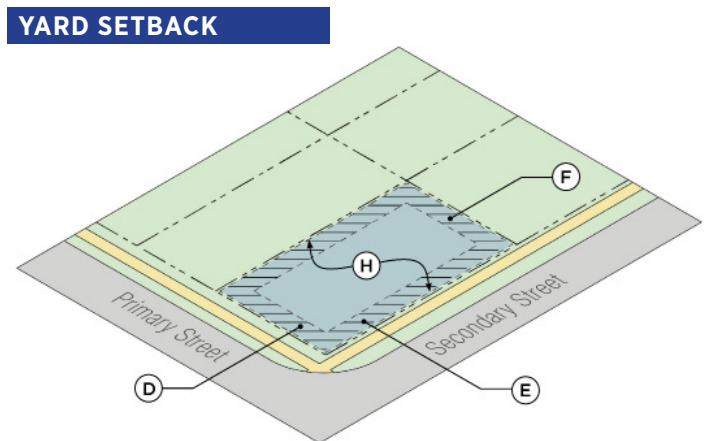
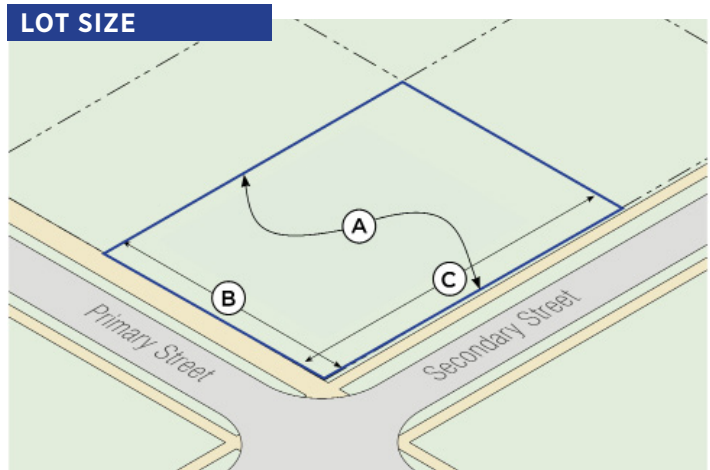
ZONING DISTRICTS

(c) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

TABLE 1010.04 (B): UN BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS (4)		
Lot Area	4,000 sq. ft. min. (4)	(A)
Lot Width	40 ft. min. (4)	(B)
Lot Depth	125 ft. max	(C)
YARD SETBACK STANDARDS		
Front Yard Setback	Context Average (1)	(D)
Side Yard Setback	A side yard setback is required on each of two sides of the building; 5 ft. min. per side (3)	(E)
Rear Yard Setback	10 ft. min. (2)	(F)
BUILDING SCALE STANDARDS		
Building Height	35 ft. max.	(G)
Lot Coverage	70 percent max.	(H)
NOTES		
<p>(1) See Section 1010.03 (f), Context Average. Where no context average can be determined due to lack of appropriate benchmarks the front setback shall be 20 feet minimum.</p> <p>(2) Detached garages may be located at minimum of 2.5 feet from the rear lot line.</p> <p>(3) Setback measured from the fascia board or the edge of the roof overhang.</p> <p>(4) See Section 1040.06 Single Nonconforming Lots of Record or Legacy Lots for the allowance that applies even if the lot does not meet the current minimum lot area or lot width requirements.</p>		



(d) Typologies

- (1) The following Building, Frontage, Street, and Open Space Typologies are permitted. More detailed descriptions are found in Sections 1010.14 to 1010.16.

TABLE 1010.04 (C): UN TYPOLOGIES TABLE

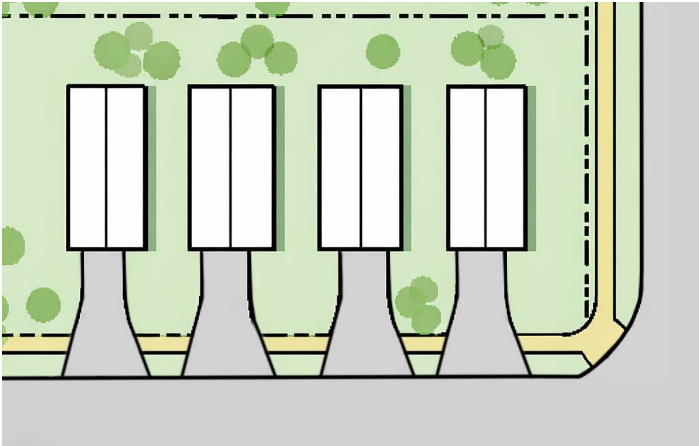
ALLOWED TYPOLOGIES	REFERENCE
BUILDING TYPOLOGIES	
Detached Single Unit Building	1010.14 (A)
Attached Single Unit Building	1010.14 (B)
Duplex Building	1010.14 (C)
Multi-Unit Building	1010.14 (D)
Small Flex Retail Building	1010.14 (F)
Institutional Flex Building	1010.14 (I)
Primary School Building	1010.14 (J)
School and Institutional Building	1010.14 (K)
Bed and Breakfast Building	1010.14 (L)
Assembly Use Building	1010.14 (S)
Maker Space or Live-Work Units	1010.14 (T)
FRONTAGE TYPOLOGIES	
Shopfront	1010.15 (A)
Patio	1010.15 (B)
Gallery	1010.15 (C)
Arcade	1010.15 (D)
Yard	1010.15 (E)
Terrace	1010.15 (F)
Forecourt	1010.15 (G)
Streetwall	1010.15 (H)
Porch	1010.15 (I)
Stoop	1010.15 (J)
OPEN SPACE TYPOLOGIES	
Greenway / Trail	1010.16 (A)
Plaza	1010.16 (B)
Square	1010.16 (C)
Green	1010.16 (D)
Passage	1010.16 (E)
Pocket Plaza	1010.16 (F)
Green Infrastructure	1010.16 (H)

ZONING DISTRICTS

FIGURE 1010.05: MOBILE HOME PARK (MH) DISTRICT MAP



1010.05: Mobile Home Park (MH)



(a) Intent

The Mobile Home Park (MH) District is intended to provide for the continued use, reinvestment, and limited expansion of professionally managed mobile home and manufactured home parks within the Village. The district recognizes these communities as an established component of the Village's housing stock in a lake-oriented community characterized by compact development patterns and constrained infrastructure. Development within the MH District shall occur as a unified, planned residential environment under single ownership or management, with coordinated internal circulation, utilities, open space, and buffering. Performance-based standards and site plan review are intended to ensure compatibility with surrounding land uses, protect Buckeye Lake and related natural resources, and ensure that development intensity and infrastructure demands are appropriate to site conditions and available public services.

(b) Uses

- (1) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter 1020.
- (2) Uses Restricted. No building or land within the Urban Neighborhood (UN) shall be used for any purpose other than for a purpose included in the list of allowed uses below. Additional use regulations of Chapter 1020 shall apply.

TABLE 1010.05(A): UN ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1020.03
General Right-of-Way	1020.04
Parks and Preserves	1020.05
Accessory	1020.06
Temporary	1020.07
Manufactured or Mobile Home Park	1020.23
Short-Term Rental	1020.24
ALLOWED BY CONDITIONAL USE APPROVAL	
Recreational	1020.08

ZONING DISTRICTS

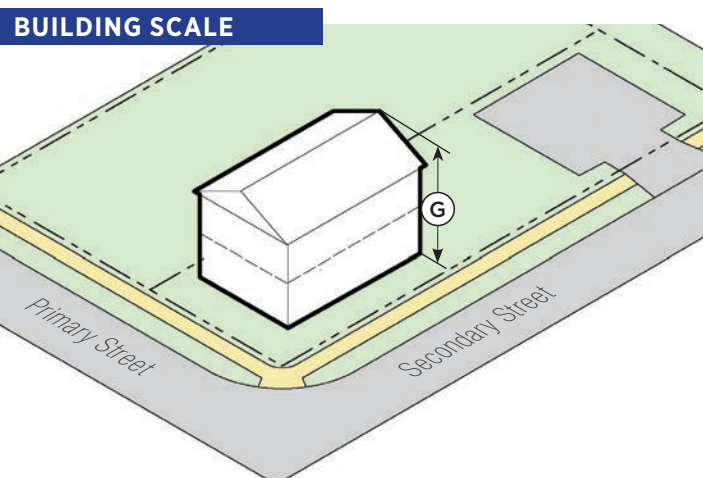
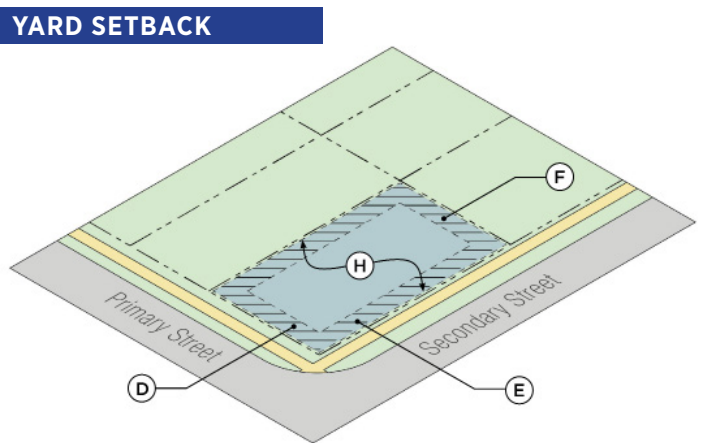
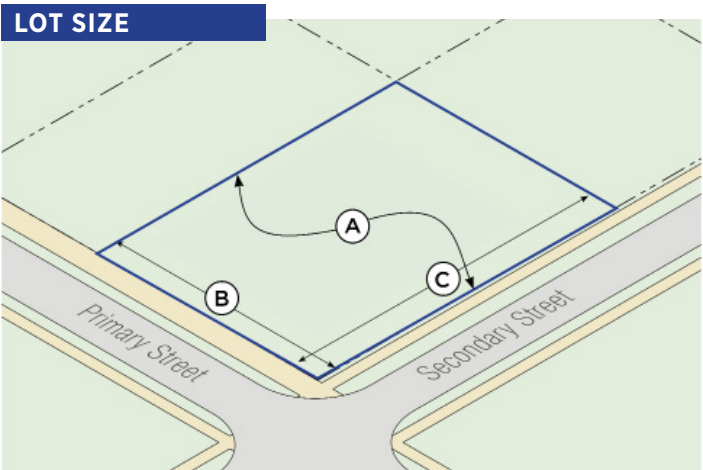
(c) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

TABLE 1010.05 (B): UN BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS (4)		
Lot Area	3,600 sq. ft. min. (4) (5)	A
Lot Width	NA	B
Lot Depth	NA	C
YARD SETBACK STANDARDS		
Front Yard Setback	35 ft. min	D
Side Yard Setback	20 ft. min	E
Rear Yard Setback	20 ft. min	F
BUILDING SCALE STANDARDS		
Building Height	NA	G
Lot Coverage	70 percent max.	H

NOTES		
(1) See Section 1010.03 (f), Context Average. Where no context average can be determined due to lack of appropriate benchmarks the front setback shall be 20 feet minimum.		
(2) Detached garages may be located at minimum of 2.5 feet from the rear lot line.		
(3) Setback measured from the fascia board or the edge of the roof overhang.		
(4) See Section 1040.06 Single Nonconforming Lots of Record or Legacy Lots for the allowance that applies even if the lot does not meet the current minimum lot area or lot width requirements.		
(5) See Section 1020.23: Manufactured or Mobile Home Park Uses for additional standards.		



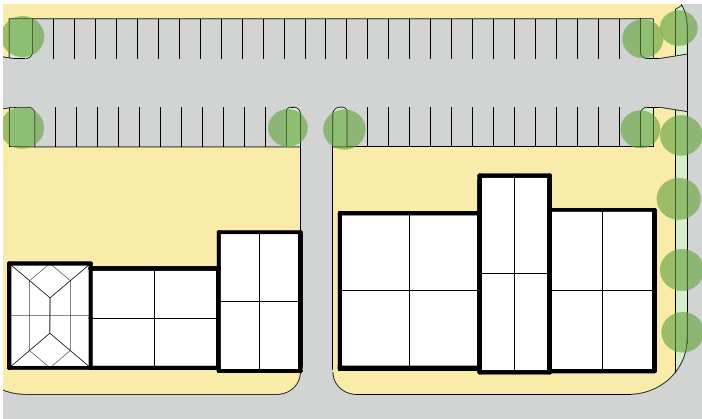
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ZONING DISTRICTS

FIGURE 1010.05: VILLAGE CENTER (VC) DISTRICT MAP



1010.0 6: Village Center (VC)



(a) Intent

The Village Center (VC) District is designed to cultivate a vibrant, walkable community hub that serves as a focal point for commerce, civic life, and social interaction. This district emphasizes mixed-use development that integrates residential, retail, and community services within a compact, pedestrian-friendly area, creating a lively village atmosphere. The VC district prioritizes development that reflects the unique character of the area, enhances local business opportunities, and promotes community engagement. Buildings are typically low- to mid-rise, maintaining a scale that aligns with the village's character. Density standards support a compact design that promotes walkability. Streetscape elements, such as wide sidewalks, seating areas, decorative lighting, and landscaping, create an inviting, accessible environment for pedestrians and cyclists. Parking is minimized in visible areas and often located behind buildings or in shared lots.

(b) Uses

- (1)** Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter 1020.
- (2)** Uses Restricted. No building or land within the Village Neighborhood (VN) shall be used for any purpose other than for a purpose included in the list of allowed uses below. Additional use regulations of Chapter 1020 shall apply.

TABLE 1010.06 (A): VC ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1020.03
General Right-of-Way	1020.04
Parks and Preserves	1020.05
Accessory	1020.06
Temporary	1020.07
Civic and Institutional	1020.09
Single-Unit Residential	1020.10
Two-Unit Residential	1020.11
Three-to-Eight-Unit Residential	1020.12
Neighborhood Commercial	1020.14
Artisanal Industrial	1020.17
ALLOWED BY CONDITIONAL USE APPROVAL	
Recreational	1020.08
Short-Term Rental	1020.24

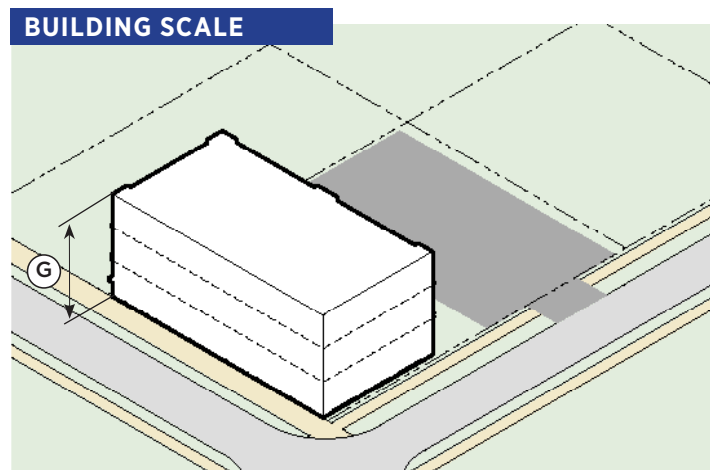
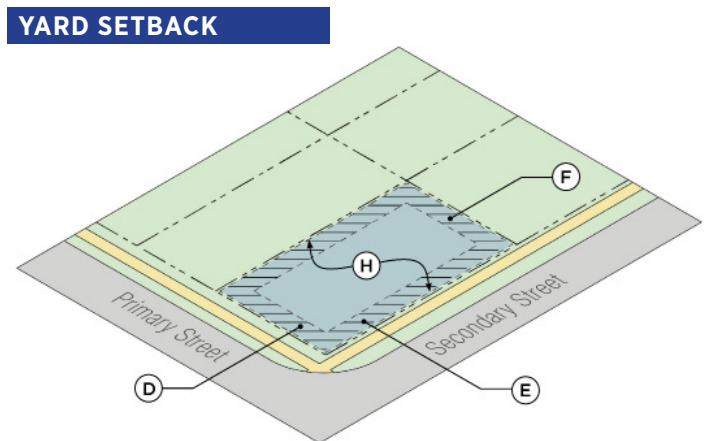
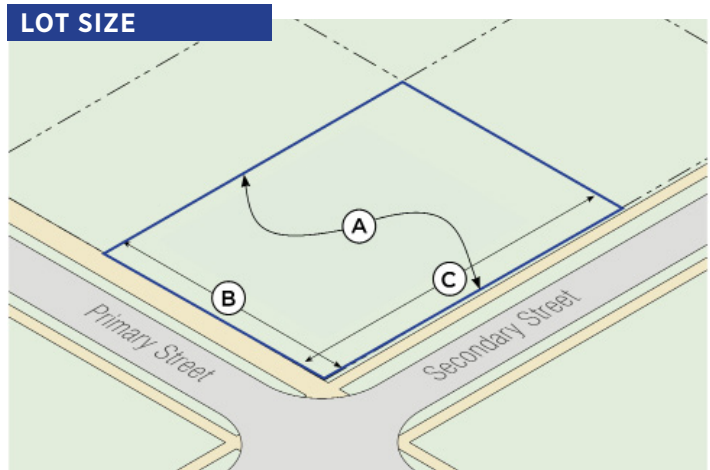
ZONING DISTRICTS

(c) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

TABLE 1010.06 (B): VC BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS		
Lot Area	1,000 sq. ft. min. (3)	(A)
Lot Width	20 ft. min. (3)	(B)
Lot Depth	50 ft. min.	(C)
YARD SETBACK STANDARDS		
Front Yard Setback	0' min.; 15' max	(D)
Side Yard Setback	A side yard setback is required on each of two sides of the building; 5 ft. min. per side (2)	(E)
Rear Yard Setback	20 ft. min. (1)	(F)
BUILDING SCALE STANDARDS		
Building Height	50 ft. max. for buildings on the northern side of Walnut Road and 35 ft. max. for buildings on the southern side of Walnut Road; 18 ft. max. for detached accessory structures	(G)
Lot Coverage	90 percent max.	(H)
NOTES		
<p>(1) Detached garages may be located within 2.5 feet from the rear lot line.</p> <p>(2) Setback measured from the fascia board or the edge of the roof overhang.</p> <p>(3) See Section 1040.06 Single Nonconforming Lots of Record or Legacy Lots for the allowance that applies even if the lot does not meet the current minimum lot area or lot width requirements.</p>		



(e) Typologies

- (1) The following Building, Frontage, Street, and Open Space Typologies are permitted. More detailed descriptions are found in Sections 1010.14 to 1010.16.

TABLE 1010.06(C): VC TYPOLOGIES TABLE

ALLOWED TYPOLOGIES	REFERENCE
BUILDING TYPOLOGIES	
Attached Single Unit Building	1010.14 (B)
Duplex Building	1010.14 (C)
Multi-Unit Building	1010.14 (D)
Small Flex Retail Building	1010.14 (F)
Medium Flex Retail Building	1010.14 (G)
Institutional Flex Building	1010.14 (I)
Primary School Building	1010.14 (J)
School and Institutional Building	1010.14 (K)
Bed and Breakfast Building	1010.14 (L)
Office Building	1010.14 (N)
Assembly Use Building	1010.14 (S)
Maker Space or Live-Work Units	1010.14 (T)
FRONTAGE TYPOLOGIES	
Shopfront	1010.15 (A)
Patio	1010.15 (B)
Gallery	1010.15 (C)
Arcade	1010.15 (D)
Yard	1010.15 (E)
Terrace	1010.15 (F)
Forecourt	1010.15 (G)
Streetwall	1010.15 (H)
Porch	1010.15 (I)
Stoop	1010.15 (J)
OPEN SPACE TYPOLOGIES	
Greenway / Trail	1010.16 (A)
Plaza	1010.16 (B)
Square	1010.16 (C)
Green	1010.16 (D)
Passage	1010.16 (E)
Pocket Plaza	1010.16 (F)
Green Infrastructure	1010.16 (H)

(d) Additional Regulations

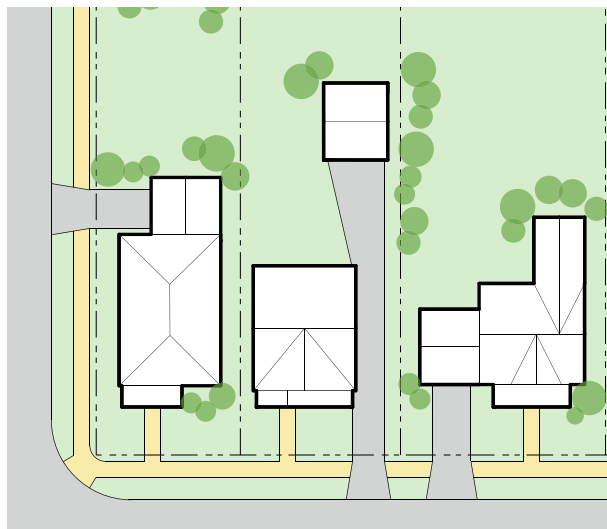
- (1) **Parking Location.** No parking areas shall be provided between a building and the street. All parking areas shall be located to the rear or to the side of a building and be screened from all streets or other public rights-of-way. Screening shall include a row of densely planted shrubs and trees at least four (4) feet in height, opaque fencing or decorative perimeter walls.
- (2) **Building Entrances.** The primary entrance of any building shall be oriented toward the street or other public right-of-way. Any entrances provided to rear parking areas shall be considered a secondary entrance. The primary entrance shall be accessible for public use at all times of the day and all days of the week that the secondary entrance is accessible for public use.
- (3) **Sidewalks and Walkways.** All business entrances must be connected along an efficient path to public sidewalk system via designated walkway. Designated walkways must be painted, paved, raised, or otherwise differentiated from vehicle use areas.
- (4) **Curb Cuts.** No new curb cuts may be installed along Walnut Road unless no shared access is available to the lot and the curb cut is approved by a designee of the Planning and Zoning Department.
- (5) **Refuse Storage.** Outdoor refuse storage areas shall not be located between the street and the front street wall of a building. All outdoor refuse areas must be screened within a structure constructed of concrete masonry, brick, wood, or other rigid building material that is not greater than eight (8) feet in height.
- (6) **Generally Applicable Regulations.** In addition to the provisions of this section, the provisions of Chapter 1030 Generally Applicable Regulations shall also apply. These provisions govern elements including: Parking and Loading Standards; Signage; Landscaping and Buffers. In the event of conflicting regulations, the regulations of this chapter shall apply.

ZONING DISTRICTS

FIGURE 1010.07: LAKEFRONT NEIGHBORHOOD (LN) DISTRICT MAP



1010.07: Lakefront Neighborhood (LN)

**(a) Intent**

The Lakefront Neighborhood (LN) district is intended to protect and enhance the natural, recreational, and scenic qualities of lakefront areas while supporting compatible residential and commercial development. This district promotes responsible development that respects the unique environmental characteristics of the waterfront and is designed to ensure that the lakefront remains accessible to the public. Public spaces and pathways are prioritized to enhance community enjoyment and promote year-round outdoor activity. The district supports a thoughtful mix of uses, including residential, recreational, and small-scale commercial and service-oriented businesses. Developments in the district should preserve scenic views and maintain a cohesive architectural character that complements the natural landscape.

(b) Uses

- (1)** Number of Uses per Lot. No more than one (1) principal use is permitted per lot in the Lakefront Neighborhood District (LN).
- (2)** Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter 1020.
- (3)** Uses Restricted. No building or land within the Lakefront Neighborhood District (LN) shall be used for any purpose other than for a purpose included in the list of allowed uses below. Additional use regulations of Chapter 1020 shall apply.

TABLE 1010.07 (A): LN ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1020.03
General Right-of-Way	1020.04
Parks and Preserves	1020.05
Accessory	1020.06
Temporary	1020.07
Civic and Institutional	1020.09
Single-Unit Residential	1020.10
Two-Unit Residential	1020.11
Three-to-Eight-Unit Residential	1020.12
ALLOWED BY CONDITIONAL USE APPROVAL	
Recreational	1020.08
Nine-Plus-Unit Residential	1020.13
Short-Term Rental	1020.24

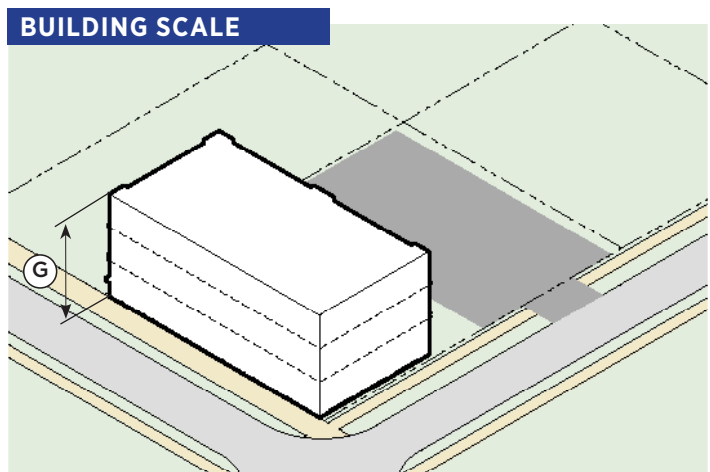
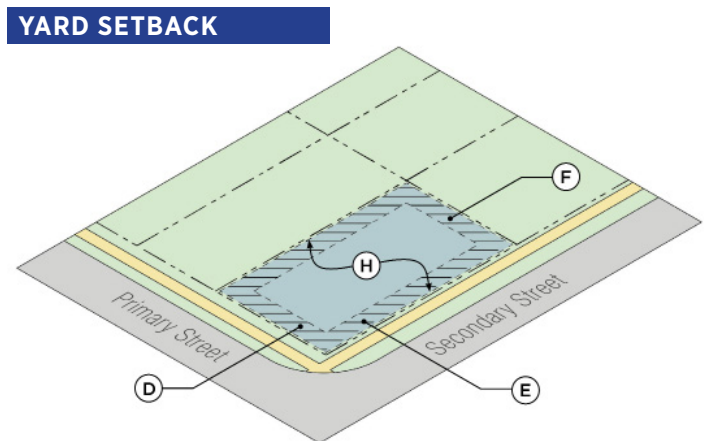
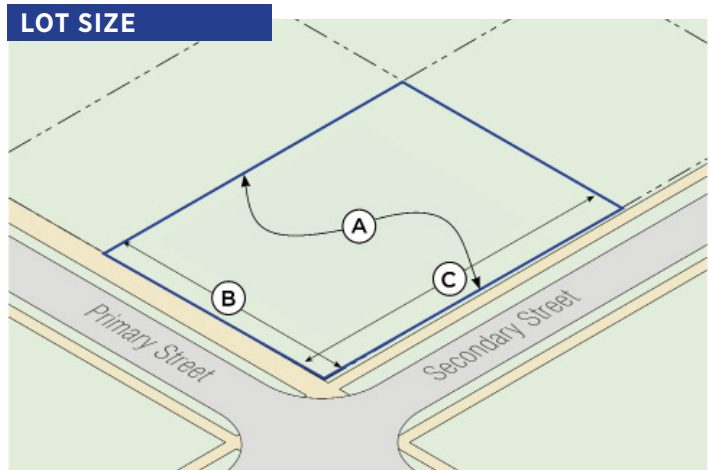
ZONING DISTRICTS

(c) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

TABLE 1010.07 (B): LN BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS		
Lot Area	1,500 sq. ft. min. (3)	(A)
Lot Width	25 ft. min. (3)	(B)
Lot Depth	55 ft. min.	(C)
YARD SETBACK STANDARDS		
Front Yard Setback	Context Average(1)	(D)
Side Yard Setback	A side yard setback is required on each of two sides of the building; 5 ft. min. per side (2)	(E)
Rear Yard Setback	5 ft. min.	(F)
BUILDING SCALE STANDARDS		
Building Height	30 ft. max.	(G)
Lot Coverage	100 percent max.	(H)
NOTES		
(1) See Section 1010.03 (f), Context Average. Where no context average can be determined due to lack of appropriate benchmarks the front setback shall be 15 feet minimum. (2) Setback measured from the fascia board or the edge of the roof overhang. (3) See Section 1040.06 Single Nonconforming Lots of Record or Legacy Lots for the allowance that applies even if the lot does not meet the current minimum lot area or lot width requirements.		



(d) Typologies

- (1) The following Building, Frontage, Street, and Open Space Typologies are permitted. More detailed descriptions are found in Sections 1010.14 to 1010.16.

TABLE 1010.07 (C): LN TYPOLOGIES TABLE

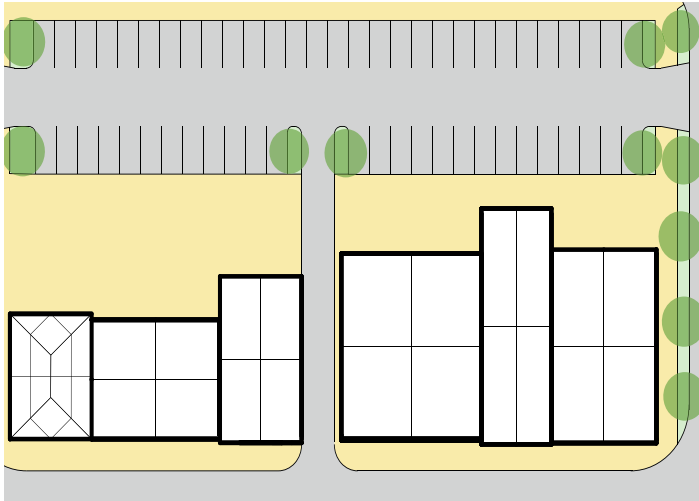
ALLOWED TYPOLOGIES	REFERENCE
BUILDING TYPOLOGIES	
Detached Single-Unit Building (Suburban)	1010.14 (A1)
Detached Single-Unit Building (Traditional)	1010.14 (A2)
Attached Single Unit Building	1010.14 (B)
Duplex Building	1010.14 (C)
Multi-Unit Building	1010.14 (D)
Multi-Unit Building Complex	1010.14 (E)
Small Flex Retail Building	1010.14 (F)
Medium Flex Retail Building	1010.14 (G)
Bed and Breakfast Building	1010.14 (L)
Community Center Building	1010.14 (M)
Maker Space or Live-Work Units	1010.14 (T)
FRONTAGE TYPOLOGIES	
Shopfront	1010.15 (A)
Patio	1010.15 (B)
Terrace	1010.15 (F)
Streetwall	1010.15 (H)
OPEN SPACE TYPOLOGIES	
Greenway /Trail	1010.16 (A)
Passage	1010.16 (E)
Pocket Plaza	1010.16 (F)
Green Infrastructure	1010.16 (H)

ZONING DISTRICTS

FIGURE 1010.08: LAKEFRONT MIXED-USE (LM) DISTRICT MAP



1010.08: Lakefront Mixed-Use (LM)

**(a) Intent**

The Lakefront Mixed-Use (LM) District is established to guide development and reinvestment along the Buckeye Lake shoreline in a manner that enhances the Village's identity as a lakefront community and year-round destination. The district is intended to encourage a complementary mix of residential, retail, dining, lodging, and recreational uses that activate the waterfront and strengthen the connection between the lake, the Village core, and surrounding neighborhoods. Development within the LM District should be compact, walkable, and designed at a village scale that supports pedestrians while accommodating seasonal activity and tourism. Buildings should be oriented toward streets and public spaces, with active ground-floor uses, upper-story housing or office opportunities, and design features that reflect Buckeye Lake's architectural and maritime character. Streetscape and open space improvements should promote visual and physical access to the lake, enhance public gathering areas, and preserve important view corridors. The district encourages high-quality design, mixed-use redevelopment, and adaptive reuse of existing structures while ensuring that new construction respects the scale, form, and natural setting of the Buckeye Lake shoreline.

(b) Uses

- (1)** Number of Uses per Lot. No more than one (1) principal use is permitted per lot in the Urban Neighborhood (UN) District.
- (2)** Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter 1020.
- (3)** Uses Restricted. No building or land within the Urban Neighborhood (UN) shall be used for any purpose other than for a purpose included in the list of allowed uses below. Additional use regulations of Chapter 1020 shall apply.

TABLE 1010.08 (A): UN ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1020.03
General Right-of-Way	1020.04
Parks and Preserves	1020.05
Accessory	1020.06
Temporary	1020.07
Civic and Institutional	1020.09
Single-Unit Residential	1020.10
Two-Unit Residential	1020.11
Three-to-Eight-Unit Residential	1020.12
Neighborhood Commercial	1020.14
Artisanal Industrial	1020.17
Sort-Term Rental	1020.24
Artisanal Industrial	
Recreational	1020.08
Regional Commercial	1020.15

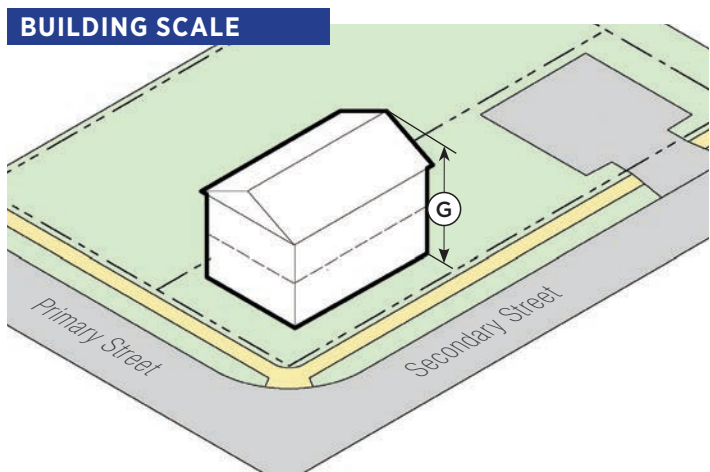
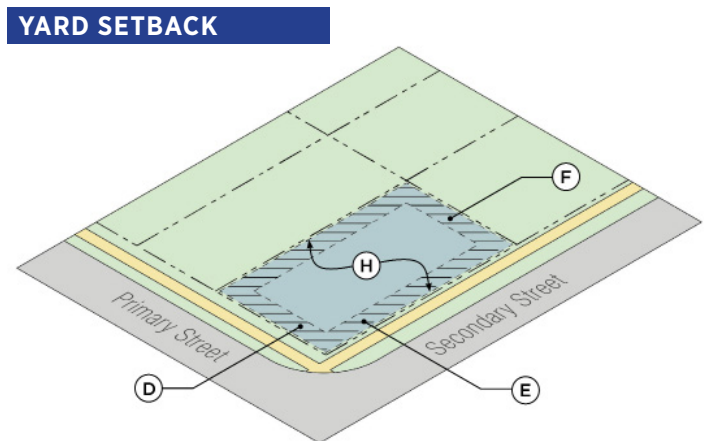
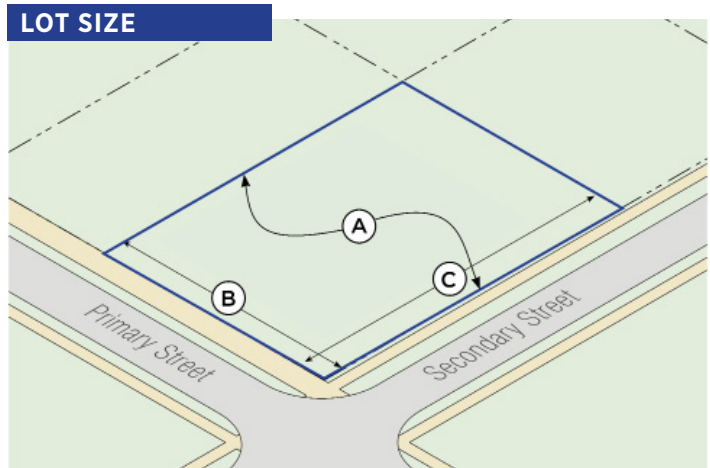
ZONING DISTRICTS

(c) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

TABLE 1010.08 (B): LM BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS (4)		
Lot Area	1,000 sq. ft. min. (2)	(A)
Lot Width	20 ft. min. (2)	(B)
Lot Depth	50 ft. min	(C)
YARD SETBACK STANDARDS		
Front Yard Setback	5' min; 20 max	(D)
Side Yard Setback	A side yard setback is required on each of two sides of the building; 5 ft. min. per side (1)	(E)
Rear Yard Setback	20 ft. min. (2)	(F)
BUILDING SCALE STANDARDS		
Building Height	35 ft. max.	(G)
Lot Coverage	90 percent max.	(H)
NOTES		
(1) Setback measured from the fascia board or the edge of the roof overhang.		
(2) See Section 1040.06 Single Nonconforming Lots of Record or Legacy Lots for the allowance that applies even if the lot does not meet the current minimum lot area or lot width requirements.		



(d) Typologies

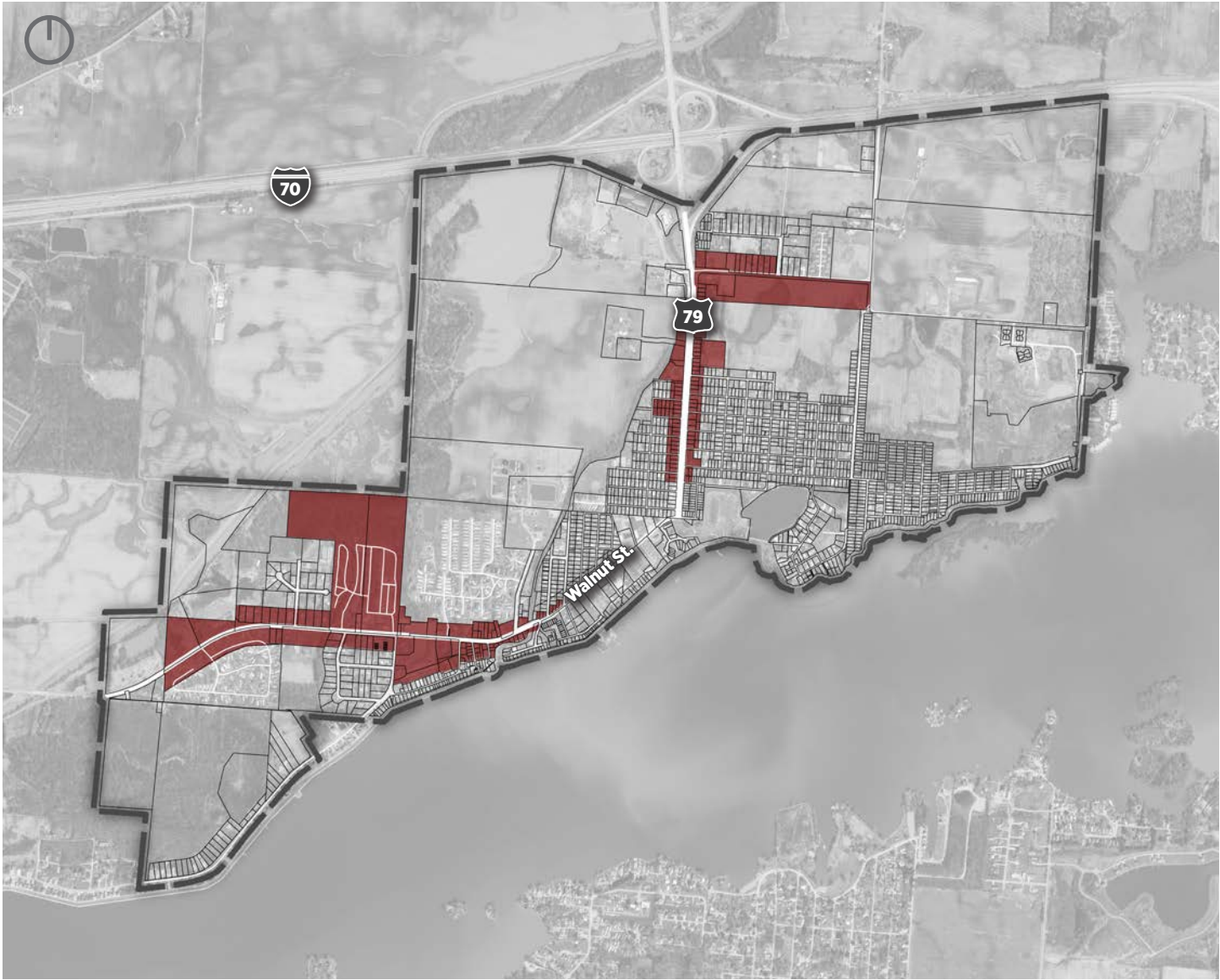
- (1) The following Building, Frontage, Street, and Open Space Typologies are permitted. More detailed descriptions are found in Sections 1010.14 to 1010.16.

TABLE 1010.08(C): LM TYPOLOGIES TABLE

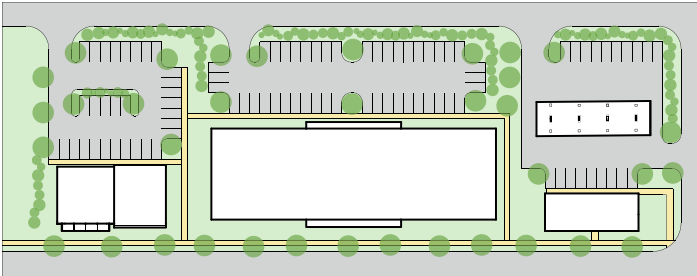
ALLOWED TYPOLOGIES	REFERENCE
BUILDING TYPOLOGIES	
Detached Single Unit Building	1010.14 (A)
Attached Single Unit Building	1010.14 (B)
Duplex Building	1010.14 (C)
Multi-Unit Building	1010.14 (D)
Small Flex Retail Building	1010.14 (F)
Institutional Flex Building	1010.14 (I)
Primary School Building	1010.14 (J)
School and Institutional Building	1010.14 (K)
Bed and Breakfast Building	1010.14 (L)
Assembly Use Building	1010.14 (S)
Maker Space or Live-Work Units	1010.14 (T)
FRONTAGE TYPOLOGIES	
Shopfront	1010.15 (A)
Patio	1010.15 (B)
Gallery	1010.15 (C)
Arcade	1010.15 (D)
Yard	1010.15 (E)
Terrace	1010.15 (F)
Forecourt	1010.15 (G)
Streetwall	1010.15 (H)
Porch	1010.15 (I)
Stoop	1010.15 (J)
OPEN SPACE TYPOLOGIES	
Greenway / Trail	1010.16 (A)
Plaza	1010.16 (B)
Square	1010.16 (C)
Green	1010.16 (D)
Passage	1010.16 (E)
Pocket Plaza	1010.16 (F)
Green Infrastructure	1010.16 (H)

ZONING DISTRICTS

FIGURE 1010.08: CORRIDOR (CO) DISTRICT MAP



1010.09: Corridor (CO)



(a) Intent

The Corridor (CO) District is established to promote organized, safe, and visually appealing development along a major transportation route. This district serves as a gateway to the community, balancing commercial activity, transportation efficiency, and aesthetic standards to enhance the experience of residents, businesses, and visitors. The district is designed to support mixed-use and commercial development that leverages high-visibility locations while minimizing traffic congestion and preserving the corridor's visual character.

(b) Uses

- (1) Number of Uses per Lot. More than one (1) principal use is permitted per building in the Corridor (CO) District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter 1020.
- (3) Uses Restricted. No building or land within the Corridor (CO) District shall be used for any purpose other than for a purpose included in the list of allowed uses below. Additional use regulations of Chapter 1020 shall apply.

TABLE 1010.09 (A): CO ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1020.03
General Right-of-Way	1020.04
Parks and Preserves	1020.05
Accessory	1020.06
Temporary	1020.07
Civic and Institutional	1020.09
Single-Unit Residential	1020.10
Two-Unit Residential	1020.11
Three-to-Eight-Unit Residential	1020.12
Nine-Plus-Unit Residential	1020.13
Neighborhood Commercial	1020.14
Artisanal Industrial	1020.17
Light Industrial	1020.18
ALLOWED BY CONDITIONAL USE APPROVAL	
Recreational	1020.08
Regional Commercial	1020.15
Vehicle-Oriented	1020.16
Recreational Vehicle Park	1020.25

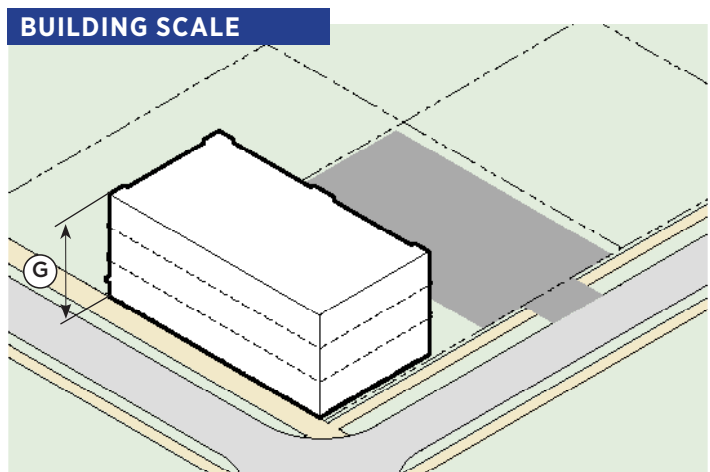
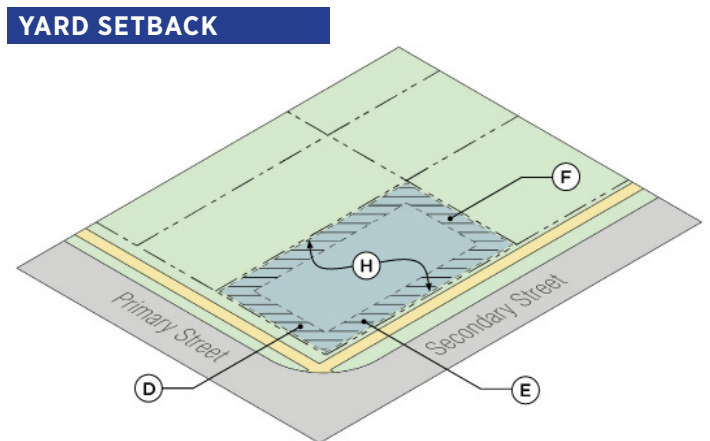
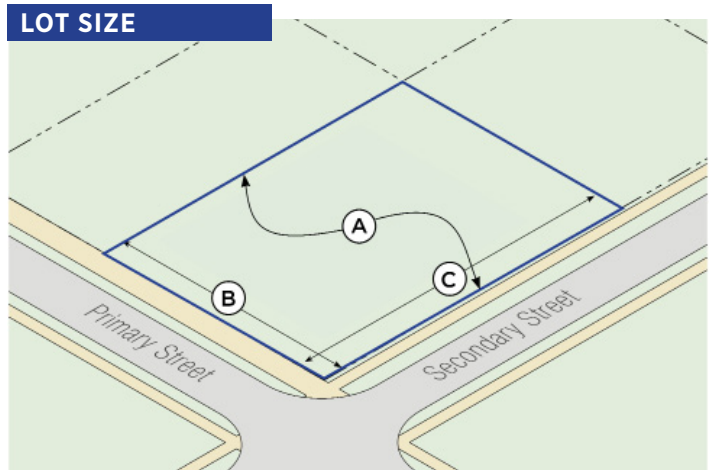
ZONING DISTRICTS

(c) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

TABLE 1010.09 (B): CO BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS		
Lot Area	4,500 sq. ft. min.	(A)
Lot Width	35 ft. min.	(B)
Lot Depth	NA	(C)
YARD SETBACK STANDARDS		
Front Yard Setback	5 ft. min.; 15 ft. max.	(D)
Side Yard Setback	A side yard setback is required on each of two sides of the building; 5 ft. min. (1)	(E)
Rear Yard Setback	20 ft. min.	(F)
BUILDING SCALE STANDARDS		
Building Height	45 ft. max.	(G)
Lot Coverage	75 percent max.	(H)
NOTES		
(1) Setback measured from the fascia board or the edge of the roof overhang.		



(d) Typologies

- (1) The following Building, Frontage, Street, and Open Space Typologies are permitted. More detailed descriptions are found in Sections 1010.14 to 1010.16.

TABLE 1010.09 (C): CO TYPOLOGIES TABLE

ALLOWED TYPOLOGIES	REFERENCE
BUILDING TYPOLOGIES	
Attached Single Unit Building	1010.14 (B)
Duplex Building	1010.14 (C)
Multi-Unit Building	1010.14 (D)
Multi-Unit Complex	1010.14 (E)
Small Flex Retail Building	1010.14 (F)
Medium Flex Retail Building	1010.14 (G)
Large Flex Retail Building	1010.14 (H)
Institutional Flex Building	1010.14 (I)
Primary School Building	1010.14 (J)
School and Institutional Building	1010.14 (K)
Bed and Breakfast Building	1010.14 (L)
Community Center Building	1010.14 (M)
Office Building	1010.14 (N)
Office-Corporate Building	1010.10 (O)
Assembly Use Building	1010.14 (S)
Maker Space or Live-Work Units	1010.14 (T)
FRONTAGE TYPOLOGIES	
Shopfront	1010.15 (A)
Patio	1010.15 (B)
Gallery	1010.15 (C)
Arcade	1010.15 (D)
Terrace	1010.15 (F)
Streetwall	1010.15 (H)
OPEN SPACE TYPOLOGIES	
Greenway / Trail	1010.16 (A)
Plaza	1010.16 (B)
Square	1010.16 (C)
Green	1010.16 (D)
Passage	1010.16 (E)
Pocket Plaza	1010.16 (F)
Green Infrastructure	1010.16 (H)

ZONING DISTRICTS

(e) Additional Regulations

- (1) **Parking Location.** Parking areas shall be located primarily to the rear or to the side of a building, except that up to one (1) parking space per twenty (20) feet of lot width may be located in the front of a building. For example, if a lot is one hundred (100) feet wide, it may have up to five (5) off-street parking spaces located in front of the building, with all other parking spaces located to the side or rear of the building
- (2) **Building Entrances.** The primary entrance of any building shall be oriented toward the street or other public right-of-way. Any entrances provided to rear parking areas shall be considered a secondary entrance. The primary entrance shall be accessible for public use at all times of the day and all days of the week that the secondary entrance is accessible for public use.
- (3) **Sidewalks and Walkways.** All business entrances must be connected along an efficient path to public sidewalk system via designated walkway. Designated walkways must be painted, paved, raised, or otherwise differentiated from vehicle use areas.
- (4) **Curb Cuts.** No new curb cuts may be installed unless no shared access is available to the lot and the curb cut is approved by a designee of the Planning and Zoning Department.
- (5) **Screening.** Any outdoor storage of materials, utilities, mechanical equipment, and refuse storage areas shall not be located between the street and the front street wall of a building, and shall be screened from view of any street or public right-of-way.
- (6) **Design Considerations**
 - a. **Commercial Uses.** For any building containing commercial uses, the commercial portion of a building must architecturally address the corridor through the use of building elements including entrances and access, windows, signage, and other architectural features. Any areas used for processing, storage, shipments or other building elements that are operational in nature must be located to the rear of the building or property, with such operations screened from the primary corridor.
- (7) **Generally Applicable Regulations.** In addition to the provisions of this section, the provisions of Chapter 1030 Generally Applicable Regulations shall also apply. These provisions govern elements including: Parking and Loading Standards; Signage; Landscaping and Buffers. In the event of conflicting regulations, the regulations of this chapter shall apply.

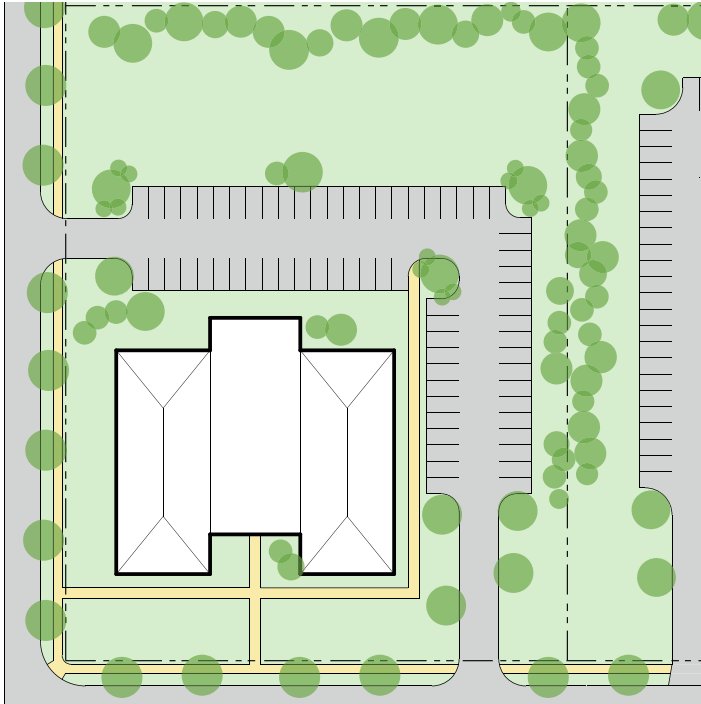
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ZONING DISTRICTS

FIGURE 1010.10: EMPLOYMENT (EM) DISTRICT MAP



1010.10: Employment (EM)



(a) Intent

The Employment (EM) District is intended to foster a adaptive environment that supports a mix of employment-based uses. This district accommodates businesses and organizations across a range of sectors, including light industrial, office, research, and limited retail, in a manner that balances economic development with community standards. By allowing flexible use configurations, the EM district encourages innovation, sustainability, and compatibility with surrounding areas, while providing a high-quality working environment for diverse business needs. The district's design standards prioritize efficient land use, support for modern infrastructure, and adaptability to changing market demands.

(b) Uses

- (1) Number of Uses per Lot. More than one (1) principal use is permitted per lot or building in the Employment Flex District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter 1020.
- (3) Uses Restricted. No building or land within the Employment (EM) District shall be used for any purpose other than for a purpose included in the list of allowed uses below. Additional use regulations of Chapter 1020 shall apply.

TABLE 1010.10 (A): EM ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1020.03
General Right-of-Way	1020.04
Parks and Preserves	1020.05
Accessory	1020.06
Temporary	1020.07
Vehicle-Oriented	1020.16
Artisanal Industrial	1020.17
Light Industrial	1020.18
ALLOWED BY CONDITIONAL USE APPROVAL	
Recreational	1020.08
Neighborhood Commercial	1020.14
Regional Commercial	1020.15
Outdoor Arena	1020.20
Sexually Oriented	1020.21
Telecommunications Tower	1020.22
Propane Tank Storage	1020.26

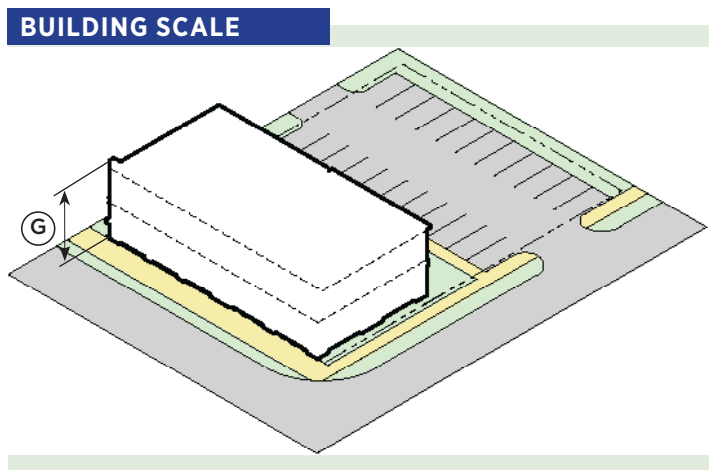
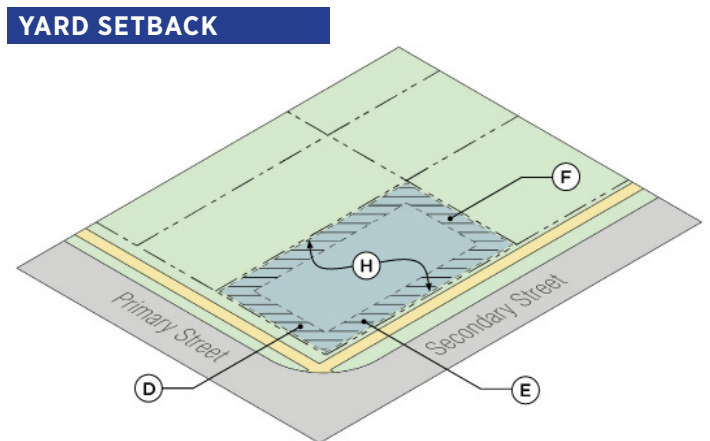
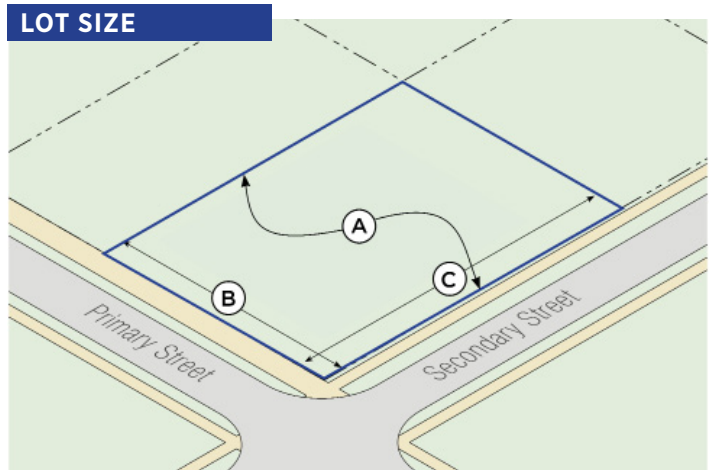
ZONING DISTRICTS

(c) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

TABLE 1010.10 (B): EM BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS		
Lot Area	5,000 sq. ft. min.	(A)
Lot Width	100 ft. min.	(B)
Lot Depth	NA	(C)
YARD SETBACK STANDARDS		
Front Yard Setback	25 ft. min.; 50 ft. max.	(D)
Side Yard Setback	A side yard setback is required on each of two sides of the building; 15 ft. min.	(E)
Rear Yard Setback	15 ft. min.	(F)
BUILDING SCALE STANDARDS		
Building Height	50 ft. max.	(G)
Lot Coverage	NA	(H)
NOTES		



(d) Typologies

- (1) The following Building, Frontage, Street, and Open Space Typologies are permitted. More detailed descriptions are found in Sections 1010.14 to 1010.16.

TABLE 1010.10 (C): EM TYPOLOGIES TABLE

ALLOWED TYPOLOGIES	REFERENCE
BUILDING TYPOLOGIES	
Multi-Unit Building	1010.14 (D)
Multi-Unit Complex	1010.14 (E)
Small Flex Retail Building	1010.14 (F)
Medium Flex Retail Building	1010.14 (G)
Large Flex Retail Building	1010.14 (H)
Institutional Flex Building	1010.14 (I)
School and Institutional Building	1010.14 (K)
Office Building	1010.14 (N)
Office-Corporate Building	1010.14 (O)
Retail Large Format Building	1010.14 (P)
Industrial Building	1010.14 (Q)
Assembly Use Building	1010.14 (S)
FRONTAGE TYPOLOGIES	
Shopfront	1010.15 (A)
Patio	1010.15 (B)
Gallery	1010.15 (C)
Arcade	1010.15 (D)
Yard	1010.15 (E)
Terrace	1010.15 (F)
Streetwall	1010.15 (H)
OPEN SPACE TYPOLOGIES	
Greenway / Trail	1010.16 (A)
Plaza	1010.16 (B)
Square	1010.16 (C)
Passage	1010.16 (E)
Pocket Plaza	1010.16 (F)
Green Infrastructure	1010.16 (H)

ZONING DISTRICTS

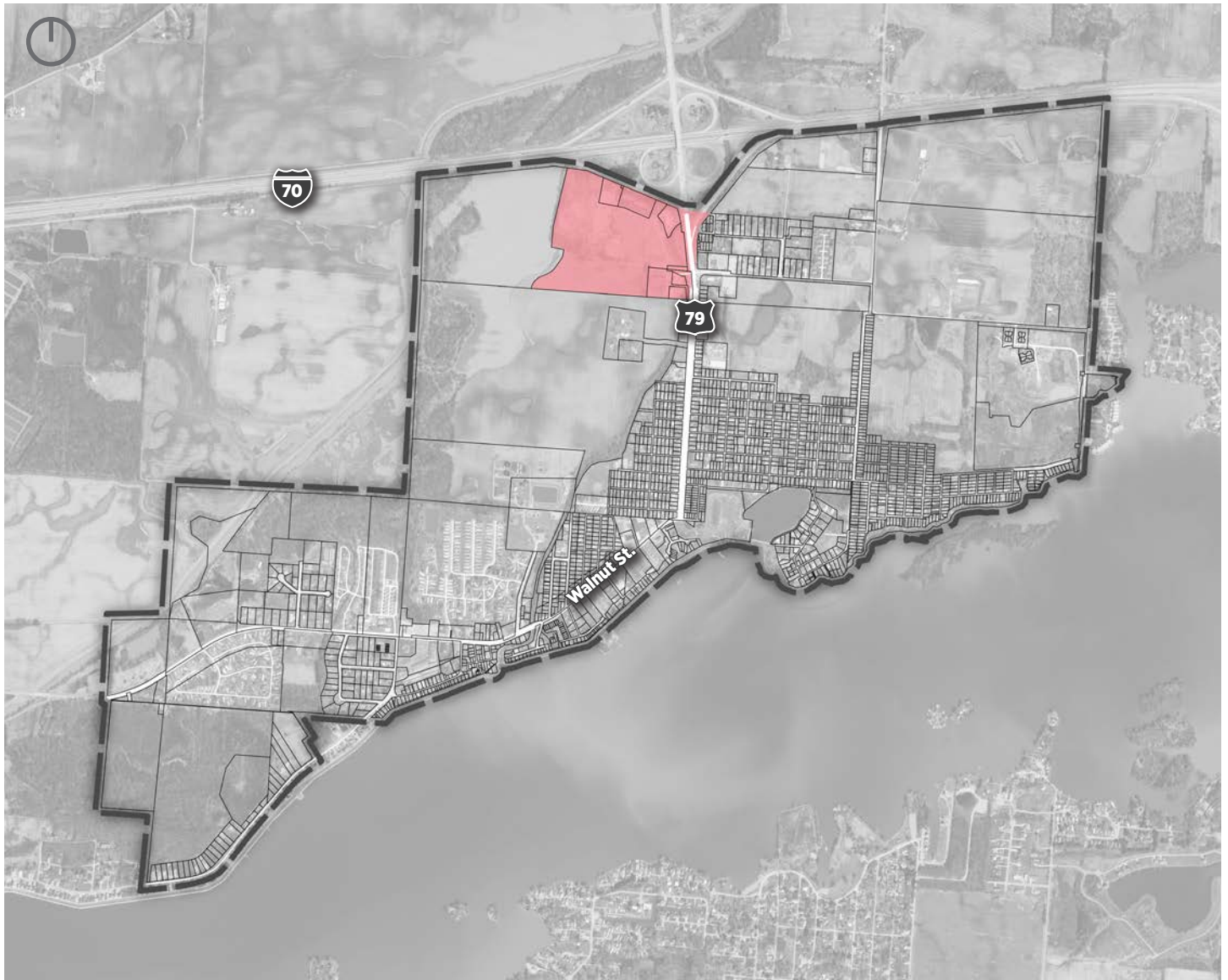
(e) Additional Regulations

- (1) **Parking Location.** No parking areas shall be provided between a building and the street. All parking areas shall be located to the rear or to the side of a building and be screened from all streets or other public rights-of-way. Screening shall include a row of densely planted shrubs and trees at least four (4) feet in height, opaque fencing, or decorative perimeter walls.
- (2) **Building Entrances.** The primary entrance of any building shall be oriented toward the street or other public right-of-way. Any entrances provided to rear parking areas shall be considered a secondary entrance. The primary entrance shall be accessible for public use at all times of the day and all days of the week that the secondary entrance is accessible for public use.
- (3) **Sidewalks and Walkways.** All business entrances must be connected along an efficient path to public sidewalk system via designated walkway. Designated walkways must be painted, paved, raised, or otherwise differentiated from vehicle use areas.
- (4) **Curb Cuts.** No new curb cuts may be installed unless no shared access is available to the lot and the curb cut is approved by the designee of the Planning and Zoning Department .
- (5) **Screening.** Any outdoor storage of materials, utilities, mechanical equipment, and refuse storage areas shall not be located between the street and the front street wall of a building and shall be screened from view of any street or public right-of-way.
- (6) **Design Considerations**
 - a. **Commercial Uses.** For any building containing commercial uses, the commercial portion of a building must architecturally address the street through the use of building elements including entrances and access, windows, signage, and other architectural features. Any areas used for processing, storage, shipments or other building elements that are operational in nature must be located to the rear of the building or property, with such operations screened from the primary corridor.
- (7) **Generally Applicable Regulations.** In addition to the provisions of this section, the provisions of Chapter 1030 Generally Applicable Regulations shall also apply. These provisions govern elements including, but not limited to: Parking and Loading Standards; Signage; Landscaping and Buffers. In the event of conflicting regulations, the regulations of this chapter shall apply.

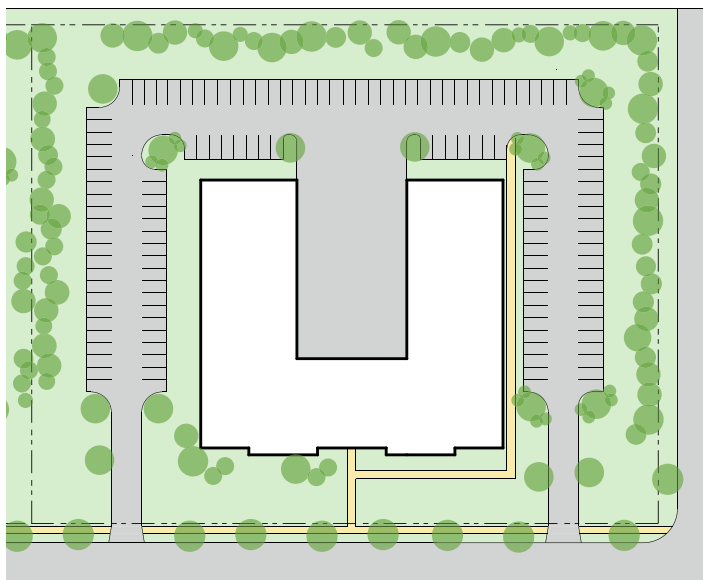
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ZONING DISTRICTS

FIGURE 1010.11: INTERCHANGE COMMERCIAL (IC) DISTRICT MAP



1010.11: Interchange Commercial (IC)

**(a) Intent**

The Interchange Commercial (IC) District intends to incorporate a mix of industrial and office uses, creating economic centers that serve the Village and surrounding communities. The existing development pattern is traditional, auto-oriented retail, commercial, and industrial development. The desired development pattern includes flexible buildings that act as revenue-generating industrial uses, as well as offices and mixed-use commercial spaces. New construction should be well-designed, and site plans should incorporate attractive landscaping, streetscape elements, and signage.

(b) Uses

- (1)** Number of Uses per Lot. More than one (1) principal use is permitted per lot or building in the Interchange Commercial (IC) District.
- (2)** Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter 1020.
- (3)** Uses Restricted. No building or land within the Interchange Commercial (IC) shall be used for any purpose other than for a purpose included in the list of allowed uses below. Additional use regulations of Chapter 1020 shall apply.

TABLE 1010.11 (A): IC ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1020.03
General Right-of-Way	1020.04
Parks and Preserves	1020.05
Accessory	1020.06
Temporary	1020.07
Neighborhood Commercial	1020.14
Regional Commercial	1020.15
Vehicle-Oriented	1020.16
Light Industrial	1020.18
Telecommunications Tower	1020.22
ALLOWED BY CONDITIONAL USE APPROVAL	
Recreational	1020.08
Outdoor Arena	1020.20
Telecommunications Tower	1020.22

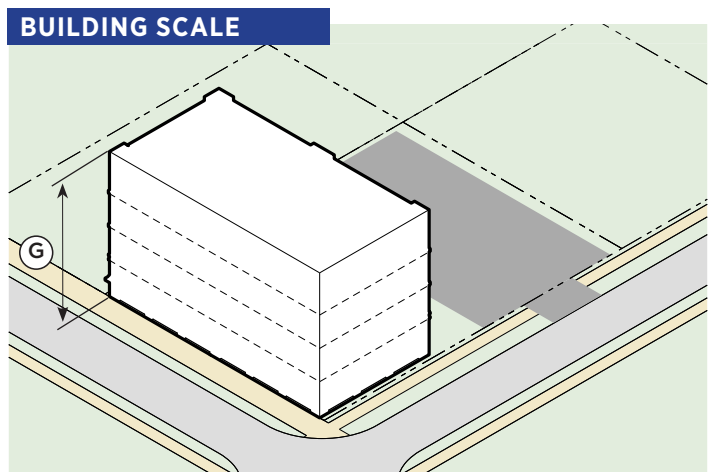
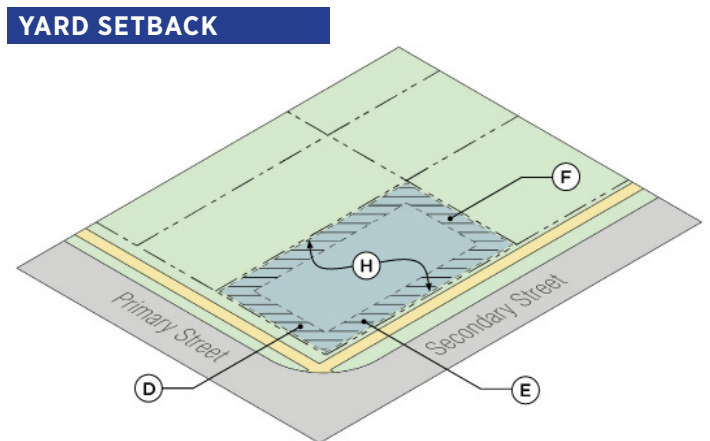
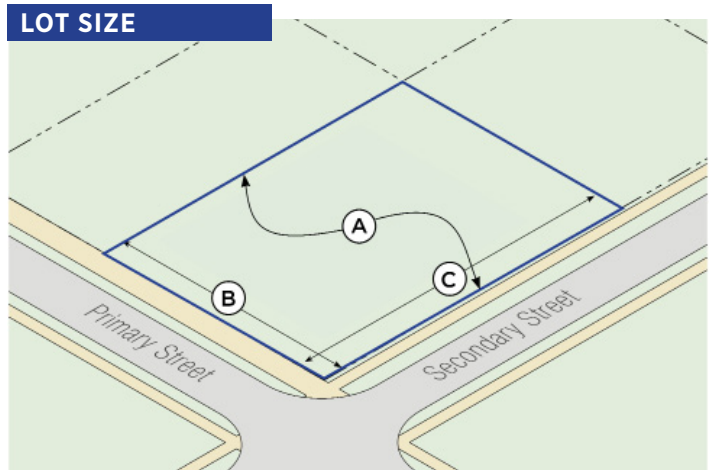
ZONING DISTRICTS

(c) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

TABLE 1010.11 (B): IC BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS		
Lot Area	NA	(A)
Lot Width	100 ft. min.	(B)
Lot Depth	NA	(C)
YARD SETBACK STANDARDS		
Front Yard Setback	25 ft. min.; 50' max.	(D)
Side Yard Setback	A side yard setback is required on each of two sides of the building; 15 ft. min. (1)	(E)
Rear Yard Setback	25 ft. min.	(F)
BUILDING SCALE STANDARDS		
Building Height	65 ft. max.; 40 ft. max. within 50 ft. of a residential district	(G)
Lot Coverage	NA	(H)
NOTES		



(d) Typologies

- (1) The following Building, Frontage, Street, and Open Space Typologies are permitted. More detailed descriptions are found in Sections 1010.14 to 1010.16.

TABLE 1010.11 (C): IC TYPOLOGIES TABLE

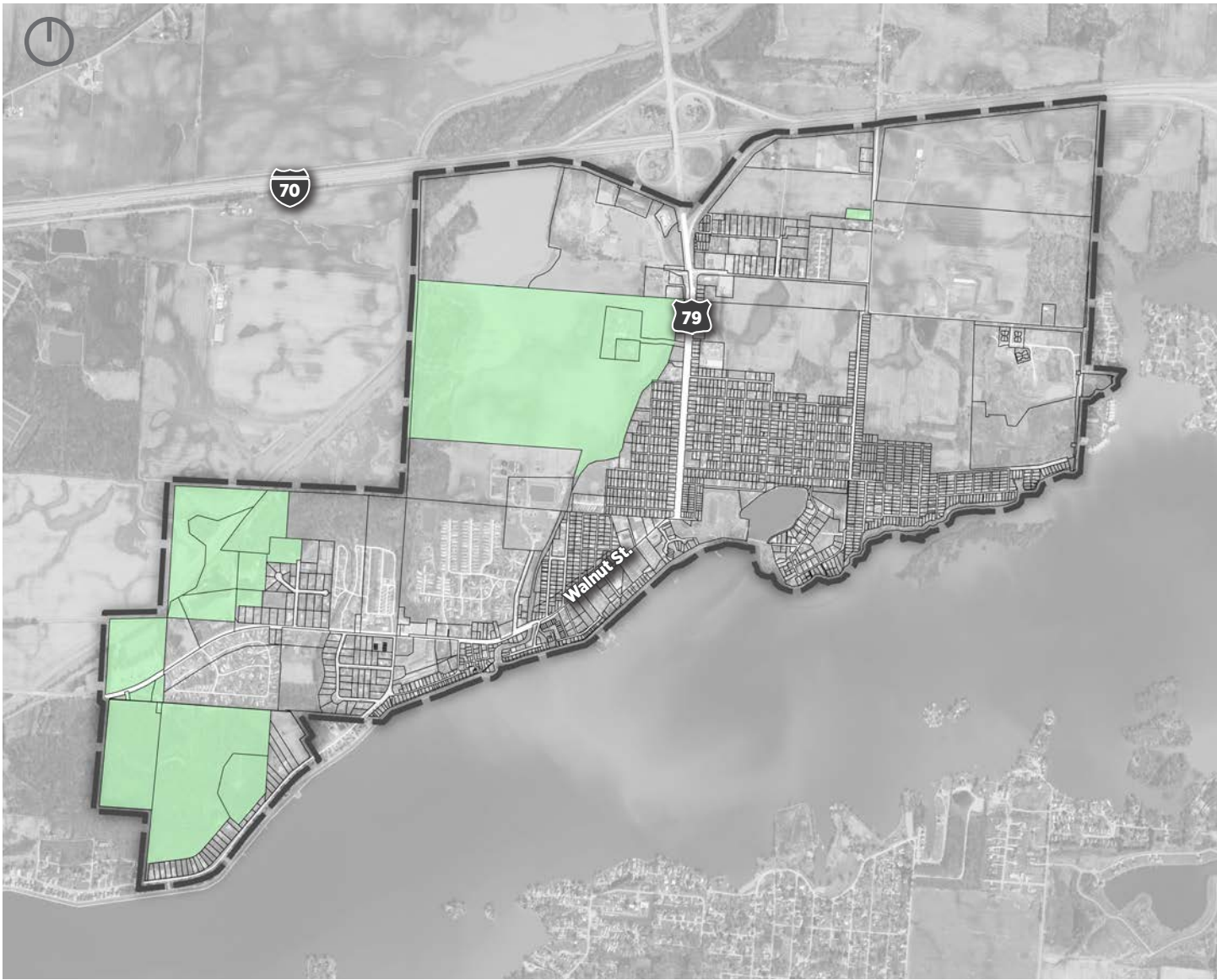
ALLOWED TYPOLOGIES	REFERENCE
BUILDING TYPOLOGIES	
Office Building	1010.14 (N)
Office-Corporate Building	1010.14 (O)
Small Flex Retail	1010.14 (F)
Medium Flex Retail	1010.14 (G)
Large Flex Retail	1010.14 (H)
Industrial Building	1010.14 (Q)
Warehouse Building	1010.14 (R)
Assembly Use Building	1010.14 (S)
FRONTAGE TYPOLOGIES	
Yard	1010.15 (E)
Streetwall	1010.15 (H)
OPEN SPACE TYPOLOGIES	
Greenway / Trail	1010.16 (A)
Green Infrastructure	1010.16 (H)

(e) Additional Regulations

- (1) Screening. Any outdoor storage of materials, utilities, mechanical equipment, and refuse storage areas shall not be located between the street and the front street wall of a building and shall be screened from view of any street or public right-of-way.
- (2) Generally Applicable Regulations. In addition to the provisions of this section, the provisions of Chapter 1030 Generally Applicable Regulations shall also apply. These provisions govern elements including: Parking and Loading Standards; Signage; Landscaping and Buffers. In the event of conflicting regulations, the regulations of this chapter shall apply.
- (3) Development should be environmentally sensitive, including features such as renewable energy, green parking (trees, bioswales, permeable pavers), and multi-modal connections.

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FIGURE 1010.12: RURAL (RU) DISTRICT MAP



1010.12: Rural (RU)



(a) Intent

The purpose of the Rural (RU) District is to preserve the unique character, agricultural viability, and open landscapes of rural areas, while allowing for limited, compatible development that supports rural lifestyles. This district is intended to provide a balance between preserving farmland, supporting natural ecosystems, and accommodating rural residential living and civic and institutional uses in a manner that minimizes conflicts with agricultural activities. Allow for limited commercial and recreational uses that are compatible with rural areas, such as agritourism, outdoor recreation, and small-scale enterprises directly related to agriculture or natural resources.

(b) Uses

- (1) Number of Uses per Lot. More than one (1) principal use is permitted per lot or building in the Rural (RU) District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter 1020.
- (3) Uses Restricted. No building or land within the Rural (RU) shall be used for any purpose other than for a purpose included in the list of allowed uses below. Additional use regulations of Chapter 1020 shall apply.

TABLE 1010.12 (A): RU ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1020.03
General Right-of-Way	1020.04
Parks and Preserves	1020.05
Accessory	1020.06
Temporary	1020.07
Agricultural	1020.19
Recreational	1020.08
Civic and Institutional	1020.09
Single-Unit Residential	1020.10
ALLOWED BY CONDITIONAL USE APPROVAL	
Short-Term Rental	1020.24

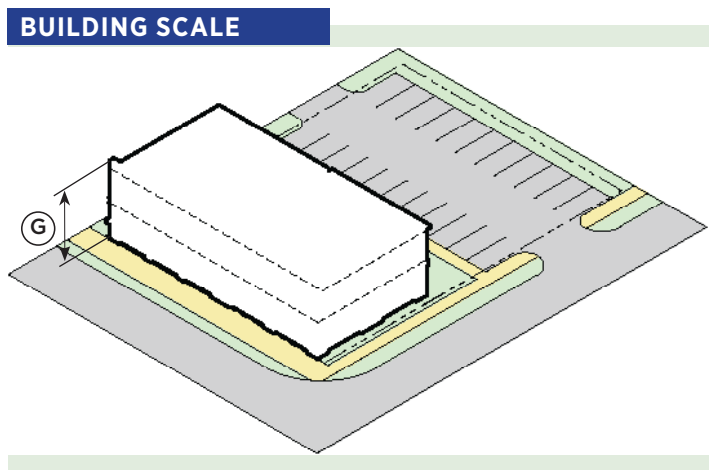
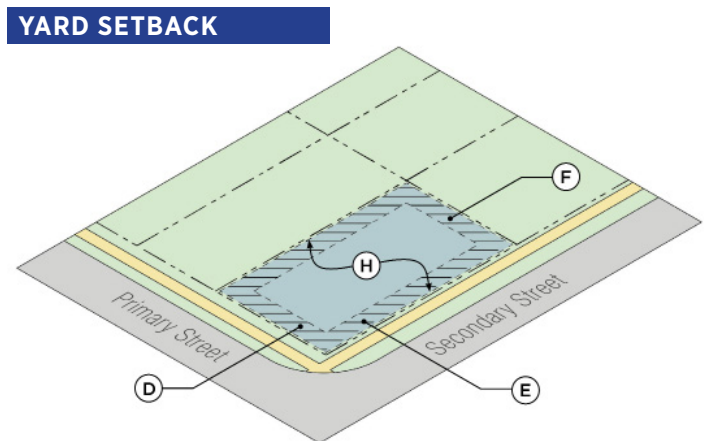
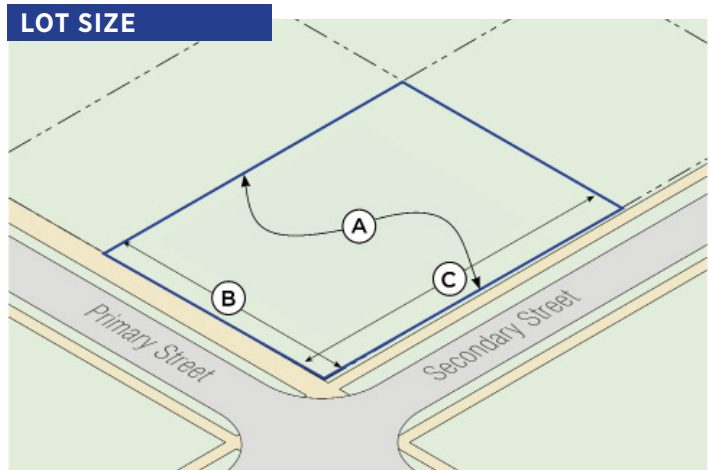
ZONING DISTRICTS

(c) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

TABLE 1010.12 (B): RU BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS		
Lot Area	20,000 sf. min.	(A)
Lot Width	11 ft. min	(B)
Lot Depth	NA	(C)
YARD SETBACK STANDARDS		
Front Yard Setback	25 ft. min.	(D)
Side Yard Setback	A side yard setback is required on each of two sides of the building; 15 ft. min. (1)	(E)
Rear Yard Setback	25 ft. min.	(F)
BUILDING SCALE STANDARDS		
Building Height	35 ft. max.	(G)
Lot Coverage	NA	(H)
NOTES		



(d) Typologies

- (1) The following Building, Frontage, Street, and Open Space Typologies are permitted. More detailed descriptions are found in Sections 1010.14 to 1010.16.

TABLE 1010.12 (C): RU TYPOLOGIES TABLE

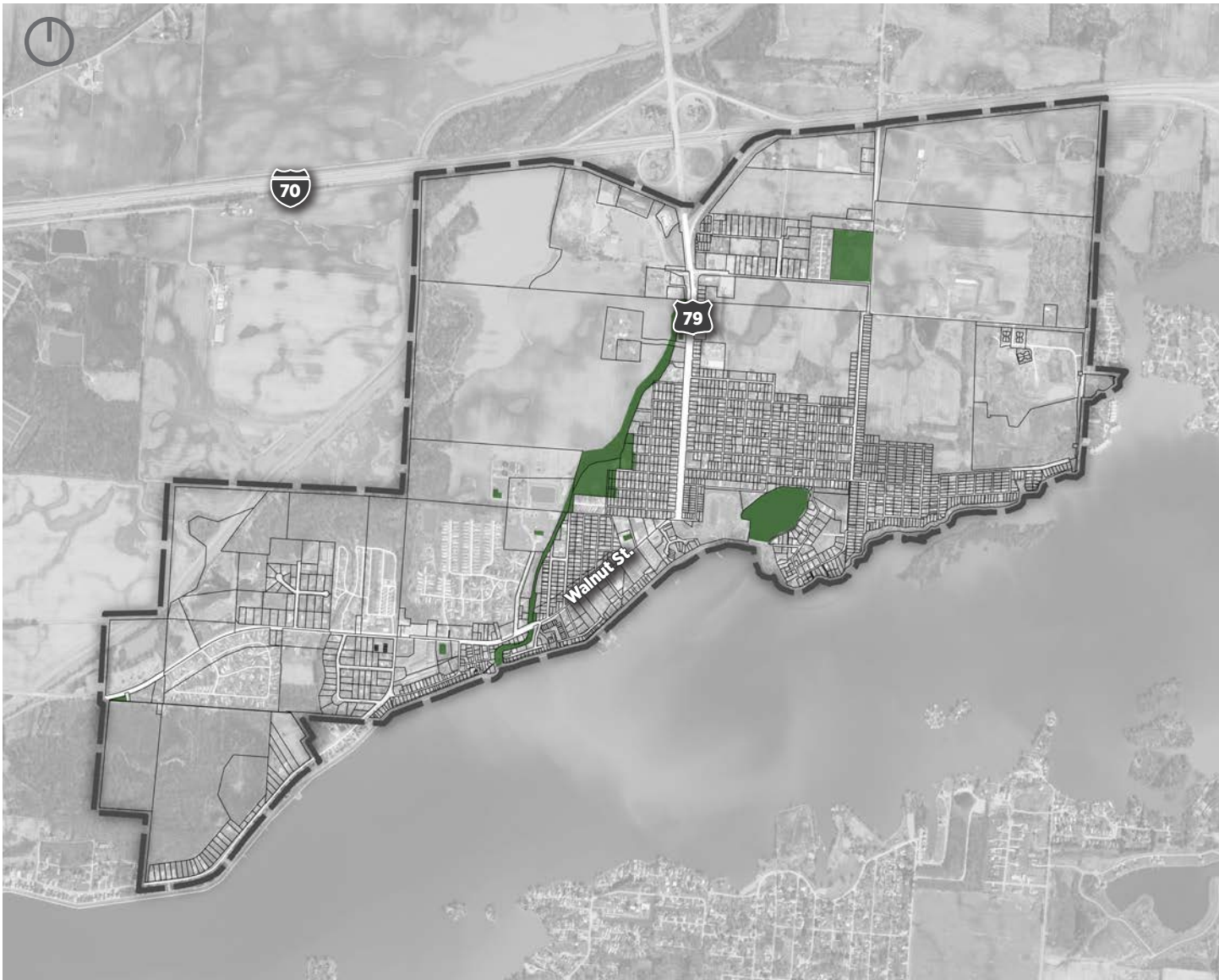
ALLOWED TYPOLOGIES	REFERENCE
BUILDING TYPOLOGIES	
Detached Single-Unit Building (Suburban) Traditional	1010.14 (A1)
Detached Single-Unit Building (Traditional)	1010.14 (A2)
Community Center Building	1010.14 (M)
FRONTAGE TYPOLOGIES	
Yard	1010.15 (E)
OPEN SPACE TYPOLOGIES	
Greenway / Trail	1010.16 (A)
Green	1010.16 (D)
Pocket Plaza	1010.16 (F)
Sport Field	1010.16 (G)
Green Infrastructure	1010.16 (H)

(e) Additional Regulations

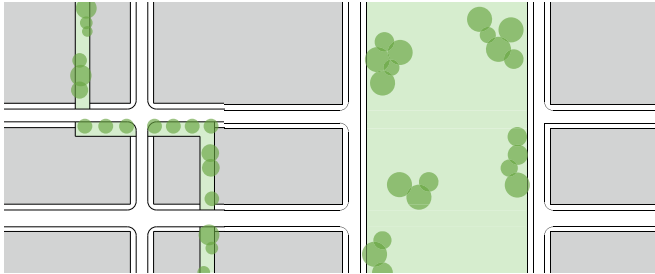
- (1) Parking Areas. Open Parking areas shall be surfaced with permeable materials, such as permeable asphalt, permeable pavers, or gravel.
- (2) Screening. Any outdoor storage of materials, utilities, mechanical equipment, and refuse storage areas shall not be located between the street and the front street wall of a building and shall be screened from view of any street or public right-of-way.
- (3) Generally Applicable Regulations. In addition to the provisions of this section, the provisions of Chapter 1030 Generally Applicable Regulations shall also apply. These provisions govern elements including, but not limited to: Parking and Loading Standards; Signage; Landscaping and Buffers. In the event of conflicting regulations, the regulations of this chapter shall apply.

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FIGURE 1010.13: PARKS & OPEN SPACE (OS) DISTRICT MAP



1010.13: Civic Parks & Open Space (OS)



(a) Intent

The Parks and Open Space (OS) District is intended to promote the health and wellbeing of residents through interactions with nature. Existing development includes passive and active community parks. Desired forms of development and open space preservation include ball fields, playgrounds, natural passive areas, trails, and neighborhood parks. Trails should serve as gateways and connect key destinations within the Village.

(b) Uses

- (1) Number of Uses per Lot. More than one (1) principal use is permitted per lot or building in the Parks and Open Space (OS) District.
- (2) Accessory Uses. Accessory uses shall be permitted in accordance with accessory use regulations found in Chapter 1020.
- (3) Uses Restricted. No building or land within the Parks and Open Space (OS) shall be used for any purpose other than for a purpose included in the list of allowed uses below. Additional use regulations of Chapter 1020 shall apply.

TABLE 1010.12 (A): OS ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1020.03
General Right-of-Way	1020.04
Parks and Preserves	1020.05
Accessory	1020.06
Temporary	1020.07
Recreational	1020.08
ALLOWED BY CONDITIONAL USE APPROVAL	
Recreational Vehicle Park	1020.25

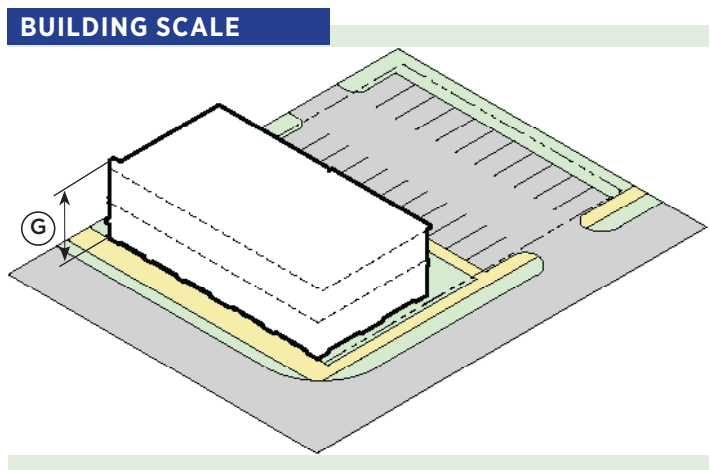
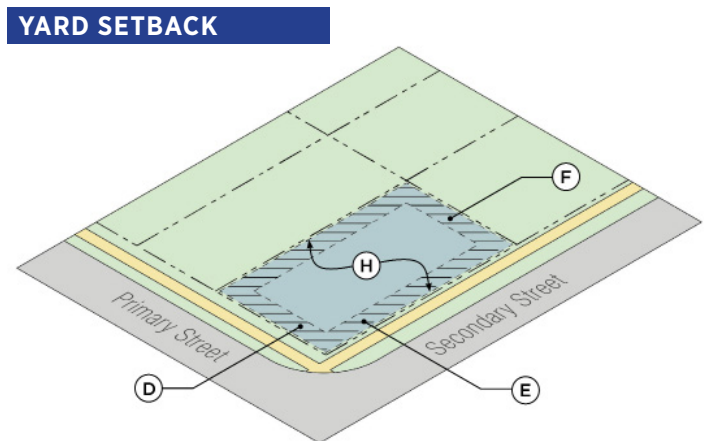
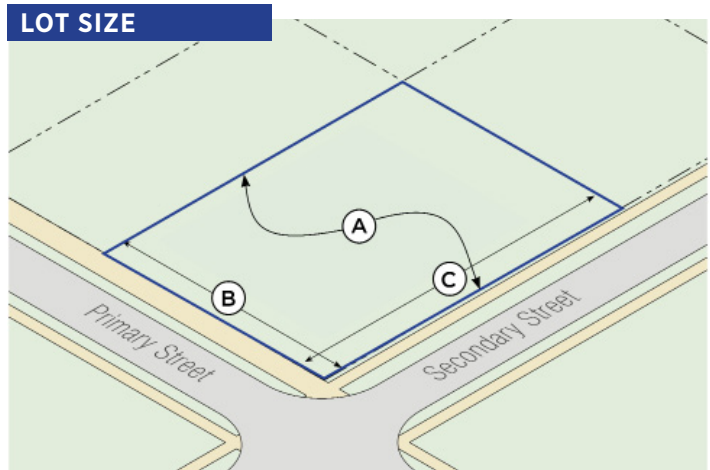
ZONING DISTRICTS

(c) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

TABLE 1010.13 (B): OS BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS		
Lot Area	NA	(A)
Lot Width	NA	(B)
Lot Depth	NA	(C)
YARD SETBACK STANDARDS		
Front Yard Setback	35 ft. min.	(D)
Side Yard Setback	A side yard setback is required on each of two sides of the building; 25 ft. min.	(E)
Rear Yard Setback	25 ft. min.	(F)
BUILDING SCALE STANDARDS		
Building Height	20 ft. max.	(G)
Lot Coverage	NA	(H)
NOTES		



(d) Typologies

- (1) The following Building, Frontage, Street, and Open Space Typologies are permitted. More detailed descriptions are found in Section 1010.14 to 1010.16.

TABLE 1010.13 (C): OS TYPOLOGIES TABLE

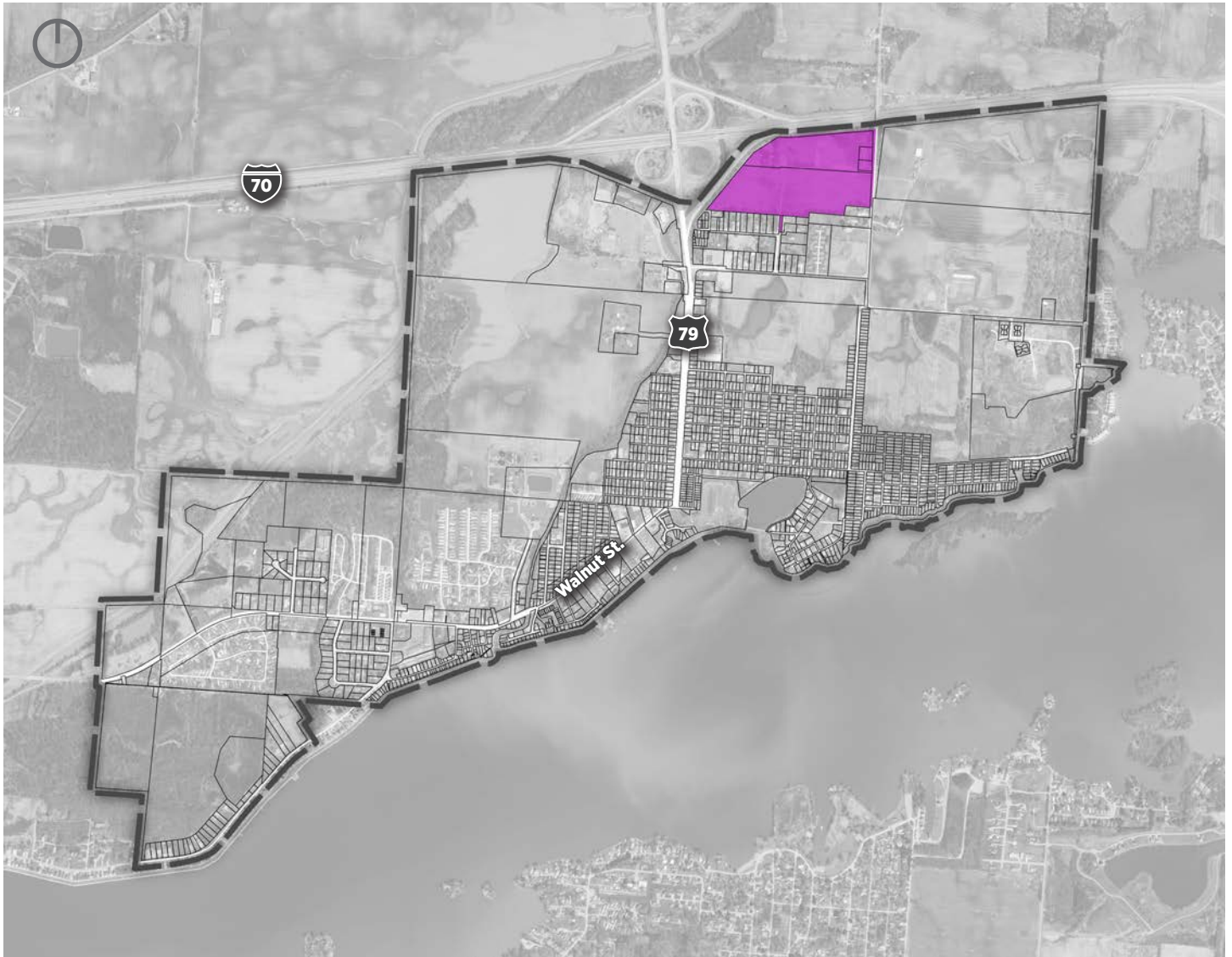
ALLOWED TYPOLOGIES	REFERENCE
OPEN SPACE TYPOLOGIES	
Greenway / Trail	1010.16 (A)
Green	1010.16 (D)
Pocket Plaza	1010.16 (F)
Sport Field	1010.16 (G)
Green Infrastructure	1010.16 (H)

(e) Additional Regulations

- (1) **Parking Areas.** Open Parking areas shall be surfaced with permeable materials, such as permeable asphalt, permeable pavers, or gravel.
- (2) **Screening.** Any outdoor storage of materials, utilities, mechanical equipment, and refuse storage areas shall not be located between the street and the front street wall of a building and shall be screened from view of any street or public right-of-way.
- (3) **Generally Applicable Regulations.** In addition to the provisions of this section, the provisions of Chapter 1030 Generally Applicable Regulations shall also apply. These provisions govern elements including, but not limited to: Parking and Loading Standards; Signage; Landscaping and Buffers. In the event of conflicting regulations, the regulations of this chapter shall apply.

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FIGURE 1010.14: PLANNED MIXED-USE DISTRICT (PMUD) MAP



1010.14: **Planned Mixed-Use District (PMUD)****(a) Purpose and Intent**

- (1)** The purpose of the Planned Mixed-Use District (PMUD) ordinance is to create compact, mixed use, walkable developments serving the needs of Buckeye Lake residents and vision. It also recognizes that traditional zoning, with its segregation of uses and rigid dimensional requirements may not be suitable to best achieve the Village's desired use of land and the preservation of its natural resources and character. In order to permit and encourage more creative and innovative land development and to further the vision and goals of the Village of Buckeye Lake's Comprehensive Plan, PMUD's may be permitted as a zoning district to achieve the following purposes:

- a. Is compact;
- b. Is designed for the human scale;
- c. Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within a neighborhood setting;
- d. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
- e. Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments;
- f. Retains existing buildings with historical features or architectural features that enhance the visual character of the community;
- g. Incorporates significant environmental features into the design; and,

- h. Is consistent with the community, regional, and state master plans.

(b) Qualifying Conditions

- (1)** PMUD Purpose: The applicant shall demonstrate that the PMUD will achieve two or more of the purposes listed in Section 1010.13 (a).
- (2)** PMUD Size: The minimum site size for a PMUD is one acre. Churches, public or private schools, public buildings, and recreational amenities such as golf courses and health clubs and their ancillary commercial uses such as club houses and pro shops, shall not be considered non-residential uses for purposes of this condition. Sites containing less than the minimum required acreage may be approved by the Planning Commission, if the Planning Commission determines that the site will advance the purposes of the PMUD and:
- a. Rezoning the property to PMUD will not result in a significant adverse effect upon nearby properties;
 - b. The proposed uses will complement the character of the surrounding area;
 - c. The purpose and qualifying conditions of the PMUD District can be achieved within a smaller area; and
 - d. PMUD zoning is not being used as a means to circumvent conventional zoning requirements
- (3)** Housing Variety: A Neighborhood PMUD shall contain a variety of housing types and/or lot sizes to provide for varying lifestyles, diversity and affordability, or housing that demonstrates increased architectural standards and/or site amenities that are above and beyond those required by a straight residential zoning district classification.

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(4) Housing Type Distribution.

- a. The development shall include at least two of the following housing types: single-family detached, single-family attached, or multifamily. To qualify as one of the three required housing types, a housing type must comprise at least fifteen percent (15%) of the total housing units in a mixed residential development.
- b. No housing type shall exceed the following maximum percentage of the total number of
 - (i) Single-family detached 30 percent
 - (ii) Single-family attached 50 percent
 - (iii) Multifamily 60 percent

(5) Utilities: The PMUD shall be served by public water and sanitary sewer facilities.

(6) Ownership and Control: The tract(s) of land for which a PMUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. Each property owner, or their agent, must sign the PMUD application.

(7) Recognizable Public Benefit: The PMUD shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two of the following benefits shall be accrued to the community as a result of the proposed PMUD:

- a. Preservation of significant natural features.
- b. A complementary mix of land uses or housing types.
- c. Preservation of common open space beyond the minimum required.
- d. Connectivity of preserved open space with adjacent open space, greenways or public trails.
- e. Coordinated development of multiple small lots or parcels.

- f. Removal or renovation of deteriorating buildings, sites or contamination clean-up.

(c) Permitted Uses

(1) Neighborhood Mix. The following residential types can occur anywhere within the PMUD. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the PMUD.

- a. Single-family detached dwellings, including manufactured homes;
- b. Single-family attached dwellings, including duplexes, townhouses, and row houses;
- c. Multifamily dwellings, including multiplexes, apartment buildings, and senior housing;
- d. Accessory dwelling units within a single-family unit;
- e. "Special needs" housing, such as community living arrangements and assisted living facilities.

(2) Neighborhood Center Mix. The Neighborhood Center is composed of a mix of commercial, residential, civic or institutional, and open space uses as identified below. The project dimensions should be organized so that residential blocks are within approximately 1/4 mile from the Neighborhood Center.

- a. Commercial Uses in the Neighborhood Center. Individual businesses should not exceed 6,000 square feet in size but may be larger for specialty and bulk sales stores. In addition, the following active, pedestrian-oriented uses are desired:
 - (i) Food services (neighborhood grocery stores; butcher shops; cafes; coffee shops; bakeries; restaurants, not including drive-throughs; neighborhood bars or pubs);
 - (ii) Retail uses (florists or nurseries; clothing and other merchandise sales, marinas,

- hardware stores; bookstores; studios and shops of artists and artisans).
- (iii) Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning);
- (iv) Accommodations (bed and breakfast establishments, small hotels or inns).
- b. Residential Uses in the Neighborhood Center
 - (i) Single-family attached dwellings, including duplexes, townhouses, row houses or attached townhomes;
 - (ii) Multifamily dwellings, including senior housing;
 - (iii) Residential units located on upper floors above commercial uses or to the rear of storefronts;
 - (iv) "Live/work" units that combine a residence and the resident's workplace;
 - (v) "Special needs" housing, such as community living arrangements and assisted living facilities.
- c. Civic or Institutional Uses in the Neighborhood Center
 - (i) Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;
 - (ii) Transit shelters;
 - (iii) Places of worship;
 - (iv) Educational facilities.

d. Open Space Uses in the Neighborhood Center

- (i) Central square;
- (ii) Plaza;
- (iii) Green;
- (iv) Neighborhood park;
- (v) Playground;
- (vi) Green Infrastructure

(d) Development Standards

- (1) Form Standards.** In order to create a compact design, the following standards and dimensions will be included in any PMUD proposal.
 - a. Common Open Space. For purposes of the PMUD requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for educational, noncommercial, recreational, or cultural uses. A variety of open space and recreational areas is encouraged, such as: children's informal play areas in close proximity to individual dwelling units; formal parks, picnic areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space:
 - (i) The area of common open space shall not be less than 25 percent of the gross land area of a PMUD containing any residential units and not less than 10 percent of the gross land area in non-residential developments. Land dedicated for recreation shall count toward the common open space requirement.

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However, fees paid in-lieu-of land dedication shall not satisfy the open space requirement.

- (ii) All common open space shown on the Final Development Plan must be reserved or dedicated by conveyance of title to a corporation, association or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.

- (iii) The open space shall meet the following minimum dimensional, contiguity and connectivity requirements:

- (A) The required open space shall be centrally located, along the street frontage of the development to protect or enhance views, located to preserve significant natural features, adjacent to dwellings, and/or located to interconnect other open spaces throughout the development or on contiguous properties.
- (B) Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it.
- (C) If the site contains a lake, stream or other body of water, the Village may require that a portion of the required open space shall abut the body of water.
- (D) All required open space areas shall be configured so the open space is reasonably accessible to and

usable by residents, visitors and other users of the development. The minimum size of a required open space area shall be 15,000 square feet; provided, however, that the required open space abutting a public street may be less than 15,000 square feet; and, further provided, that the Planning Commission or Village Council may approve other open space areas of less than 15,000 square feet if these areas are designed and established as pedestrian or bicycle paths or are otherwise determined to be open space reasonably usable by residents, visitors and other users of the development. The minimum average dimension of a required open space area shall be 100 feet.

- (E) Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths, or pedestrian paths.
- (F) Grading in the open space shall be minimal, with the intent to preserve existing topography where practical.
- (G) A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) and building(s), shall not exceed, in the aggregate, 1 percent of the open space area. Accessory structures or uses of a significantly different scale or character than abutting residential districts shall not be located near the boundary of the development if they may negatively impact the residential use of adjacent lands as determined by the Planning Commission or Village Council.

- (iv) The following areas shall not qualify as required common open space for the purposes of this section:

- (A) The area within any public street right-of-way.
 - (B) The area within private road easements.
 - (C) Any easement for overhead utility lines cannot exceed 50 percent of the total open space requirement and cannot count towards parkland dedication.
 - (D) Fifty percent of any steep slopes (12 percent or over) and habitats of endangered species.
 - (E) Fifty percent of any lakes, streams, detention ponds, wetlands or floodplains that are not generally accessible within the development. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway or reasonable means of access for enjoyment of all owners, visitors or others, in which case the total area may qualify as required common open space.
 - (F) The area within a subdivision lot.
 - (G) Land within any required yard or setback area.
 - (H) Parking and loading areas.
 - (I) Fifty percent of the area of any golf course.
- b. Lot and Block Standards.
- (i) Block and lot size diversity. Street layouts should provide for development blocks that are generally in the range of 200-400 feet deep by 400-600 feet long, but with no more than 1,600-foot perimeter. A variety of lot sizes should be provided that allow diverse housing choices.
 - (ii) Lot Width. Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.
 - (iii) Lot Orientation. Lot design should allow for passive solar designs for buildings. Typically, this will place longer walls along an east-to-west axis.
- c. Building Setbacks
- (i) Building Setback, Front – Residential uses within a Neighborhood. Single-family detached residences shall have a build-to-zone in the front between 5 and 25 feet. Single-family attached residences, multifamily residences, duplexes, townhouses, row houses or attached townhomes shall have a build-to-zone in the front between 5 and 15 feet.
 - (ii) Building Setback, Rear – Residential uses within a Neighborhood. The principal building on lots devoted to residential development shall be setback no less than 30 feet from the rear lot line.
 - (iii) Building Setback, Side – Residential uses within a Neighborhood. The principal building on lots devoted to residential uses shall be setback no less than 5 feet as measured from the eave or gutter drip line to the side lot line.
 - (iv) Building Setback, Front – Neighborhood Center. Structures in the Neighborhood Center area have no minimum setback. Commercial and civic or institutional buildings should directly abut the public sidewalks in the Neighborhood Center area.
- d. Lot Coverage
- (i) Lot Coverage, Maximum - Single Family within Neighborhood. 30 percent; with ADU - 40 percent

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(ii) Lot Coverage, Maximum – Single Family Attached and Multi-Family Residential within Neighborhood. 60 percent; ADU – 70 percent.

(iii) Lot Coverage, Maximum, - Mixed Use within Neighborhood Center. 90 percent

e. Height: New structures within a PMUD shall be no more than 3 stories, 36 feet for single-family residential, or 5 stories, 60 feet for commercial, multifamily residential, or mixed use.

(2) Architectural Standards

a. Architectural Character. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character but should be consistent with the building materials and historic architectural character existing throughout the community.

b. Existing Structures. Historically designated structures, or structures within historically designated areas shall be protected from demolition or encroachment by incompatible structures or landscape development. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant properties.

c. New Structures

(i) Entries and Facades.

(A) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street or courtyard.



Illustrating how all four sides of a single -family residence can be treated.

(B) The front facade of the principal building on any lot in a PMUD shall face onto a public street.

(C) The front facade shall not be oriented to face directly toward a parking lot.

(D) Porches, pent roofs, roof overhangs, hooded front doors, or other similar architectural elements shall define the front entrance to all residences.



An example of how to emphasize the front entrance to a residence.

(E) For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.

(F) New structures on opposite sides of the same street should follow similar height, setback, and lot coverage. This provision shall not apply to buildings bordering civic uses.

- d. Garages and Accessory Dwelling Units. Garages and accessory dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the accessory dwelling unit shall not exceed 800 square feet.
 - e. Exterior signage. A comprehensive sign program is required for the entire PMUD development to establish a uniform theme. Signs shall share a common style (e.g., size, shape, material). In the mixed-use or Neighborhood Center area signs shall be wall signs or cantilever signs. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed 8 square feet. Wall signs shall be sized and placed to fit within the architectural elements.
- (3) Circulation Standards.** The circulation system shall provide for different modes of transportation. The circulation system shall provide functional links within the Neighborhood areas, Neighborhood Center areas, and open space and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off-street bicycle or multi-use paths or bicycle lanes on the streets), limit access onto streets of lower traffic volume classification, and promote safe and efficient mobility through the PMUD.
- a. Pedestrian Circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the PMUD. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides. The following provisions also apply:
 - (i) Neighborhood Sidewalks. Clear and well-lighted sidewalks, [3-5 feet] in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk and meet Americans with Disabilities Act requirements.
 - (ii) Neighborhood Center Sidewalks. Clear and well-lit walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be [a minimum of 5 feet] in width.
 - (iii) Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act
 - (iv) Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
 - b. Bicycle Circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, 4–5-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width shall be 14 feet.
 - c. Public Transit Access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance and shall be well-lit.
 - d. Motor Vehicle Circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as curb extensions, raised intersection tables, and medians may be used to encourage slow traffic speeds.
 - e. Street Classification. Each street within a PMUD shall be classified according to the following:
 - (i) Neighborhood Center Sidewalks. Clear and well-lit walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be [a minimum of 5 feet] in width.
 - (ii) Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act
 - (iii) Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.

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- (i) Road. A road is a medium to high-speed (35-55 mph) connection between two places.
 - (ii) Street or Mixed-Use Street. A street or mixed-use street is a medium to low speed (25-35 mph) travel way that provides access to commercial or mixed-use buildings, but it is also part of the community's major street network. On-street parking, whether diagonal or parallel, helps to slow traffic. Additional parking and access is provided in lots to the side or rear of buildings.
 - (iii) Local Street. This street provides primary access to individual residential properties. Traffic volumes are relatively low, with a design speed of a maximum of 25 mph.
 - (iv) Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.
- f. Street Layout. The PMUD should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:
- (i) Intersections. Intersections shall be at right angles whenever possible, but in no case less than 75 degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence), which significantly reduces accidents without the use of traffic controls.
 - (ii) Corner Radii. The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of 15 feet for streets and 20 feet for intersections involving roads. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of 10 feet.
- (iii) Curb Cuts. Curb cuts for driveways to individual residential lots shall be prohibited along roads. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic, or multifamily residential uses.
 - (iv) Street Orientation. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.
 - (v) Dedication. Roads, Streets, Local Streets, and Alleys are to be dedicated as public roadways to the Village of Buckeye Lake after completion and acceptance inspections. Roadways shall be constructed using Village Standard Specifications in place at time of construction.
 - (vi) Access.
 - (A) A PMUD of < 60 residential lots or less must provide access to the existing or planned public roadway system via at least one access points.
 - (B) A PMUD of < 60 residential lots or less must provide access to the existing or planned public roadway system via at least one access points.

- g. **Parking Requirements.** Parking areas for shared or community use should be encouraged. In addition:
 - (i) In mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in Section 1030.05 (d)5.
 - (ii) A parking lot or garage may not be adjacent to or opposite a street intersection.
 - (iii) In the mixed-use area, a commercial use must provide one parking space for every 500 square feet of gross building area.
 - (iv) Parking lots or garages must provide not less than one bicycle parking space for every ten motor vehicle parking spaces.
 - (v) Adjacent on-street parking may apply toward the minimum parking requirements.
 - (vi) In the mixed residential areas, parking may be provided on-site.
 - (vii) Multi - family uses must provide one parking space for every dwelling unit and 0.5 parking space for each additional bedroom over three bedrooms.
 - h. **Service Access.** Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.
 - (i) **Paving.** Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.
- (4) Outdoor Lighting**
 - a. Street lighting shall be provided along all streets. Generally, more, smaller lights, as opposed to fewer, high-intensity lights, should be used. Streetlights shall be installed on both sides of the street at intervals of no greater than 75 feet. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society (IES).
 - (i) Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.
 - (5) Landscaping and Screening Standards.** Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.
 - a. **General Screening.** Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, or a hedge.
 - b. **Street Trees.** A minimum of one deciduous canopy tree per 40 feet of street frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk. Appendix B recommends the type of street tree to be planted per tree lawn width.

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- c. **Parking Area Landscaping and Screening.** All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
 - (i) A landscaped area at least 5 feet wide along the public street or sidewalk.
 - (ii) Screening at least 3 feet in height and not less than 50 percent opaque.
 - (iii) One tree for each 25 linear feet of parking lot frontage.
 - d. **Parking area interior landscaping.** The corners of parking lots, "islands," and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
 - e. **Large Parking Lots.** In large parking lots containing more than 200 spaces, an additional landscaped area of at least 300 square feet shall be provided for each 25 spaces or fraction thereof, containing one canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.
 - f. **Installation and Maintenance of Landscaping Materials.**
 - (i) All landscape materials shall be installed to current industry standards, including The Ohio Nursery and Landscape Association (ONLA).
 - (ii) Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices, including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety, replacing dead materials annually.
- (6) Stormwater Management.** The design and development of the PMUD's should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water and follow the requirements of the Village's Utility Regulations,. Natural topography and existing land cover should be maintained/ protected to the maximum extent practicable. New development and redevelopment shall meet the following requirements:
- a. Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.
 - b. Post development peak discharge rates should not exceed pre-development peak rates.
 - c. Erosion and sediment controls must be implemented to remove 80% of the average annual load of total suspended solids.
 - d. Areas for snow storage should be provided unless the applicant provides an acceptable snow removal plan.
 - e. Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.
 - f. All treatment systems must have Operation and Maintenance Plans to ensure that systems function as designed and must be recorded with the office of the Fairfield or Licking County clerk, depending on which county jurisdiction the property or properties are located.

(e) Application Approval Procedure

- (1) Pre-application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the Zoning Administrator to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures, and the proposed development Concept Plan . The Zoning Administrator shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the Village.
 - a. Contents of Concept Plan. It is the intent of these regulations that the concept plan shall generally indicate overall design of the proposed project. Information submitted should be comprehensive enough to enable the staff to understand the existing site and concept for the proposed development.
 - (i) Completed application form along with the application fee.
 - (ii) A Vicinity map indicating the location of the site in the Village and the general location of principal thoroughfares.
 - (iii) A Regional Concept map indicating the proposed site and all areas within 2,000 feet in all directions showing both the basics of the proposed layout contained in the application and the property lines of the adjacent areas on a drawing that is 11 inches by 17 inches.
 - (iv) Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of- way and 100 feet of property immediately adjacent thereto, indicating:
 - (A) Existing public improvements, permanent facilities, easements and property boundaries;
 - (B) General indication of existing structures on the site and abutting properties;
 - (C) Physical features and natural conditions of the site including the location of streams, tree masses, open spaces, etc.;
 - (D) General topography;
 - (E) Existing zoning district boundaries and jurisdictional boundaries;
 - (F) Surface drainage and areas subject to flooding;
 - (G) Existing public and private utility systems;
 - (H) Regional transportation system
- (v) A Concept plan map, drawn to scale with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and 100 feet of property immediately adjacent thereto, indicating:
 - (A) Depiction of proposed land uses, including open space areas, indicating the approximate acreage by land use and type of buildings or dwelling units;
 - (B) The location of any lands to be dedicated to any public agency;
 - (C) The general circulation pattern;
 - (D) The relationship of the proposed project to the surrounding area.

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- (2) Preliminary PMUD Review and Rezoning. The following procedures shall be followed for the review of any PMUD request.
- a. Application. An application for rezoning to PMUD district shall be submitted to the Zoning Administrator by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the Village Council, and a Preliminary Plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission. The applicant may, at his/her sole discretion, submit a Final Development Plan, as specified in Section 1010.13(e)(3) in lieu of the Preliminary Plan.
 - (i) Preliminary Plan. A Preliminary Plan shall be submitted and include the following:
 - (A) Name, address, phone number and email address of the applicant
 - (B) Name, address, phone number and email address of the professional or firm that prepared the plan
 - (C) Legal description of the property
 - (D) North arrow, scale, and title block
 - (E) General location map
 - (F) Existing zoning on the subject property and all abutting properties
 - (G) Property boundary survey
 - (H) Adjacent buildings and structures within 100 feet of the property boundaries
 - (I) All perimeter streets abutting the property, including right-of-way width
 - (J) Existing topographic conditions two-foot intervals
 - (K) Existing natural features (woods, ponds, streams, wetlands, slopes greater than 12 percent)
 - (L) Approximate location of existing and proposed utilities, including a preliminary utility and drainage preliminary plan. All telephone, cable, and electric distribution wires, conduits, and cables shall be installed underground except as necessary to bring service to the subdivision and except for existing overhead facilities and any arrangement, improvement or additions thereto.
 - (M) Proposed uses within the PMUD
 - (N) Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements
 - (O) Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials.
 - (ii) Project Narrative. A written statement shall also be submitted with the application, providing the following information:
 - (A) Statement of how the PMUD meets each of the Qualifying Conditions specified in Section 1010.13(b).

- (B) Identification of the present owners of all land within the proposed project.
 - (C) Explanation of the proposed character of the Planned Unit Development, including a summary of acreage by use, number and type of dwelling units, gross residential density, area, and percent of the project to be preserved as common open space, minimum lot sizes by type of use.
 - (D) A complete description of any requested deviations, in accordance with Section 1010.13(b) from the minimum spatial or other requirements applying to the property.
 - (E) A general description of the proposed development schedule and anticipated phases.
 - (F) Intended agreements, provisions, and covenants to govern the use of the development, approval of building materials/architectural styles and open space areas to be preserved.
- (iii) Planning Commission Review. Following receipt of a complete application package, the Zoning Administrator will cause the application materials to be forwarded to the Planning Commission for review. Following receipt of a complete application and all required plans and information, the Planning Commission shall review the request and make a recommendation to the Village Council, as follows:
- (A) Recommendation. Within 60 days following the Zoning Administrator's determination that the application is complete, the Commission shall recommend to Council that the Preliminary Plan and PMUD zoning be approved as presented, approved with supplementary conditions, or disapproved. The recommendation shall be based on the standards of Section 1010.13(b). However, the Commission may, with the consent of the applicant, extend the 60 day time limit.
 - (B) Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled, and the Commission's 60-day time limit is tolled until the next meeting where the applicant or authorized representative is present.
- (iv) Village Council Action. Within 45 days of receiving the recommendation from the Planning Commission, the Village Council shall schedule a public hearing and take final action on the request.
- (A) Notice of hearing. Within 45 days of receiving the recommendation from the Planning Commission, the matter shall be scheduled for a public hearing. Public notice of the time, date, location, and purpose of the hearing shall be provided, in accordance with the requirements of Ohio zoning law.

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- (B) Public hearing. The Village Council shall conduct a public hearing in accordance with its rules of procedure.
 - (C) Action. Within 45 days of the public hearing, Council shall approve with supplementary conditions or disapprove the Preliminary Plan, or final plan if the applicant chooses that option, and zoning change, based on the standards of 1010.13(b). Failure of Council to take final action within 45 days of the public hearing shall constitute an approval of the Planning Commission's recommendation, unless said 45-day period is extended with the consent, or at the request of the applicant. An affirmative vote of the Council majority is needed to approve or modify the Planning Commission's recommendation. To reverse the Planning Commission's recommendation requires the affirmative vote of three-fourths of the Council members.
 - (D) Conditions. Failure of the applicant to comply with any conditions of approval shall be considered a violation of this ordinance and subject to all applicable enforcement, remedies and penalties provided for in this code.
 - (E) Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- (3) Final PMUD Review:** The following procedures shall be followed for the review of the final development plan.
- a. Timing. An application for Final Development Plan approval shall be filed not later than 24 months after the date of approval of the Preliminary Plan and zoning change, otherwise the Preliminary Plan Approval shall be considered expired. One extension of up to 12 months may be authorized by the Zoning Administrator for reason/cause. The applicant shall submit the request for extension in writing, prior to the expiration of the original approval period, to the Zoning Administrator who shall make a written determination regarding his decision to extend or deny the extension. Both the request and the determination shall be made part of the record.
 - b. Pre-application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the Zoning Administrator to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the Preliminary Plan approval, review procedures and conformance of the Final Development Plan with the approved Preliminary Plan. The Zoning Administrator shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the Village.
 - c. Application. An application for approval of the Final Development Plan shall be submitted to the Zoning Administrator by the property owner or owner's authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the Village Council, including a Final Development Plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission .
 - (i) Final Plan. A Final Development Plan, substantially consistent with the approved Preliminary Plan and containing all

- information required in Section 1010.13(e)(3),C,2 shall be submitted with the required application form. If required, a plat may be submitted concurrently in accordance with the subdivision requirements of this ordinance.
- (ii) Project Narrative. A project narrative shall also accompany the application and Final Development Plan and provide the following:
 - (A) Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of development and common areas;
 - (B) Identification of the entity responsible for maintenance of common areas;
 - (C) Description of all deviations from the otherwise applicable zoning requirements;
 - (D) Net and gross density of any residential component of the project;
 - (E) Open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
 - (F) Restrictions or requirements regarding architectural style and/or building materials;
 - (G) Improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks, and similar elements; and
 - (H) An anticipated development schedule by phase, if applicable.
 - d. Phased Projects. If a proposed PMUD is to be constructed in two or more phases, Final Development Plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given Preliminary Plan approval and that each subsequent phase shall be submitted for Final Development Plan approval and is consistent with the approved Preliminary Plan. The Planning Commission may require additional information beyond what is otherwise required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.
 - e. Performance Guarantee. In conjunction with the approval of a final development plan, the petitioner may be required, at the Planning Commission's discretion, to provide a performance guarantee for all public and common improvements, in accordance with the Village's subdivision regulations.
 - f. Private Covenants and Restrictions.
 - (i) Covenants and restrictions for the property within any PMUD district are required and must be recorded with the office of the Fairfield or Licking County Recorder's Office, depending on which county jurisdiction the property or properties are located prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.
 - (ii) Covenants and restrictions shall:
 - (A) Be based on the conditions attached to the approved PMUD application;

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- (B) Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;
- (C) Establish a property owners association (POA) per the Ohio Revised Code Chapter 5312, Ohio Planned Community Law with mandatory membership for each owner or person taking title to land located within the development, and require the collection of assessments from owners in an amount sufficient to pay for its functions; and
- (D) Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by Section 1010.13(b).

(f) Commencement of Construction

- (1) If construction has not commenced within 12 months after approval of the Final Development Plan, the applicant may request one extension of up to 12 additional months. The request shall be submitted, in writing, to the Planning Commission prior to the expiration of the original 12month time limit and shall provide reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PMUD. If an extension is not requested or is not submitted prior to the expiration of the original time limit, the PMUD Final Development Plan shall become null and void.
- (2) Following expiration of the time limits, the Village Council may initiate proceedings to rezone the PMUD site to some other district(s).
- (3) For purposes of this section, meaningful progress toward completion shall mean, at a minimum, any of the following: site clearing, rough grading, and installation of infrastructure improvements such as underground utilities.

(g) Changes to Approved PMUD

- (1) Changes to an approved Final Development Plan shall be permitted only under the following circumstances:
 - a. The holder of an approved Final Development Plan shall notify the Zoning Administrator of any proposed change to the approved plan.
 - b. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes shall include the following:
 - (i) Reduction in building size or increase in building size up to five percent of the total approved floor area;
 - (ii) Movement of a building or other structure by no more than 10 feet;
 - (iii) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
 - (iv) Changes in building materials to a comparable or higher quality;
 - (v) Internal changes in floor plans which do not alter the character or intensity of the use;
 - (vi) Changes in parking layout do not alter the number of spaces by more than five percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area.
 - (vii) Changes required or requested by a county, state, or federal regulatory agency in order to conform to other laws or regulations.
 - c. A proposed change to an approved Final Development Plan that is determined by the Zoning Administrator to not be a minor

change shall be considered a major change and amendment to the approved Final Development Plan and shall be submitted and reviewed in accordance with the procedures established for the final development plan.

- d. When, in the sole judgment of the Planning Commission, the proposed change is a substantial deviation from the approved Preliminary Plan, the change shall be reviewed as a new application, in accordance with the provisions of Sections 1405, B and C; provided, public hearings shall not be required, but may be conducted at the discretion of the Planning Commission and/or the Village Council.

(h) Changes to Approved PMUD

In addition to the requirements of this Article, all development in the PMUD District shall meet the applicable requirements as listed elsewhere in the Village of Buckeye Lake Official Zoning Regulations; provided, in the event of a conflict, the most restrictive requirement shall apply.

- (1)** Supplementary District Regulations, see Article 9
- (2)** Off-Street Parking and Loading Requirements for R-3, Commercial and Manufacturing Districts, see Article 10
- (3)** Signs, see Article 11

(i) Existing Planned Development Districts

Within the Village, there are existing Planned Developments variously referenced in Article 12, Planned Development Districts as Planned Unit Development(PUD), Planned Residential Development (PRD), Planned Industrial Park District (PID), and Planned Commercial Development (PCD) districts, identified on the zoning map as "PDD."

Any development project or phase of a development project already initiated and permitted shall continue under the existing Article 12, which is now Section 1010.15 Planned Development District. All developments or phases of development filed for permits, approval, or modifications, including additional phases of developments already initiated after the adoption of this Article, shall proceed according to Article 14.

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FIGURE 1010.14: PLANNED DEVELOPMENT DISTRICTS (PDD) MAP



1010.15: **Planned Development Districts (PDD)****(a) Purpose and Intent**

- (1)** Planned Developments shall include residential, commercial, industrial, and mixed-use sub-developments: Planned Residential Development (PRD), Planned Commercial Development (PCD), Planned Industrial Development (PID), and Planned Unit Development (PUD).

Further, these Planned Development District provisions shall apply to any development, however zoned, under the following circumstances:

- a. When an existing single parcel is being subdivided and,
 - (i) The original parcel is three (3) acres or larger in size; or
 - (ii) The original parcel is being subdivided into five (5) or more parcels, or
- b. When an existing platted area:
 - (i) Consists of five (5) or more platted lots, currently owned by one entity or having been owned by the same entity within ten (10) years of the permit application date;
 - (ii) Requires the construction of a roadway, either private or public;
 - (iii) Requires the extension of Village utility services to five (5) or more parcels; or
 - (iv) Requires the re-platting or combination of five (5) or more parcels, regardless of total acreage.

- c. When, in the opinion of the Service and/or Development Director, the Planned Development District procedure will provide for a more efficient development of the land.

It is the intent of the Planned Developments to promote the progressive development of land and construction thereon and to encourage imaginative architectural design and layout, flexibility in building styles and types, and sensitivity to the natural environment.

The Planned Developments are designed to guide development in an orderly, coordinated and comprehensive manner that preserves natural quality and beauty and provides supporting community facilities in the development of diverse, sound urban environments consistent with accepted land planning, landscape architecture practices and engineering principals. Such developments should:

- (i) Provide a more useful pattern of open space and recreation areas.
- (ii) Preserve and utilize natural topography and geologic features, scenic vistas, trees and other vegetation, while preventing disruption of normal drainage patterns.
- (iii) Provide a more efficient pattern of development that reduces investments in utility lines, streets, and similar infrastructure.
- (iv) Promotes a development pattern in harmony with the Village's land use objectives and priorities.

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(b) Permitted Uses

- (1) Land and buildings in the Planned Developments (PRD, PCD, PID, and PUD) shall be used only for the following purposes as indicated under each specific sub-development:
 - a. Planned Residential Development (PRD).
 - (i) Residential Dwellings: single-family, two-family and multi-family dwellings and accessory uses and buildings in association with a permitted dwelling.
 - (ii) Churches and other similar places of worship.
 - (iii) Public uses: parks, playgrounds, recreation and community center buildings and grounds, golf courses, public swimming pools, tennis courts and similar recreational uses.
 - (iv) Home occupations in accordance with Article 8.
 - b. Planned Commercial Development (PCD).
 - (i) Uses permitted under the General Business District (GB-1) and Waterfront Business District (WB).
 - c. Planned Industrial Development (PID).
 - (i) Uses permitted under the Manufacturing District (M-1).
 - d. Planned Unit Development (PUD).
 - (i) Uses permitted under the Planned Residential Development (PRD).
 - (ii) Uses permitted under the Planned Commercial Development (PCD) but limited to no more than thirty (30) percent of the net developable site.

(c) Conditional Uses

- (1) The following uses may be allowed in the Planned Developments (PRD, PCD, PID, and PUD) subject to approval in accordance with Article 5, Section 518 and as indicated under each specific sub-development:
 - a. Planned Industrial Development (PID).
 - (i) Permitted uses under the General Business District (GB-1) and Waterfront Business District (WB) limited to twenty-five (25) percent of the net developable site.

(d) Development Standards

- (1) Minimum Size Requirements. The table below lists minimum sizes for Planned Developments. However the Planning and Zoning Board understands certain parcels may present unique challenges to development and reserves the right to administer the provisions of this Chapter on a case by case basis.

TABLE 1015 (D): DEVELOPMENT STANDARDS

	DEVELOPMENT			
DEVELOPMENT STANDARD	PRD	PCD	PID	PUD
Minimum area (acres)	5	10	10	20
Minimum area depth (feet)	350	350	500	750
Minimum frontage (feet)	250	250	400	600
Coverage	N/A	45%	50%	N/A
Maximum building height (feet)	35	40	40	40

- a. For each use the lot and building requirements of the appropriate Zoning District other than the Planned Development shall apply unless superseded herein.
- b. Parking areas shall be no closer to the main structure(s) than ten (10) feet.

- c. Under PRD and PUD individual home sites or clusters thereof must be designated fewer than one of the Village's single family Zoning Districts and the development standards therein shall apply unless superseded herein. A PRD or PUD may contain more than one classification of single family Zoning District.
- d. Upon approval of the Planning and Zoning Board, PRD and PUD lot size per dwelling unit may be reduced by not more than fifteen (15) percent of the minimum lot area of the designated classified Zoning District. The developer must provide sufficient evidence that the overall development demonstrates excellence in design by properly considering ; significant natural and historic features, topography, natural drainage patterns, roadway access and circulation, surrounding land uses, the enhancement of the general welfare of the public, and aesthetically desirable land development.
- e. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that varied setbacks be considered. (Ref. Article 10, Section 1010)
- f. Under PRD and PUD adjacent single family and two-family homes shall not have identical facades relative to style and color, and all residential building front yard setbacks shall meet the applicable Development requirement and be staggered.

(2) Site Development Standards. The following site development standards shall apply in the Planned Developments (PRD, PCD, PID, and PUD):

- a. The applicable sections of the Subdivision Regulations and the off-street parking, sign and landscaping regulations of this Zoning Code shall apply.
- b. The traffic and parking system shall meet the requirements relative to access as indicated in Article 10. Access points shall be kept to a minimum to reduce traffic congestion and mitigate potential conflict points. Vehicular and pedestrian conflict points shall also be minimized.

- c. Under PID and PUD, where applicable, the parking system shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas. Parking aisles, whenever possible, shall be oriented perpendicular to the building fronts.
- d. The PRD and PUD density shall be compatible with the public health, safety, convenience, comfort, prosperity, and general welfare of the occupants of the PRD or PUD and the general public.
- e. Under PRD and PUD the Planning and Zoning Board may require that a minimum of twenty (20) percent of the net site (gross site minus publicly dedicated streets and alleys) shall be set aside as public open space. Such open space shall be used for such public purposes as a natural area, recreational area, or the site of a community or school facility. A facility, constructed by the developer, designed to provide the occupants of the PRD or PUD with an all season multiple use or recreational use building may be considered in lieu of all, or part of, the required set aside open space

The lands set aside as public open space, or facilities provided in lieu of, shall be held in corporate ownership by owners of the project area for the use of each owner, renter, or lessee within the development and retained as common open space, or facilities provided in lieu of, for parks, recreation and related uses.

The responsibility for the maintenance of all set aside open space, or facilities provided in lieu of, shall be specified by the developer before approval of the final development plan.

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- f. Under PCD and PUD where applicable all service and delivery shall be made to the rear of the structure(s) or use unless special design treatment or circumstances warrant an alternative, but only with the approval of the Planning and Zoning Commission. Landscaping and screening requirements of Article 10, Section 1008 shall apply.
- g. Under PRD and PUD the location and arrangement of areas of various densities shall be so designed as to balance higher density areas adjacent to open space. Residential densities within PRD and PUD shall equal to or be less than the residential density in adjacent and abutting residential zoning Developments.
- h. Under PRD and PUD private roads as a common easement may be used to provide access to clustered lots and/or structures serving residential uses in accordance with the following:
 - (i) The easement shall not be counted as required open space.
 - (ii) The easement does not serve an area larger than two (2) acres, except that such area will contain six (6) dwellings or less.
 - (iii) Approved as a part of the Subdivision Plat as the most appropriate form of access to the lots and/or structures.
 - (iv) Private roads and private public accesses are subject to the provisions of the Buckeye Lake Property Maintenance Code.
- i. Under PRD and PUD off-street parking shall be provided in accordance with Article 10, except residential parking may be provided in group garages or parking lots within one hundred and fifty (150) feet of the dwellings served.
- j. Under PCD, PID and PUD where appropriate whenever multiple structures are to be located on the site and the site abuts a collector or arterial street, access onto the collector or arterial shall be via interior local streets or marginal access (frontage) roads. All uses within the PCD, PID and PUD shall derive their access from the interior streets in the Development, unless specific exemptions are made as a part of the approved Development Plan. (Ref. Buckeye Lake Subdivision Regulations)
- k. Drainage and runoff from the proposed development shall not cause property damage. All drainage improvements shall be designed in conformance with the requirements of the Village's Subdivision Regulations and shall be approved by the Village Engineer prior to Development Plan approval.
- l. Details regarding sanitary sewage collection and disposal and water supply techniques to be utilized shall be addressed in the Development Plan, together with letters of approval from the pertinent local, state and, if applicable, private agencies, and approved by the Village Engineer prior to Development Plan approval.
- m. Under PCD and PUD no unscreened outside storage shall be permitted and no rubbish or debris of any kind shall be placed or permitted to accumulate on any portion of the parcel or lot so as to render any portion of the property unsanitary, unsightly or detrimental to the public health, safety or welfare.
- n. All utilities shall be placed underground.
- o. Public nuisance regulations under Article 9 shall apply.

(e) Application Procedure

- (1) Application to be made. Written application and submittal of a Development Plan for a Planned Development shall be made by the property owner(s) or lessee(s) to the Planning and Zoning Commission.
- (2) Application Fee. A fee as stipulated in Article 3, Section 312 and by ordinance shall be paid by the Applicant to cover the costs of advertising, review, publishing, and reporting of the application, payable to the General Fund.
- (3) Application Contents. The application, on a form to be provided, for a Planned Development shall contain as a minimum:
 - a. Name, address, and phone number of the Applicant(s) and representative(s) if any, and the signature of the property owner(s).
 - b. A current and accurate legal description of the property(s) in question and a current survey prepared by a licensed surveyor.
 - c. The proposed zoning Development, the proposed use(s), the present use(s), and the present zoning Development of the property(s).
 - d. A list of all property owners within 200 feet of all property(s) in question. The list of addresses shall correspond to the County Auditor's current tax list.
 - e. A statement of the relationship of proposed change or amendment to the general welfare of the community, to appropriate plans for the area, and to the changed or changing conditions behind the request to re-zone.
 - f. Applicant shall show evidence of sufficient control over the land to effectuate the Development Plan such as property rights, economic resources and engineering feasibility as may be necessary.
 - g. Evidence that the Applicant has sufficient control over the land to effectuate the proposed development.
- (4) Concept Plan. A Concept Plan drawn to scale shall be prepared by a registered architect, registered engineer and/or a registered landscape architect. Such Concept Plan shall be in map form with accompanying text and shall contain the following information as a minimum:
 - a. Selected uses in accordance with Sections 1202 and 1203 by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use.
 - b. General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
 - c. Open space and the intended uses therein and acreage provided.
 - d. Residential land uses shall be summarized by lot size, dwelling type and density.
 - e. Topographical contours with two (2) foot intervals.
 - f. Existing roads, buildings and permanent facilities, easements, right-of-way and abutting property boundaries, and existing and proposed utilities.
 - g. Jurisdictional boundaries.
 - h. Physical features & natural conditions of the site including the location of vegetation meeting the size and type requirements of Appendix B and existing tree lines.
 - i. Surface drainage and areas subject to flooding.

ZONING DISTRICTS

- (5) Development Plan. A Development Plan drawn to scale shall be prepared by a registered architect, registered engineer and/or a registered landscape architect. Such Development Plan shall be in map form with accompanying text and shall contain the following information as a minimum:
- a. Selected uses in accordance with Sections 1202 and 1203 shall be specified by area or specific building location, and an explanation regarding specific compatibility of each proposed use with the immediate area shall be attached.
 - b. A survey map of the boundary of the area being requested for zoning map amendment.
 - c. A preliminary drainage plan, showing topographical contours in two (2) foot intervals, and general locations of proposed improvements.
 - d. Stands of existing vegetation meeting the size and type requirements of Appendix B and existing tree lines.
 - e. Soil types found on the subject tract(s) based upon the applicable county soil survey.
 - f. Existing roads, streets and easements within the subject tract. Off-site contour and easement locations shall be provided where necessary to determine special off-site circumstances as they relate to the development or off-site features affected by the development.
 - g. Names and firms of professionals that prepared the Development Plan.
 - h. Proposed features, including as a minimum:
 - (i) Information that the development concept conforms to all applicable standards of the Planned Development.
 - (ii) Proposed location and approximate size of all structures and ancillary uses, except for single family residential structures and related accessory structures.
 - (iii) The traffic and parking system shall be shown in detail indicating points of ingress and egress into the property, public and private drives, parking areas and pedestrian walkways. The system shall be responsive to the Village's access controls as addressed in Article 10 and Buckeye Lake Subdivision Regulations.
 - (iv) A detailed parking layout, where applicable, shall be provided that includes the number of spaces provided by total number on-site and summed by row, and access points and expected movement through and between separate parking lot areas. Dimensions of the above shall also be provided. For PCD and all commercial uses in another Planned Development, expected pedestrian access routes from parking areas to stores shall be indicated.
 - (v) An Ohio Department of Transportation Traffic Impact Study shall be performed to analyze potential traffic impacts that will result from the proposed development following standard traffic assessment techniques and references, with an estimate of street and other traffic improvements necessitated by the development.
 - (vi) A list of specific restrictions applicable to the area being considered for zoning map amendment which are designed to fulfill the concept proposed, including prohibited uses, any additional limiting text, and proposed deed restrictions.
 - (vii) Screening, landscaping and other provisions required under Article 10, Section 1008 and Appendix B and other relevant sections.
 - (viii) The proposed provision of all utilities, storm drainage collection, trash collection systems, and street lighting system shall be specifically detailed.

- (ix) Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures except single family and two-family structures. Conceptual renderings as an example of single family and two-family structures shall be provided.
- (x) Under PID a narrative shall be provided indicating the nature of all activities to be carried on and expected levels of noise, dust, smoke, glare, odor or vibration to result from the normal operation of the specific industrial activity. Future uses that are a change from approved uses and any internal expansions shall require the approval of the Planning and Zoning Commission.
- (xi) Proposed signage treatment in accordance with Article 11.
- (xii) Proposed schedule of site development indicating all phases of the Development Plan by phrase, indicating a summary of land use and dwelling units by time frame.
- (xiii) All deed restrictions and covenants.
- i. Any other additional information requested by the Planning and Zoning Commission or Village Council.

(f) Criteria for Review

- (1)** The Planning and Zoning Commission shall, at a minimum, consider the following factors in the review of the application:
 - a. Compatibility of the proposed amendment to adjacent land use, adjacent zoning and to appropriate plans for the area.
 - b. Relationship of the proposed amendment to access and traffic flow.
 - c. Relationship of the proposed amendment to the public health, safety, convenience, comfort, prosperity and general welfare.

- d. Relationship of the proposed use(s) to the adequacy of available services and to general expansion plans and planned capital improvements.

(g) Review Procedure

- (1)** Filing of Application. Seven (7) copies of a completed application and Concept Plan shall be submitted to the Planning and Zoning Commission at least seven (7) days prior to the Board's next scheduled meeting. Failure to submit a complete application shall result in a refusal to be placed on the Planning and Zoning Commission Agenda.
- (2)** Technical Review Group. The Planning and Zoning Commission may request a report from the Technical Review Group on any proposed PUD.
- (3)** Concept Plan. The application and Concept Plan shall be submitted to the Planning and Zoning Commission. The Concept Plan shall be forwarded by the Planning and Zoning Commission to the Village Engineer, Village Water Superintendent, Street Superintendent and Fire Department for review and comments.
- (4)** Public Hearing. A public hearing of the Planning and Zoning Commission shall be set for not more than forty-five (45) days from the date of acceptance of a complete application and Concept Plan. Nothing in this section shall prevent the Commission from granting a continuance of the public hearing.
- (5)** Public Notice for Hearing. At least one (1) notice shall be given at least ten (10) days prior to a scheduled public hearing in one (1) or more newspapers of general circulation in the Village. Such notice shall include time and place of the public hearing, nature of the proposed amendment, and a statement that after the conclusion of such public hearing the Planning and Zoning Commission will render a decision on the Concept Plan and forward same to Village Council for informational purposes.

ZONING DISTRICTS

- (6) Notice to Property Owners. If the proposed amendment intends to re-zone or redevelop ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Village, at least ten (10) days prior to the date of a scheduled public hearing to all property owners within 200 feet of all property(s) lines proposed to be re-zoned or developed. The list of addresses shall correspond to County Auditor's current tax list and shall be provided by the applicant on mailing labels. Notice shall correspond to Subsection (E) hereof in content.
- (7) Action by Planning and Zoning Commission. Within thirty-five (35) days of the public hearing, Planning and Zoning Commission shall review the Concept Plan and reach one of the following actions:
- a. Approval of the Concept Plan as requested.
 - b. Approval of the Concept Plan with modifications.
 - c. Disapproval of the Concept Plan.
- The Planning and Zoning Commission will forward one (1) copy of the Concept Plan and action thereof to the Village Council for their information
- (8) Development Plan Submittal. No later than twelve (12) months from the date of the Planning and Zoning Commission's action to approve or approve with modification a submitted Concept Plan, the Applicant may submit fifteen (15) copies of a completed application and Development Plan to the Planning and Zoning Commission at least seven (7) days prior to the Commission's next scheduled meeting. Failure to submit an application and Development Plan within this time frame shall render the approved Concept Plan null and void.

Prior to accepting such submittal, the Planning and Zoning Commission shall review the submittal and determine whether such submittal is complete and meets all submittal requirements. Failure to submit a complete application shall result in refusal of placement on the Planning and Zoning Commission Agenda.

- (9) Public Hearing. A public hearing of the Planning and Zoning Commission shall be set for not more than forty-five (45) days from the date of the acceptance of a complete application and Development Plan to amend the official zoning map. Nothing in this section shall prevent the Commission from granting a continuance of the public hearing.
- (10) Public Notice for Hearing. At least one (1) notice shall be given at least ten (10) days prior to a scheduled public hearing in one (1) or more newspapers of general circulation in the Village. Such notice shall include time and place of the public hearing, nature of the proposed amendment, and a statement that after the conclusion of such public hearing the Planning and Zoning Commission will forward a recommendation on the Development Plan to Village Council for final action.
- (11) Notice to Property Owners. If the proposed amendment intends to re-zone or redevelop ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Village, at least ten (10) days prior to the date of a scheduled public hearing to all property owners within 200 feet of the property(s) lines proposed to be re-zoned or developed. The list of addresses shall correspond to County Auditor's current tax list and shall be provided by the applicant on mailing labels. Notice shall correspond to Subsection (D) hereof in content.
- (12) Action by Planning and Zoning Commission. Within thirty-five (35) days of the public hearing, the Planning and Zoning Commission shall review the application and Development Plan and forward one of the following recommendations to Village Council:
- a. Recommend amendment be granted as requested
 - b. Recommend a modification of amendment
 - c. Recommend amendment not be granted

- (13) Public Hearing of the Council. Upon receipt of such recommendation, Village Council shall schedule a public hearing within forty-five (45) days of said receipt. Nothing in this section shall prevent the Council from continuing a public hearing.
- (14) Public Notice for Hearing. At least one (1) notice shall be given at least thirty (30) days prior to a scheduled public hearing in one (1) or more newspapers of general circulation in the Village. Such notice shall include time and place of the public hearing, nature of the proposed amendment, and a summary of Planning and Zoning Commission recommendation.
- (15) Notice to Property Owners. Written notice of the hearing shall be mailed by the Village, at least twenty (20) days prior to date of public hearing to all property owners within 200 feet of all property(s) lines proposed to be re-zoned or developed. Notice shall correspond to Subsections (J & K) hereof in content and mailing addresses.
- (16) Action by Village Council. Within thirty-five (35) days after public hearing, Council shall adopt or deny the recommendation of Planning and Zoning Commission or adopt a modification thereof. To reverse or modify recommendation of the Commission, three-fourths (3/4) of the full membership of Council is required. No such ordinance shall be passed unless it has been fully and distinctly read at three (3) different scheduled public hearings, except that such ordinance may become emergency legislation if three-fourths (3/4) of the full membership of Council votes to dispense with this rule.
- An application for amending this Ordinance that has been disapproved by Village Council shall not be resubmitted to the Village for reconsideration until after one (1) year of the date of such disapproval by Council.
- (17) Expiration. Failure to develop a minimum of twenty (20) percent of the approved improvements, including right-of-way, infrastructure, and structures, on the subject property(s) within two (2) years of the date of approval by Village Council or completed within the submitted and approved time frame shall result in a consideration of repeal of the approved zoning by Village Council.
- (18) Platting. The creation of new parcels under any sub-development shall be subject to platting under the Buckeye Lake subdivision regulations. Failure to submit an application for platting no later than twelve (12) months from the effective date of the re-zoning or in accordance with the submitted and approved time frame shall render the zoning null and void and the property shall revert to its previous zoning. Following a show of cause by the applicant, the Village Council may grant an extension beyond the twelve (12) month platting requirement.
- To reduce the length of the review and approval process, a preliminary Subdivision Plan can be submitted simultaneously with the Development Plan for re-zoning to the Planned Development to initiate both re-zoning and subdivision processes. A final Subdivision Plat cannot be submitted for review until an amendment to PRD, PCD, PID, or PUD has been approved by Village Council and such amendment has become effective.

ZONING DISTRICTS

1010.16: Building Typologies

The below-listed building typologies are permitted for new development in the districts described below.

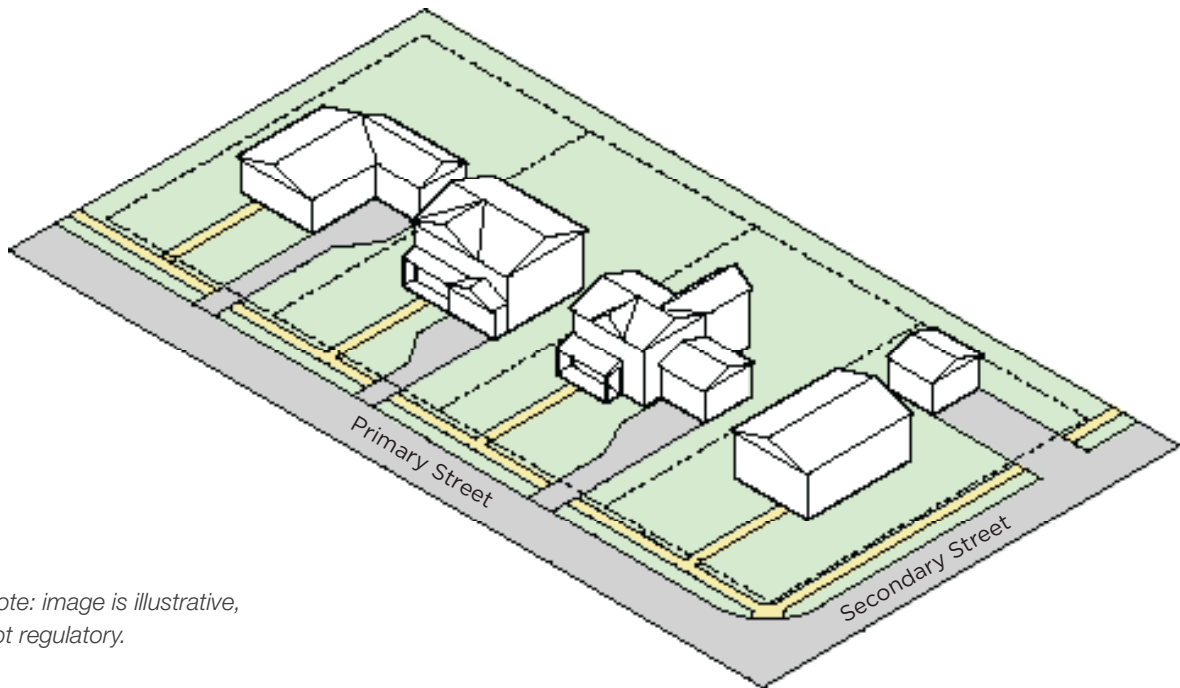
TABLE 1010.16: PERMITTED BUILDING TYPOLOGIES													USE DEFINITION & STANDARDS
	VN	SN	UN	MH	VC	LN	LM	CO	EM	IC	RU	OS	
Detached Single-Unit Bldg. (Suburban)	●	●	●	-	-	●	-	-	-	-	●	-	1010.16 (a1)
Detached Single-Unit Bldg. (Traditional)	●	●	-	-	-	●	-	-	-	-	●	-	1010.16 (a2)
Attached Single-Unit Building	●	-	●	-	●	●	●	●	-	-	-	-	1010.16 (b)
Duplex Building	●	●	●	-	●	●	●	●	-	-	-	-	1010.16 (c)
Multi-Unit Building	-	-	●	-	●	●	●	●	●	-	-	-	1010.16 (d)
Multi-Unit Complex	-	-	-	-	-	●	-	●	●	-	-	-	1010.16 (e)
Small Flex Retail Building	●	-	●	-	●	●	●	●	●	●	-	-	1010.16 (f)
Medium Flex Retail Building	-	-	-	-	●	●	●	●	●	●	-	-	1010.16 (g)
Large Flex Retail Building	-	-	-	-	-	-	-	●	●	●	-	-	1010.16 (h)
Institutional Flex Building	-	-	●	-	●	-	●	●	●	-	-	-	1010.16 (i)
Primary School Building	●	●	●	-	●	-	-	●	-	-	-	-	1010.16 (j)
School and Institutional Building	●	●	●	-	●	-	-	●	●	-	-	-	1010.16 (k)
Bed and Breakfast Building	●	-	●	-	●	●	●	●	-	-	-	-	1010.16 (l)
Community Center Building	●	-	-	-	-	●	-	●	-	-	●	-	1010.16 (m)
Office Building	-	-	-	-	●	-	●	●	●	●	-	-	1010.16 (n)
Office-Corporate Building	-	-	-	-	-	-	-	●	●	●	-	-	1010.16 (o)
Retail Large Format Building	-	-	-	-	-	-	-	-	●	-	-	-	1010.16 (p)
Industrial Building	-	-	-	-	-	-	-	-	●	●	-	-	1010.16 (q)
Warehouse Building	-	-	-	-	-	-	-	-	-	●	-	-	1010.16 (r)
Assembly Use Building	-	-	●	-	●	-	-	●	●	●	-	-	1010.16 (s)
Maker Space or Live-Work Units	●	-	●	-	●	●	●	●	-	-	-	-	1010.16 (t)

● Permitted

The following illustrations of each development typology are for illustrative purposes only and are intended to supplement the regulations applicable to each district.

(a1) Detached Single-Unit Building (Suburban)

(1) Typical Lot Configuration



(2) Description

A detached structure with wide side and street setbacks. Garage access is typically from the street.

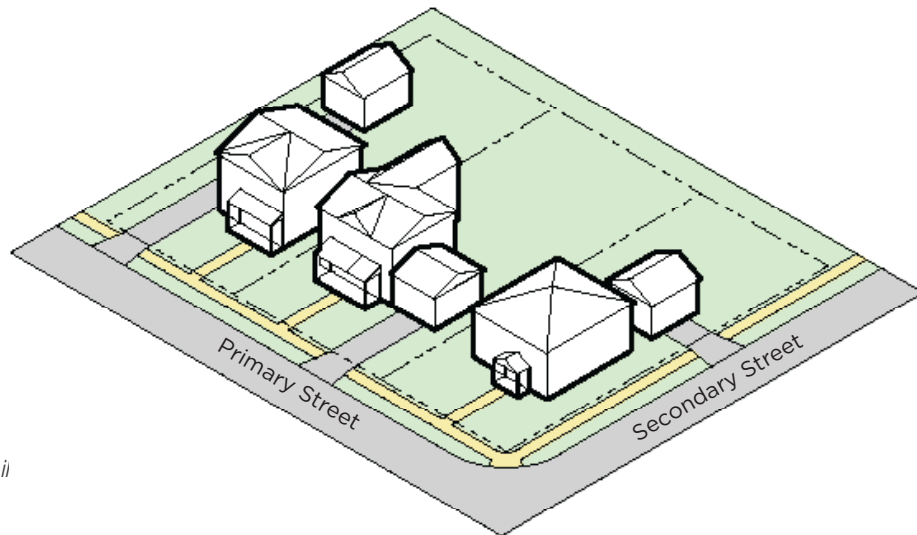


Image: Detached Single-Unit Building (Suburban)

ZONING DISTRICTS

(a2) Detached Single-Unit Building (Traditional)

(1) Typical Lot Configuration



Note: image is illustrative and not regulatory.

(2) Description

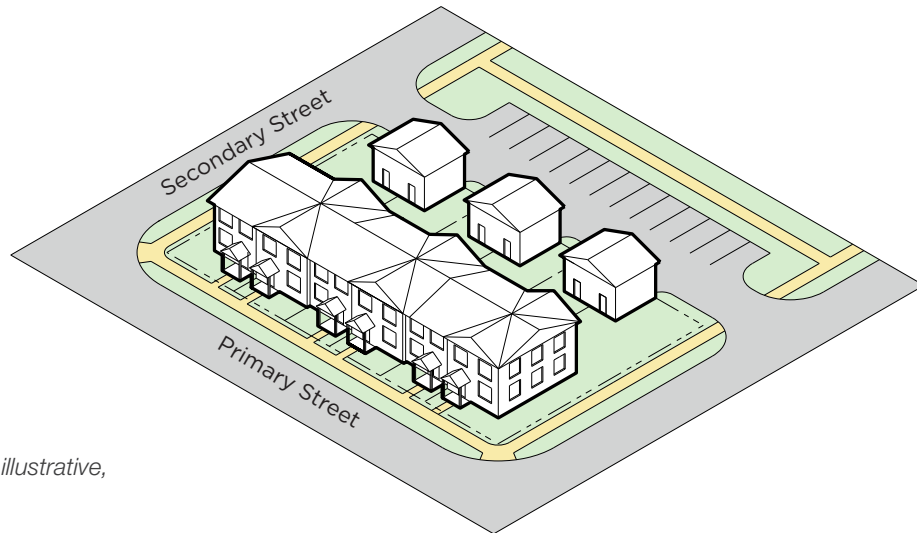
A detached structure with narrow side and street setbacks. Garage access is typically from the street, but garages are clearly subordinate to the principal structure.



Image: Detached Single-Unit Building (Traditional)

(b) Attached Single-Unit Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

A structure with common walls on either side and no units below or above. Garage access is typically from a shared parking area. A small side or rear yard is provided for each unit as private open space.

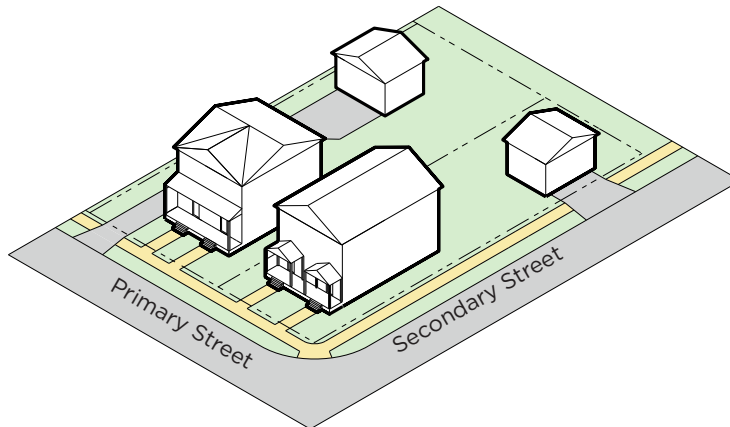


Image: Attached Single-Unit Building

ZONING DISTRICTS

(c) Duplex Building

(1) Typical Lot Configuration



Note: image is illustrative, not regulatory.

(2) Description

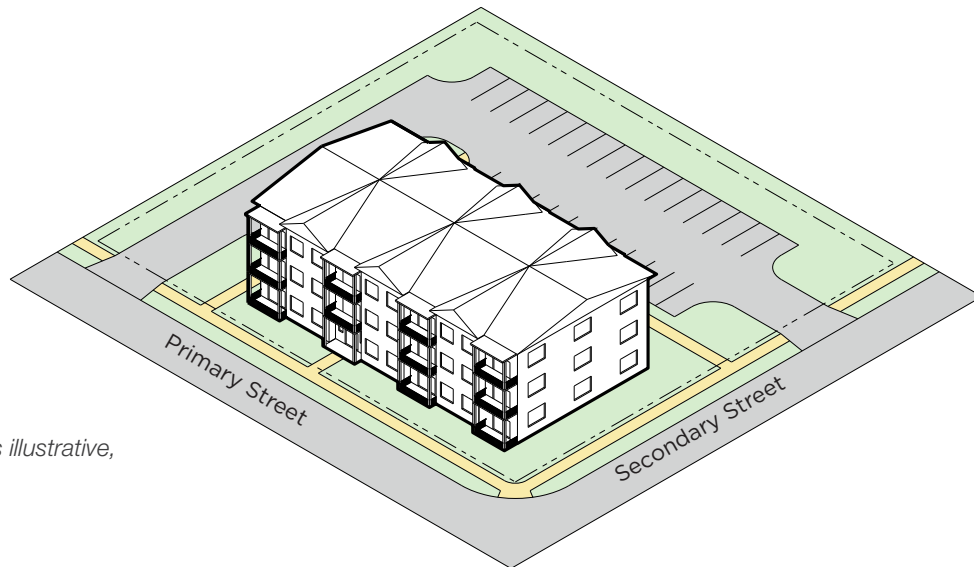
A detached structure with two units that is massed as a single structure. Setbacks can range from small to large and units are typically side-by-side, but may be stacked.



Image: Duplex Building

(d) Multi-Unit Building

(1) Typical Lot Configuration



Note: image is illustrative, not regulatory.

(2) Description

A building with multiple residential units that front on an interior corridor and have their main access from the primary street. Units can be next to each other (side-by-side units), or stacked on top of each other (top and bottom units).

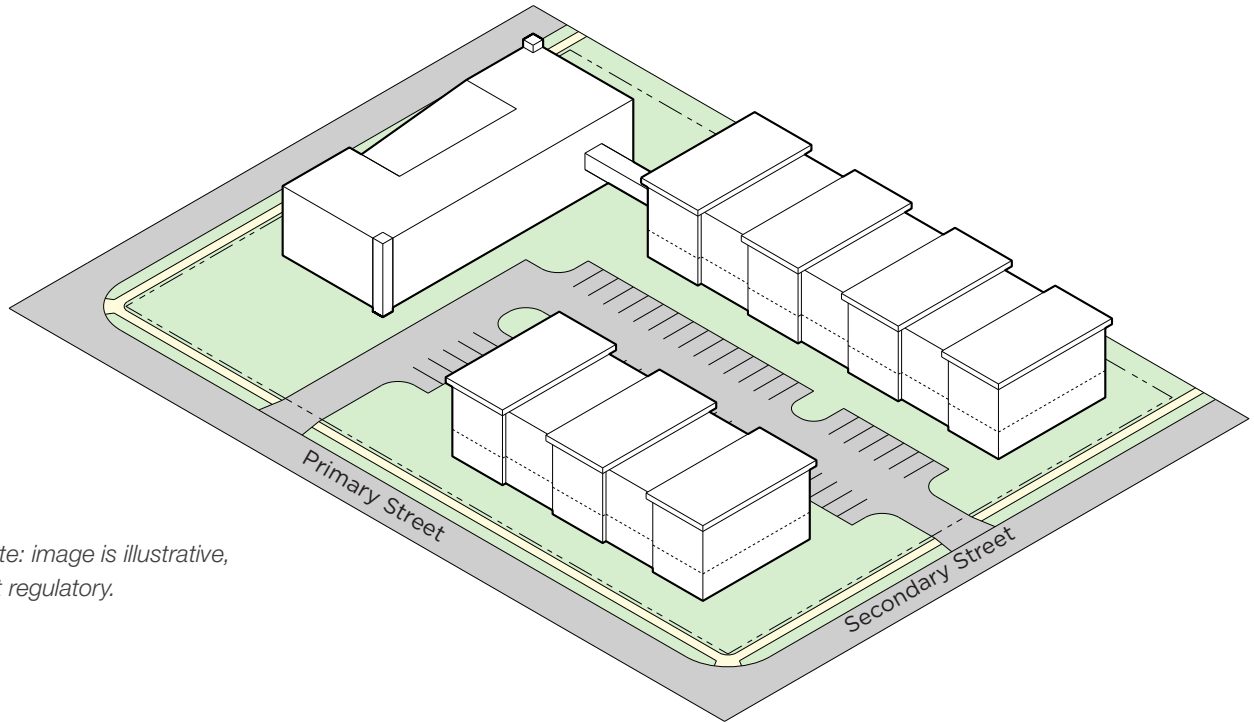


Image: Multi-Unit Building

ZONING DISTRICTS

(e) Multi-Unit Complex

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

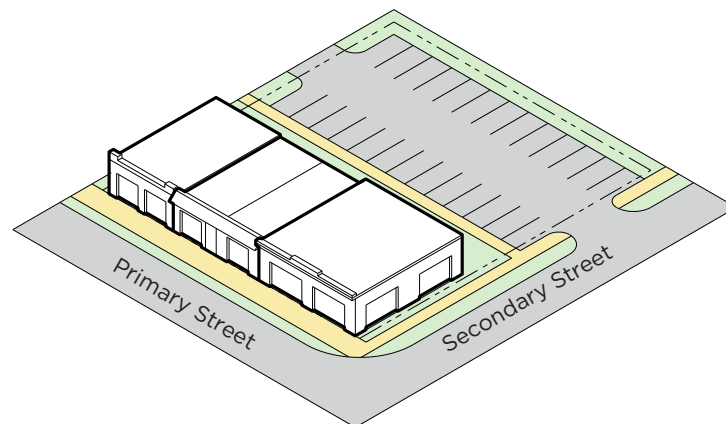
A collection of multi-unit buildings on adjoining pieces of land, generally owned by one (1) entity. The buildings often share common grounds and amenities, such as pools, parking areas, and a community clubhouse, used as leasing offices for the community.



Image: Multi-Unit Complex Building

(f) Small Flex Retail Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

Consists of attached or detached structures ranging from one (1) to three (3) stories. Structures can include single or mixed uses. Parking is located in the rear or side of the building.



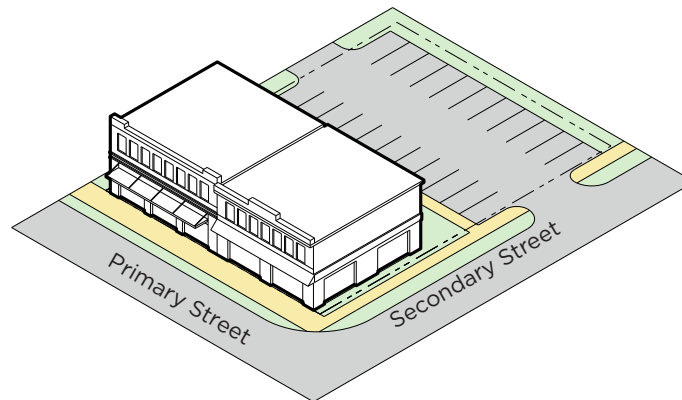
Image: Small Flex Retail Building



ZONING DISTRICTS

(g) Medium Flex Retail Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

Consists of attached or detached structures ranging from one (1) to three (3) stories. Structures can include single or mixed uses. Parking is located in the rear or side of the building.

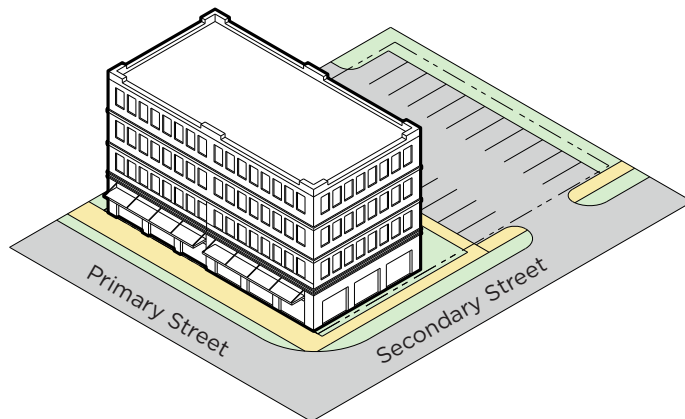


Image: Medium Flex Retail Building



(h) Large Flex Retail Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

Consists of attached or detached structures that can include single or mixed-uses. Parking is located in the rear of the building.



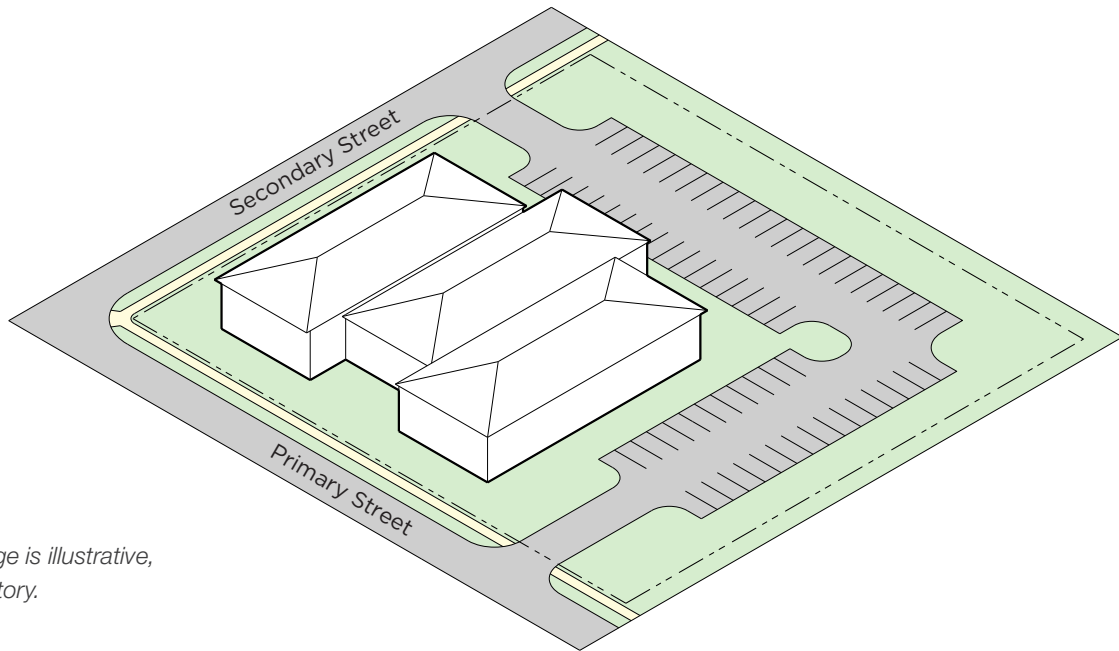
Image: Large Flex Retail Building



ZONING DISTRICTS

(i) Institutional Flex Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

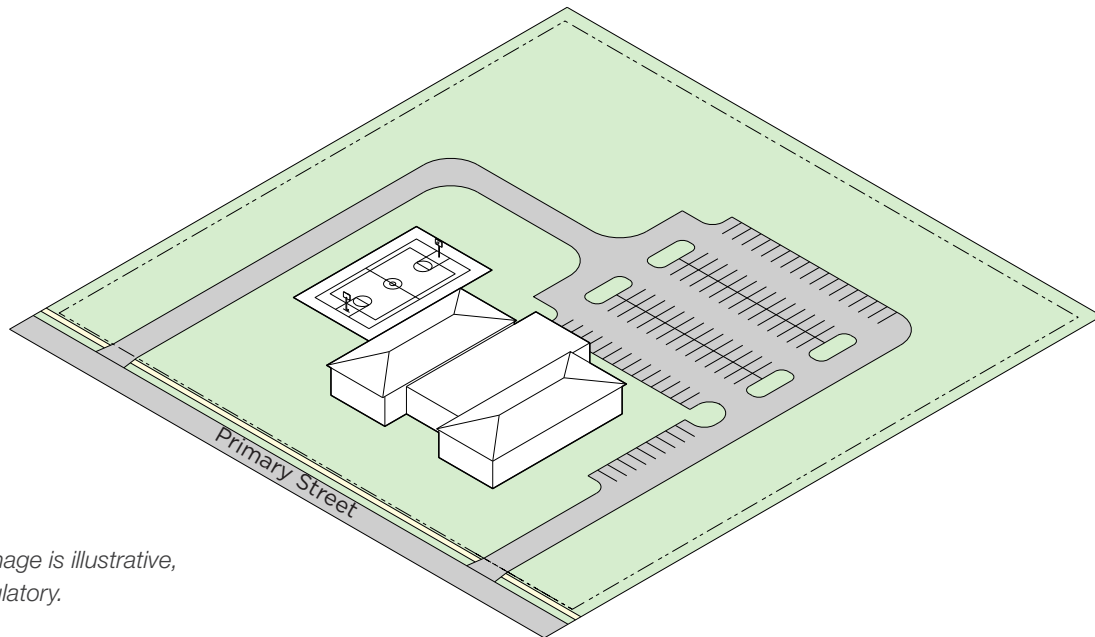
A building that can house uses of an institutional nature (i.e. government building, library, post office, etc.) with parking on the same lot and the main access from the primary street.



Image: Institutional Flex Building

(j) Primary School Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

A building designed to provide learning spaces and learning environments for the teaching of students from about four to eleven years old under the direction of teachers. The building has limited parking for staff and includes both outdoor and indoor recreational activity.



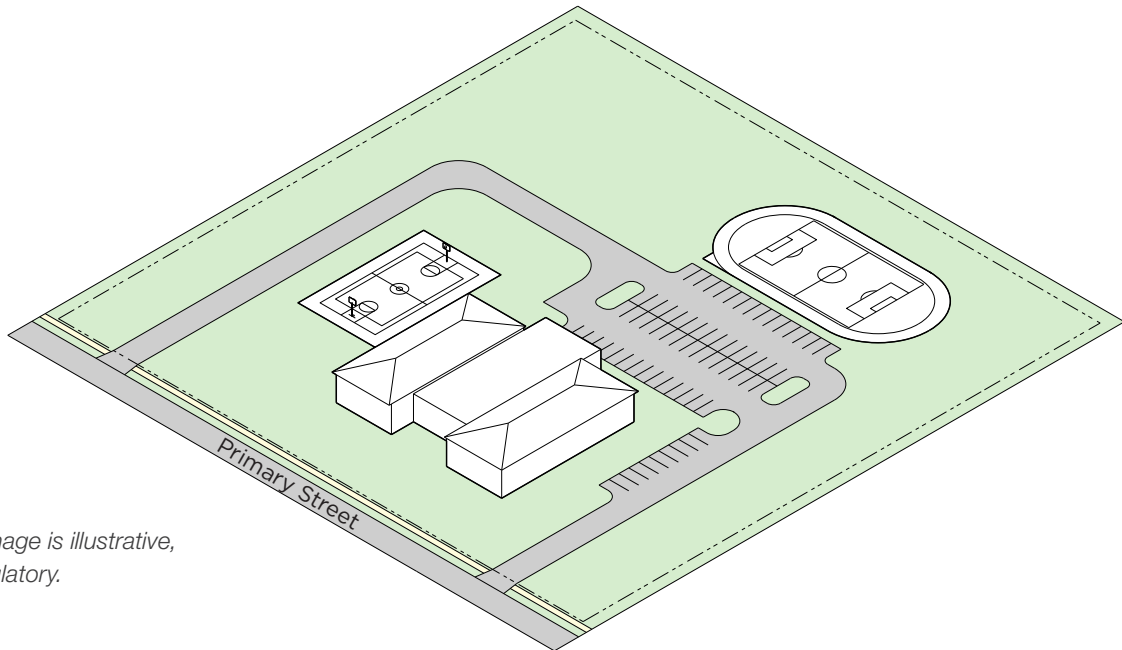
Image: Primary School Building



ZONING DISTRICTS

(k) School and Institutional Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

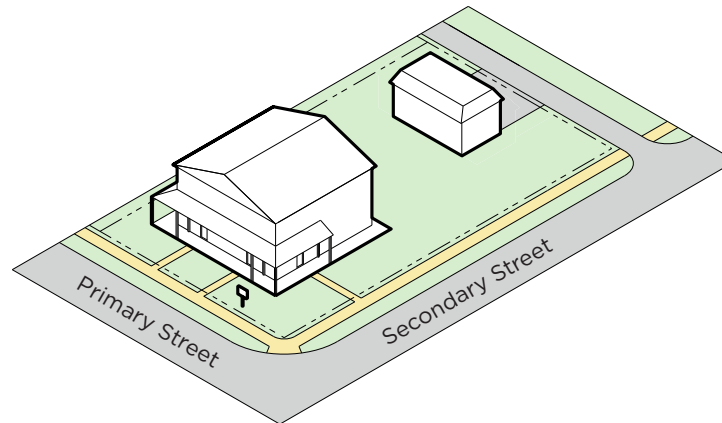
An institution or place for instruction or education, which typically includes athletic fields and/or related assembly space and associated on-site parking. This will often be a junior high school or high school, but could be a larger elementary school that includes additional facilities.



Image: School and Institutional Building

(I) Bed and Breakfast Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

A residential structure providing limited overnight lodging and meals for guests.



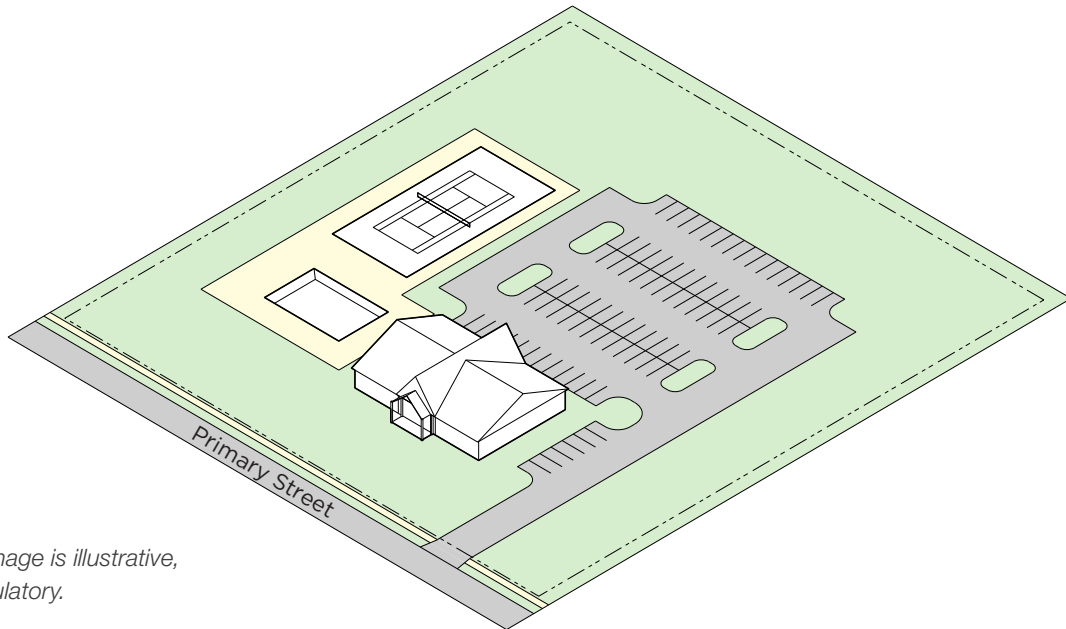
Image: Bed and Breakfast Building



ZONING DISTRICTS

(n) Community Center Building

(1) Typical Lot Configuration



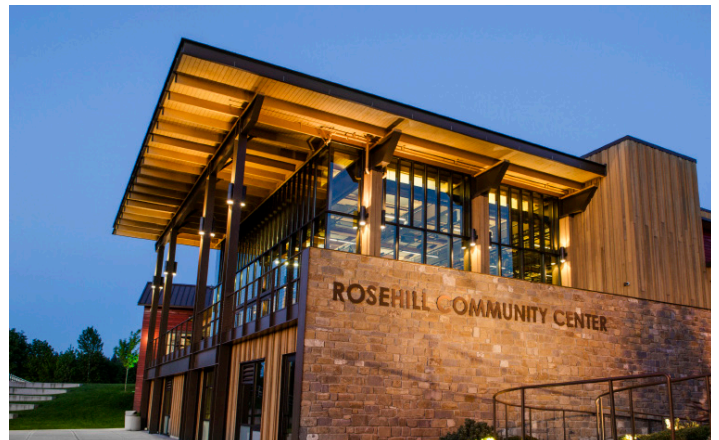
*Note: image is illustrative,
not regulatory.*

(3) Description

Usually a public building where members of a community tend to gather for group activities, social support, public information, and other purposes. It can be open for the whole community or specialized groups (e.g. senior center) and can include both indoor and outdoor recreational facilities.

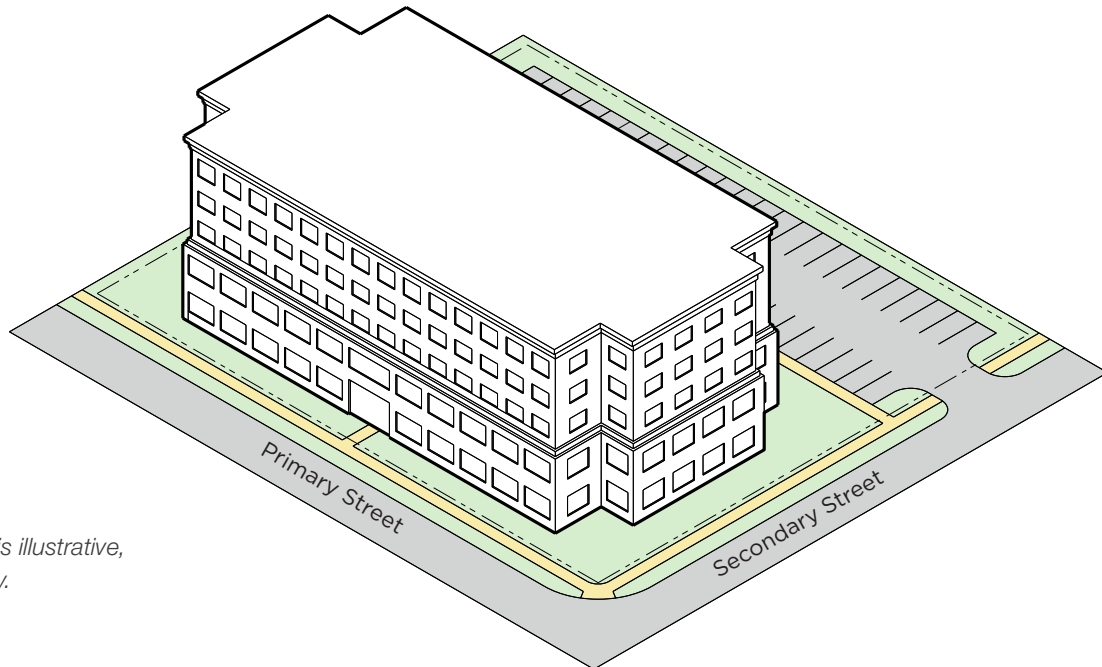


Image: Community Center Building



(o) Office Building

(1) Typical Lot Configuration



Note: image is illustrative, not regulatory.

(2) Description

A building used primarily for conducting the affairs of multiple business, professional, service, industry, government, or like activity, which may include ancillary services for office workers with parking typically found on the same lot and the main access form the primary street.

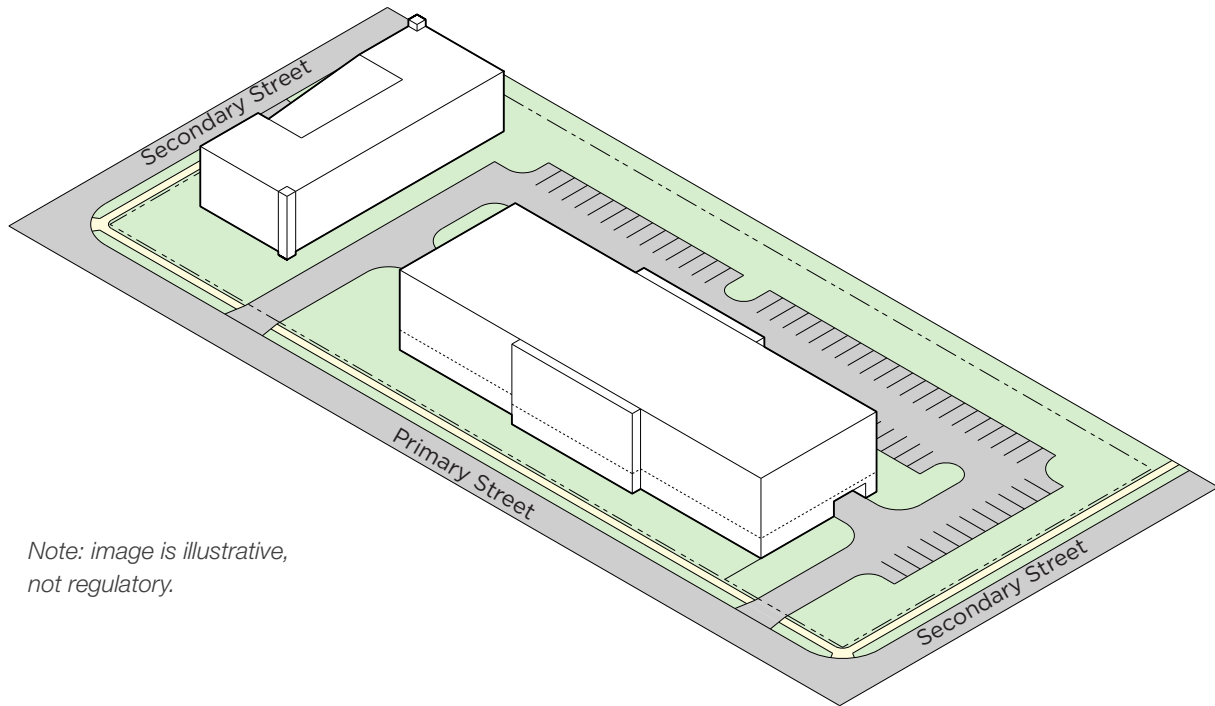


Image: Office Building

ZONING DISTRICTS

(p) Office-Corporate Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

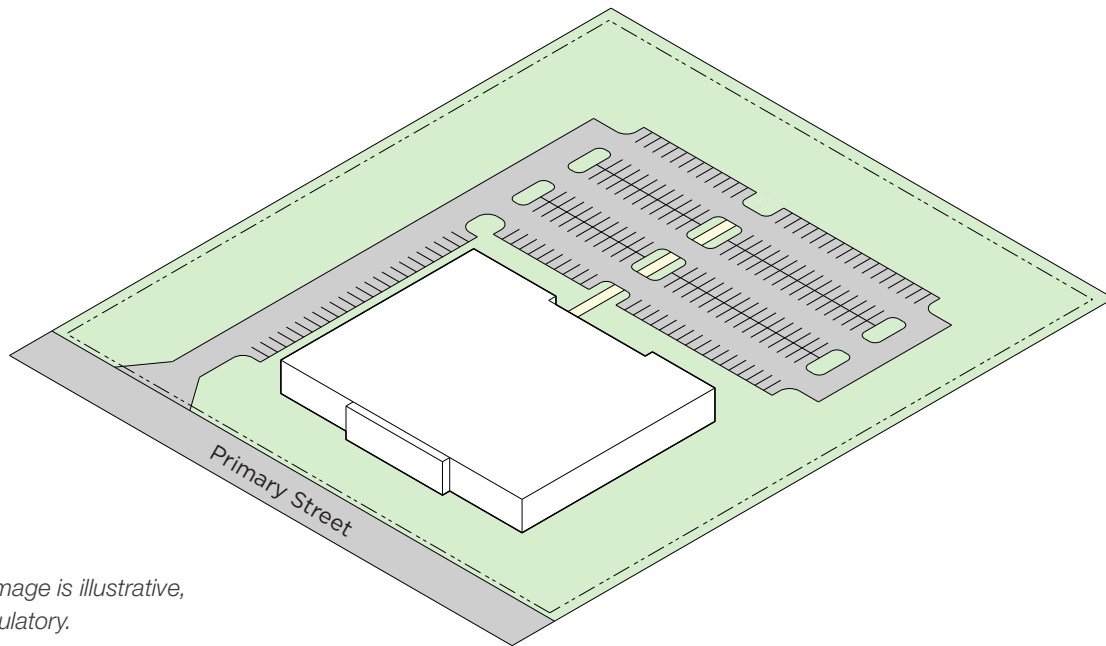
A building used primarily for conducting the affairs of a single business, professional, service, industry, government, or like activity, which may include ancillary services for office workers with parking typically found on the same lot and the main access form the primary street.



Image: Office-Corporate Building

(q) Retail Large Format Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

A single-use, typically large single-story commercial building primarily accessed by automobile with parking on the same lot with a combination of parking in the front, side, or rear yards.



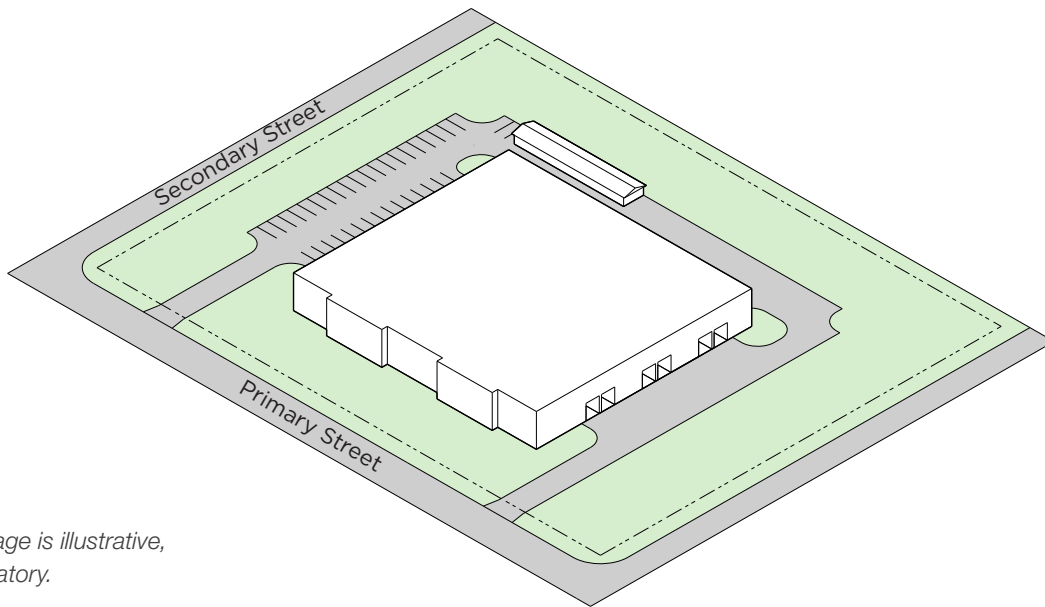
Image: Retail Large Format Building



ZONING DISTRICTS

(r) Industrial Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

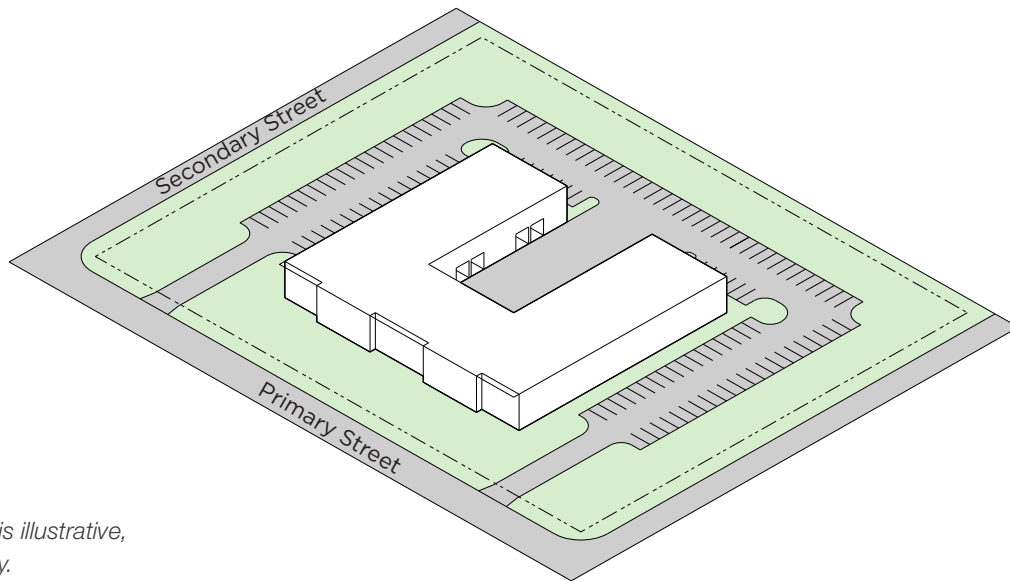
A building that houses manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. Facilities for loading and unloading are typically located in the side or rear yard with employee and visitor parking in the rear yard.



Image: Industrial Building

(s) Warehouse Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

A building for storing goods with facilities for loading and unloading that are typically located in the side or rear yard with employee and visitor parking in the rear yard.



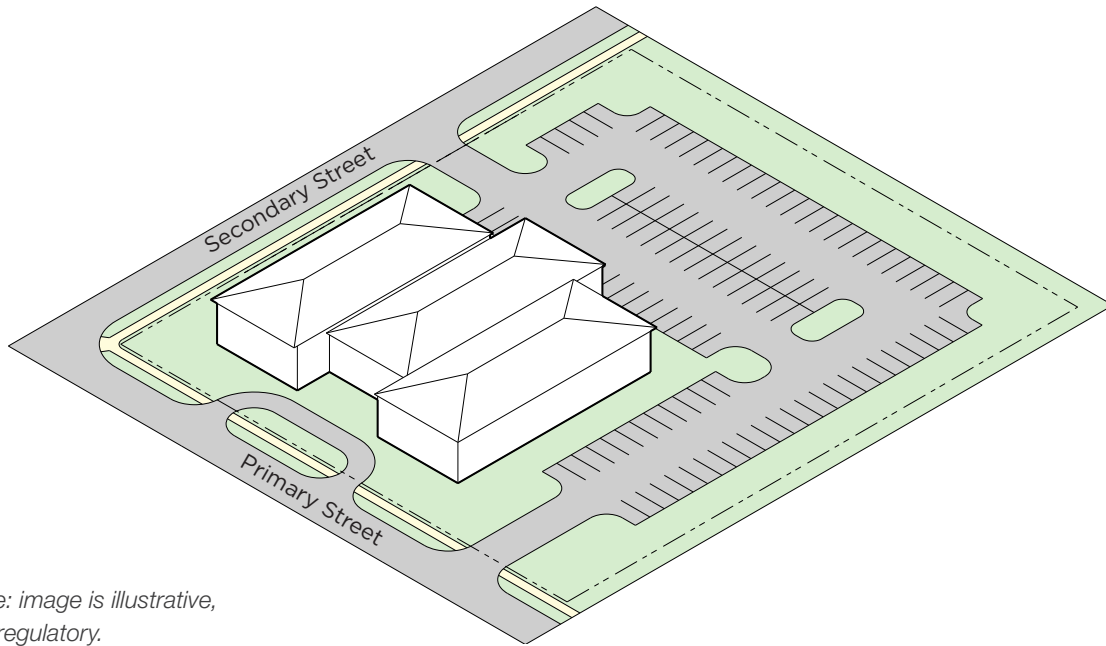
Image: Warehouse Building



ZONING DISTRICTS

(t) Assembly Use Building

(1) Typical Lot Configuration



*Note: image is illustrative,
not regulatory.*

(2) Description

A building designed to house special events, including weddings, private parties, receptions, and other assembly uses.

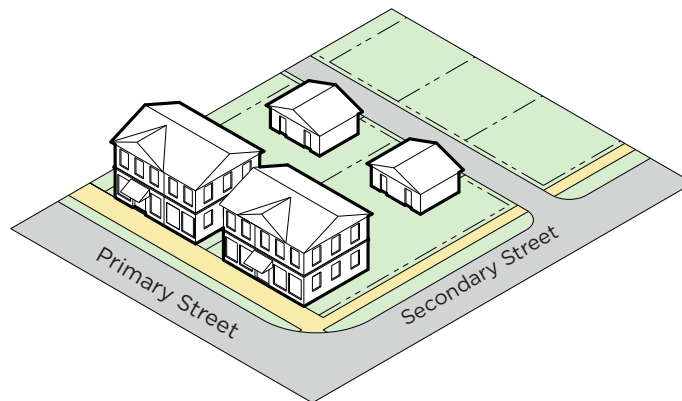


Image: Assembly Use Building



(u) **Maker Space or Live-Work Units**

(1) **Typical Lot Configuration**



*Note: image is illustrative,
not regulatory.*

(2) **Description**

An attached building type which provides flexible space at the street level for a collaborative workspace, small scale retail or office, with a complete living unit above. The combination of these uses and building form lend well to serving as a transition between commercial or mixed-use areas and residential neighborhoods.



Image: Maker Space or Live-Work Units

ZONING DISTRICTS

Frontage Typologies

1010.17: Frontage Typologies

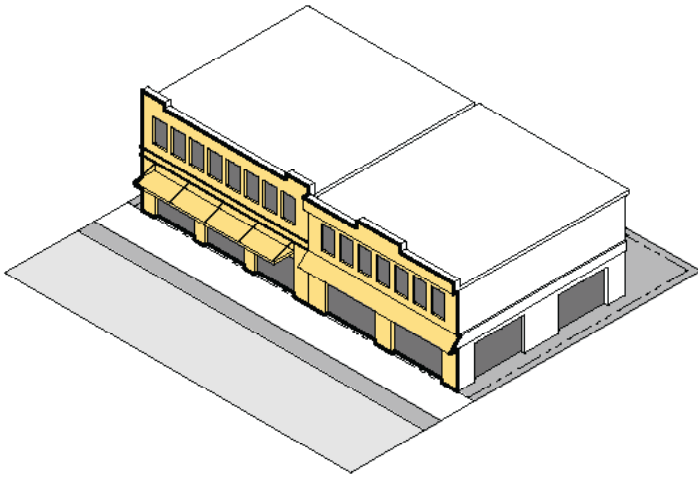
The following Frontage Typologies cover the area between the building façade and the front lot line or right-of-way and intended to ensure projects that establish or reinforce the appropriate frontage character within the following districts.

TABLE 1010.17: PERMITTED FRONTAGE TYPOLOGIES													USE DEFINITION & STANDARDS
	VN	SN	UN	MH	VC	LN	LM	CO	EM	IC	RU	OS	
Shopfront	-	-	●	-	●	●		●	●	-	-	-	1010.17 (a)
Patio	-	-	●	-	●	●		●	●	-	-	-	1010.17 (b)
Gallery	-	-	●	-	●	-		●	●	-	-	-	1010.17 (c)
Arcade	-	-	●	-	●	-		●	●	-	-	-	1010.17 (d)
Yard	●	●	●	-	●	-		-	●	●	●	-	1010.17 (e)
Terrace	●	-	●	-	●	●		●	●	-	-	-	1010.17 (f)
Forecourt	●	-	●	-	●	-		-	-	-	-	-	1010.17 (g)
Streetwall	●	-	●	-	●	●		●	●	●	-	-	1010.17 (h)
Porch	●	●	●	-	●	-		-	-	-	-	-	1010.17 (i)
Stoop	●	●	●	-	●	-		-	-	-	-	-	1010.17 (j)

● Permitted

(a) Shopfront

(1) Typical Lot Configuration

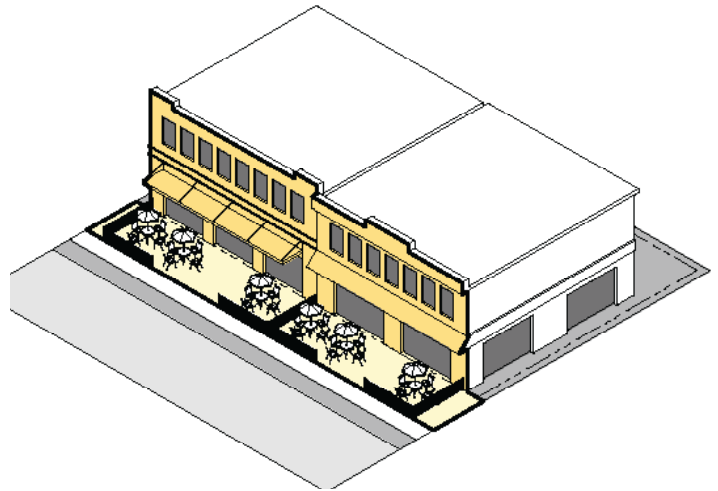


(2) Description

The shopfront is a traditional ground floor frontage treatment designed for active commercial uses (typically retail and dining) and a high degree of pedestrian activity between the public sidewalk and commercial spaces, outside the right-of-way. A shopfront treatment includes one (1) or more commercial tenant storefronts consisting of large windows and a direct tenant entrance from the sidewalk, typically at sidewalk grade. Storefront characteristics include prominent entrances, primarily composed of glass, and tenant signage. If not located in a zero lot line condition (immediately behind the sidewalk), the intervening front setback may be paved as an extension of the sidewalk streetscape to the building façade. All or portions of the setback may be designated for use as outdoor seating or dining/bar space. The setback may also include landscaping, either at grade with the sidewalk along the building foundation, or in raised beds or planters.

(b) Patio

(1) Typical Lot Configuration



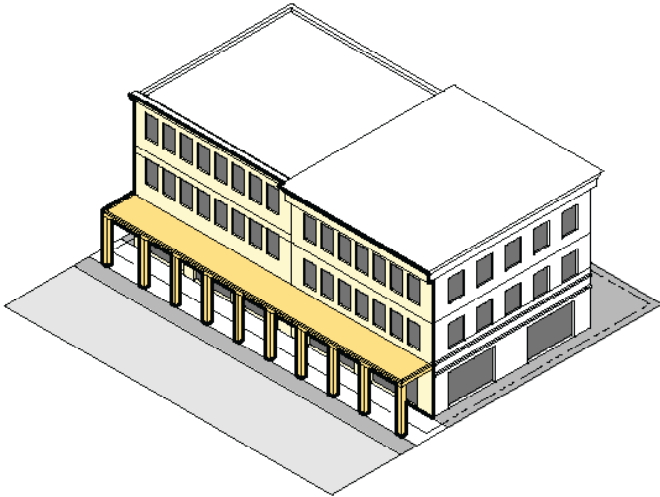
(2) Description

The patio frontage is used primarily to provide outdoor seating associated with ground floor dining uses within a building. The patio is a hardscaped area that may be located to the front or side of a building between the building and sidewalk, but outside of the right-of-way.

ZONING DISTRICTS

(c) Gallery

(1) Typical Lot Configuration

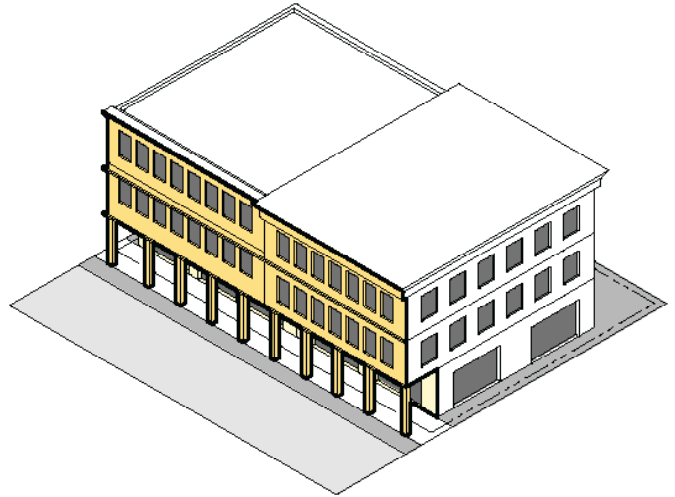


(2) Description

The main facade of the building is at the frontage line and the gallery element overlaps the sidewalk. This frontage type is intended for buildings with ground-floor commercial or retail uses and may be one (1) or two (2) stories. The gallery must extend close enough to the curb so that a pedestrian cannot bypass it. Due to the overlap of the right-of-way, an easement is usually required.

(d) Arcade

(1) Typical Lot Configuration

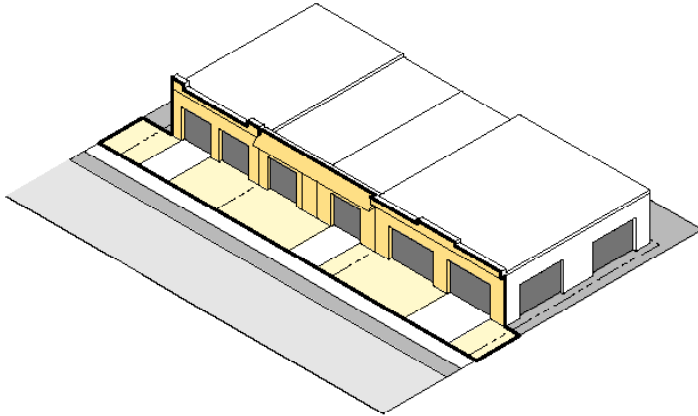


(2) Description

An arcade is a frontage type featuring a pedestrian walkway covered by the upper floors of a building. The ground story facade is setback and upper floors are supported by a colonnade or supports.

(e) Yard

(1) Typical Lot Configuration

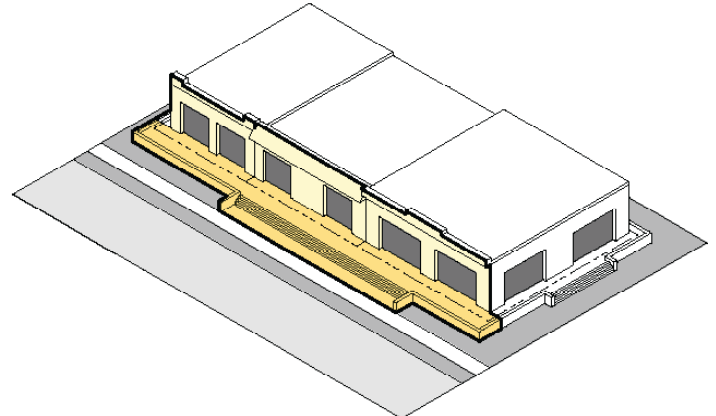


(2) Description

The yard is a typical landscape setback which may consist of open lawn, landscape beds, or some combination of the two. It may contain hardscape elements as a secondary feature and may be edged by a low fence or masonry wall. Yards are typically at the same or similar grade as the adjacent sidewalk and include a front walk connecting the public sidewalk to the main entrance of a building (see Raised Yard as a variation). This is the common frontage treatment for houses and other neighborhood-scale residential buildings, and is typically combined with other a porch or stoop building frontage. A yard may also be used for flex building types designed for any combination of uses.

(f) Terrace

(1) Typical Lot Configuration



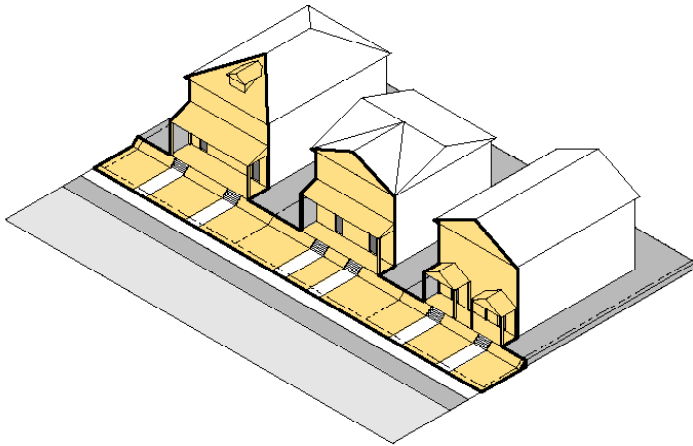
(2) Description

In the Terrace Frontage Type, the main facade is at or near the property line with an elevated terrace providing public circulation along the facade. This Type can be used to provide at-grade access while accommodating a grade change and is frequently used together with a shopfront. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. A terrace treatment differs from the Raised Yard Frontage type in that the building is typically located closer to the sidewalk and the terraced setback is architecturally integrated with the building façade, consisting of more hardscape materials. Raised planters may be incorporated as part of a terrace frontage.

ZONING DISTRICTS

(g) Forecourt

(1) Typical Lot Configuration

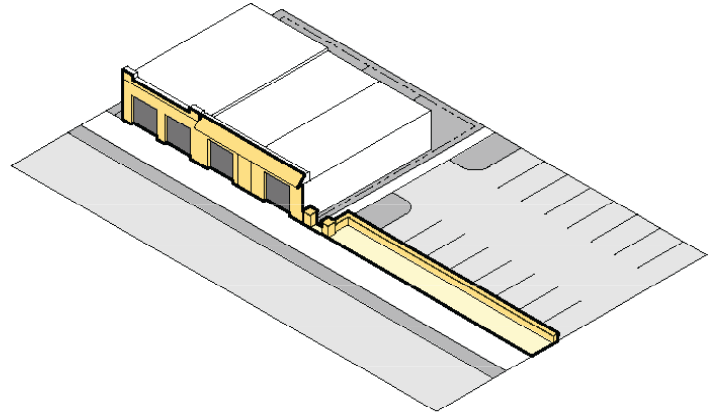


(2) Description

The forecourt frontage treatment allows for a portion of a building façade to be set farther back from the street, creating a courtyard condition with street frontage. A forecourt condition may also be created through the composition of three separate buildings, oriented with the central building setback farther from the others. A forecourt may include open access to the public sidewalk with one (1) or more entrances into the building, or may be fenced and elevated as a semi-private space, partially visible from the public realm. The forecourt area typically includes a combination of landscape and hardscape treatments, and may include outdoor amenities and seating areas associated with the building(s).

(h) Streetwall

(1) Typical Lot Configuration

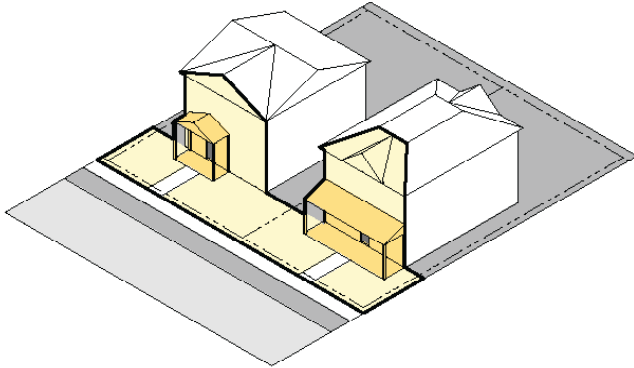


(2) Description

The streetwall frontage is used to create a continuous and defined edge along parking lots where located in close proximity to a street and sidewalk. Streetwalls are typically low (at or below waist height of a passing pedestrian) and may be composed entirely of masonry, a combination of decorative metal fencing with masonry columns, raised planters, a landscape hedge treatment, or some combination of these. Masonry street walls are typically designed to coordinate with the principal building architecture and often are physically connected to the building façade. Street walls may be interrupted with a pedestrian walk connection to the public sidewalk. For new projects or redevelopment, street walls are intended for use along any portion of lot frontage in which side or rear parking is located adjacent to or near the public sidewalk, but are secondary to other frontage types associated with the principal building and should not dominate the entire lot frontage. Streetwalls are also an effective design approach to improve existing auto-oriented sites for which all or substantial portions of a primary frontage consist of parking.

(i) Porch

(1) Typical Lot Configuration

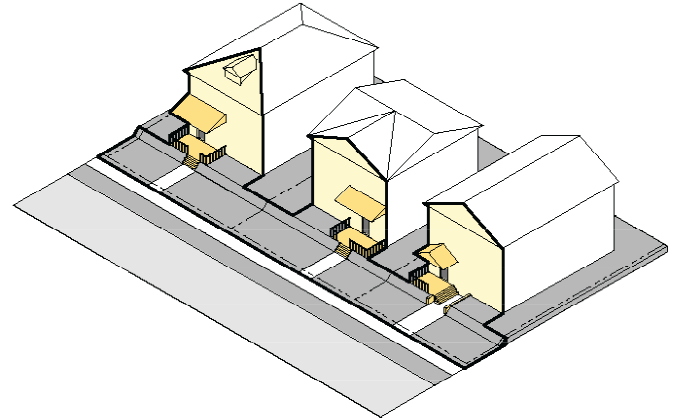


(2) Description

The porch is a common frontage type for residential buildings. Porches should be an extension of the internal living space and provide access to a building entry. Porches may have a roof or be exposed, and are typically more than fifty percent (50%) open around the perimeter. Porches generally extend at least half (1/2) the length of the front facade, but may extend the entire length, and protrude no greater than half the distance to the Front Lot Line.

(j) Stoop

(1) Typical Lot Configuration



(2) Description

The stoop is a frontage component featuring a set of stairs with a landing leading to the entrance of a building. While porches can accommodate more activities, stoops are generally smaller in area and primarily used for entering and exiting the building.

ZONING DISTRICTS

1010.18: Open Space Typologies

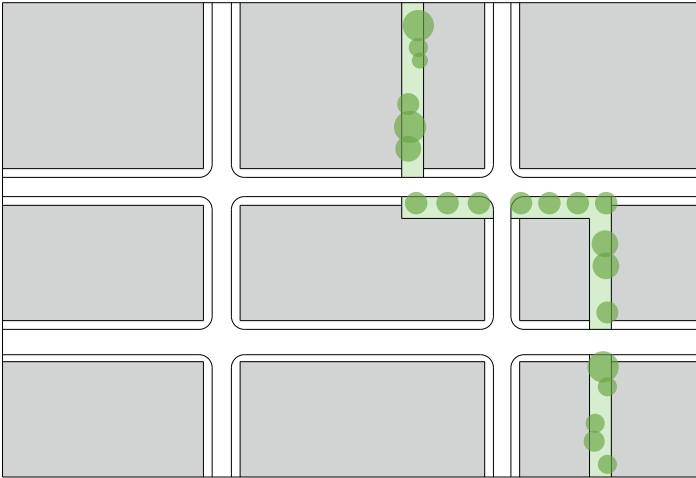
The following Open Space Typologies cover land that is intended to be undeveloped within the following districts.

TABLE 1010.18: PERMITTED OPEN SPACE TYPOLOGIES													USE DEFINITION & STANDARDS
	VN	SN	UN	MH	VC	LN	LM	CO	EM	IC	RU	OS	
Greenway / Trail	●	●	●	-	●	●	-	●	●	●	●	●	1010.18 (a)
Plaza	●	-	●	-	●	-	-	●	●	-	-	-	1010.18 (b)
Square	●	-	●	-	●	-	-	●	●	-	-	-	1010.18 (c)
Green	●	●	●	-	●	-	-	●	-	-	●	●	1010.18 (d)
Passage	●	-	●	-	●	●	-	●	●	-	-	-	1010.18 (e)
Pocket Plaza	●	-	●	-	●	●	-	●	●	-	●	●	1010.18 (f)
Sport Field	●	●	-	-	-	-	-	-	-	-	●	●	1010.18 (g)
Green Infrastructure	●	●	●	-	●	●	-	●	●	●	●	●	1010.18 (h)

● Permitted

(a) Greenway / Trail

(1) Typical Lot Configuration

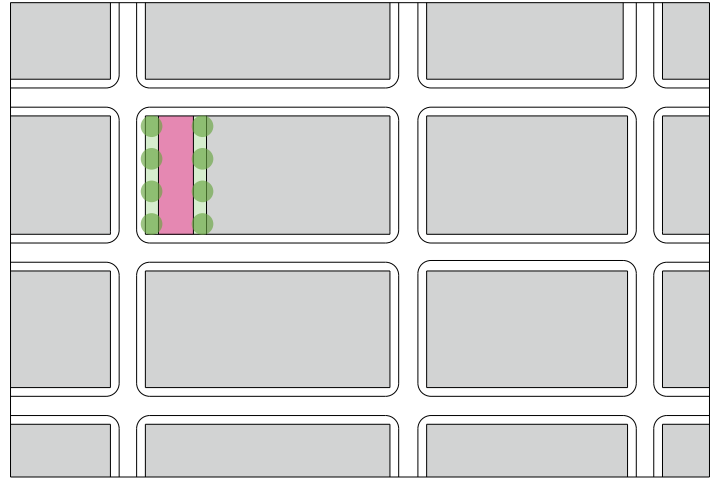


(2) Description

Greenways are primarily linear open spaces that connect other types of open spaces as part of a larger open space system. They typically include a path or trail as a primary feature. The greenway and trail open space is most effective when connecting to another open space type.

(b) Plaza

(1) Typical Lot Configuration



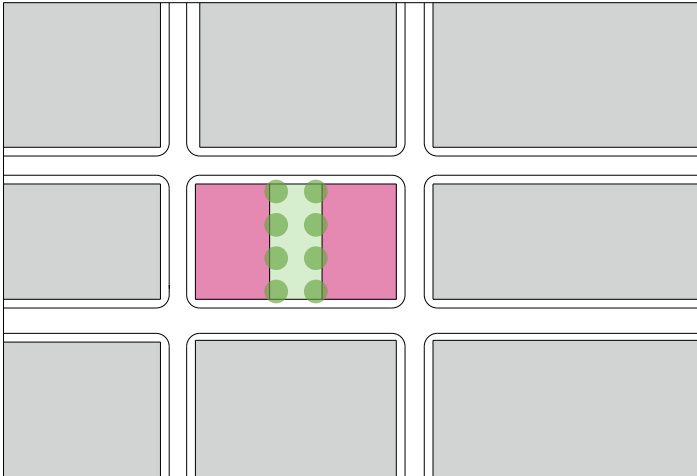
(2) Description

Plazas are spaces available for civic purposes and commercial activities intended to add to the vibrancy of streets and neighborhoods. Building frontages typically define the edges of these spaces. The landscape consists of primarily hardscape. If trees are included, they are formally arranged and of appropriate scale to the space.

ZONING DISTRICTS

(c) Square

(1) Typical Lot Configuration

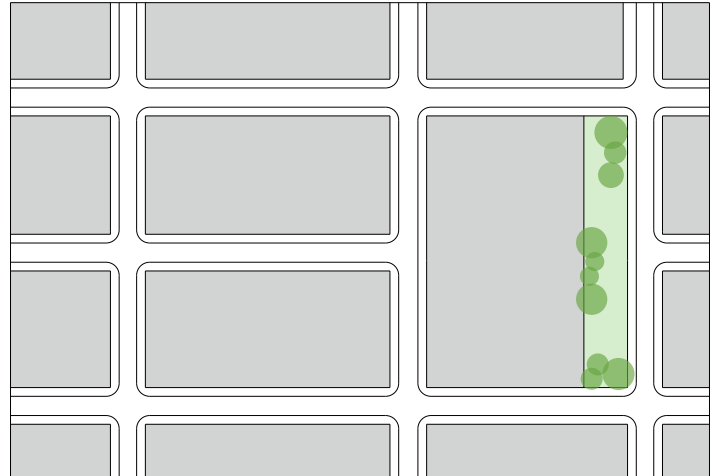


(2) Description

Squares are medium scale formal open spaces designed to serve as gathering spaces in prominent commercial, civic and mixed-use settings. Squares are typically rectilinear and framed on all sides by streets. They are typically designed with a combination of both hardscape and landscape areas and contain amenities including, but not limited to benches and seating areas, planting areas, walking paths, gazebos or pavilions, fountains, and public art.

(d) Green

(1) Typical Lot Configuration

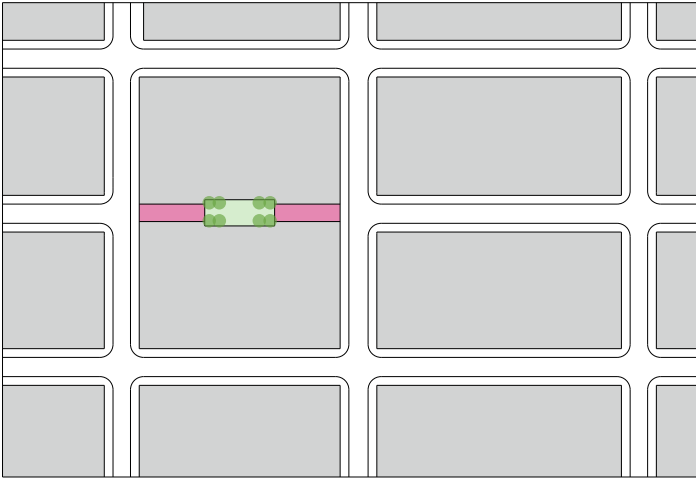


(2) Description

Greens are medium-scale, informal open spaces designed to provide for active or passive recreation in neighborhood settings, including some landscape areas and is generally for those who live within walking distance.

(e) Passage

(1) Typical Lot Configuration

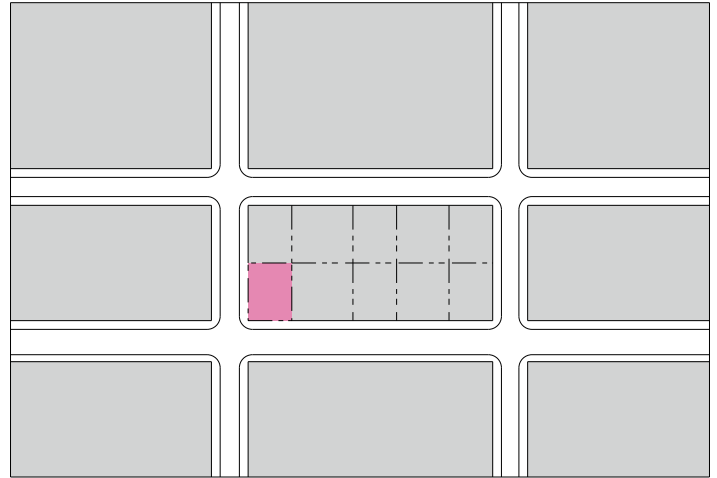


(2) Description

A passage is an informal or formal gathering space that serves equally as a pedestrian connector between other gathering places or between streetscapes. Passages are near the middle of a block, providing easy walking access through the block. A passage provides additional frontage opportunities for the shops and/or houses along its edges.

(f) Pocket Plaza

(1) Typical Lot Configuration



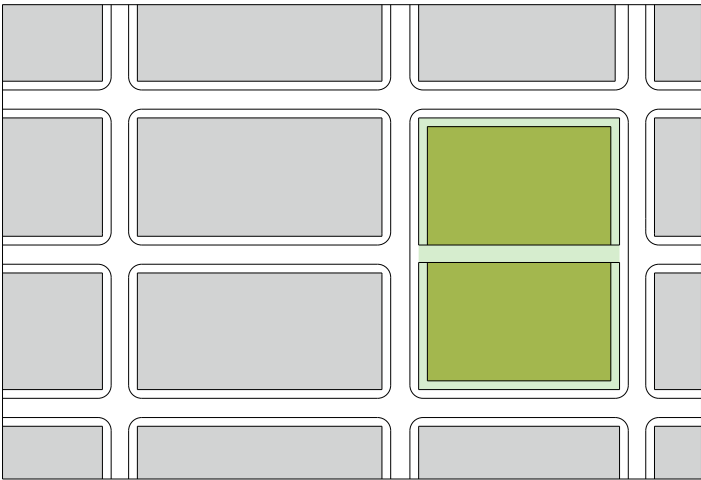
(2) Description

Pocket plazas are small-scale, primarily hardscaped open spaces designed to provide opportunities for impromptu gathering and resting areas for passersby and for those who live or work in adjacent buildings or nearby destinations. Pocket plazas are typically designed as an extension from the public sidewalk, but clearly delineated as a separate space using features including, but not limited to landscaping and/or seating walls. Pocket Plazas are typically located along highly trafficked streets and in commercial areas with frequent pedestrian activity.

ZONING DISTRICTS

(g) Sport Field

(1) Typical Lot Configuration

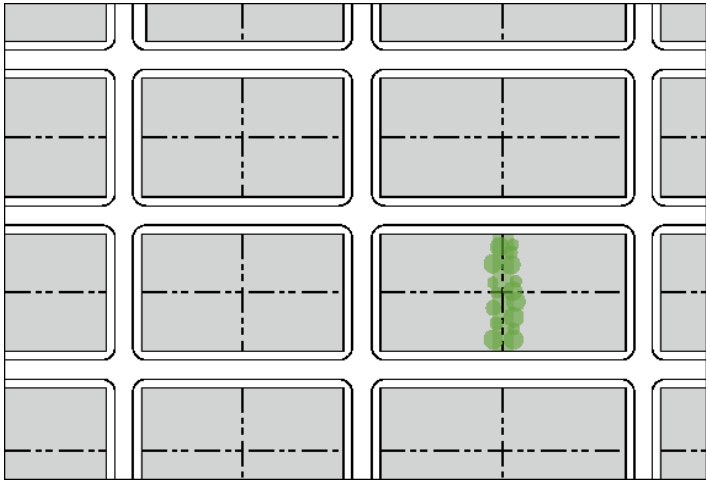


(2) Description

A Sports Field typology is a space or series of open spaces designed for sports activities. Sports fields often accommodate several individual sports games at the same time and may feature a concession area and seating for spectators. Due to the larger amounts of people attracted to this type, sports fields are located to maintain compatibility with adjacent neighborhoods. Landscaping may be required as deemed appropriate by the Review Authority.

(h) Green Infrastructure

(1) Typical Lot Configuration



(2) Description

Green infrastructure in the form of bioswales are linear, vegetated ditches which allow for the collection, conveyance, filtration and infiltration of stormwater. They can also be referred to as “grass swales,” “vegetated swales,” or “filter strips.” A bioswale replaces the traditional concrete gutter with an earthen one. Because they behave like a gutter, these trenches are best suited along roadsides or parking lots, but are less practical for dealing with stormwater that falls on rooftops.

1020

Use Regulations

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1020.01: Introduction to Use Regulations

- (a) Approval Required.** No land or structure shall be put to use except when a Zoning Permit or Conditional Use Approval has been granted by the Village. Nonconforming uses may be continued where such uses meet the conditions described in Chapter 1040 Nonconformities.
- (b) Uses Restricted.** No land, bodies of water, buildings, structures, or other premises are allowed to be put to use in the Village unless the use of the land, body of water, building, structure, or other premises constitutes one (1) of the following:
- (1)** Allowed by Zoning Permit. “Allowed by Zoning Permit” Uses are uses that shall be allowed through

the zoning permit process as described in Chapter 1050 Administration and Procedures. The “Allowed by Zoning Permit” uses are conventionally labeled as “by-right” uses. “Allowed by Zoning Permit” uses shall be subject to all district-specific standards for the district in which the use is proposed; all use-specific standards; all generally applicable regulations, such as parking requirements, outdoor lighting requirements, and buffering and landscaping requirements; as well as standards from outside of the Development Code, including the building code.

- (2)** Allowed by Conditional Use Approval. “Allowed by Conditional Use Approval” uses are those uses that shall be allowed through the Conditional Use approval process, a process described in Chapter

USE REGULATIONS

1050 Administration and Procedures. “Allowed by Conditional Use Approval” uses are conventionally labeled as “conditional” uses. “Allowed by Conditional Use Approval” uses shall be subject to all district-specific standards for the district in which the use is proposed; all use-specific standards; all generally applicable regulations, such as parking requirements, outdoor lighting requirements, and buffering and landscaping requirements; as well as standards from outside of the Development Code, including the building code. Additionally, “Allowed by Conditional Use Approval” uses are subject to specific standards as applied by the Planning Commission during the conditional use approval process.

(c) Uses Not Listed. No land or structure may be used for any purpose not expressly listed in the Development Code as “Allowed by Zoning Permit” or “Allowed by Conditional Use Approval,” unless the unlisted use constitutes one (1) of the following:

- (1)** Unlisted Uses Considered Nonconforming Uses. Uses lawfully established prior to the effective date of this Development Code or uses defined as nonconforming uses by the previously effective Development Code may constitute nonconforming uses and may be allowed to continue where such uses meet the conditions described in Chapter 1040 Nonconformities.
- (2)** Unlisted Uses Similar in Definition and Impact to Listed Uses. Uses neither listed as “Allowed by Zoning Permit” or as “Allowed by Conditional Use Approval” may be permitted where a designee

of the Planning Department determines that the unlisted use is similar in definition to a listed use and is similar in impact to neighboring properties to a listed use. Impacts to neighboring properties that may be considered by a designee of the Planning Department may include, but are not limited to, the following: generation of street traffic, generation of parking demand, generation of odors and emissions, generation of vibrations, generation of outdoor noise, and size of use. Where the unlisted use is similar in definition and impact to an “Allowed by Zoning Permit” use, a designee of the Planning Department may treat the unlisted use as an “Allowed by Zoning Permit” use. Where the unlisted use is similar in definition and impact to an “Allowed by Conditional Use Approval” use, a designee of the Planning Department may treat the unlisted use as an “Allowed by Conditional Use Approval” use but shall not treat the unlisted use as an “Allowed by Zoning Permit” use.

(d) Use-Specific Standards. Each use being conducted in the Village must conform with the standards applicable to such use as described in the applicable Use-Specific standards section of this chapter. However, in some cases, nonconforming uses may be permitted to continue operation without complying with certain Use-Specific standards; see Chapter 1040 Nonconformities for more information.

(e) Definitions of Uses. Each use is defined in Chapter 1060 Glossary.

1020.02: Comprehensive Use Table

- (a) The Comprehensive Use Table, below, sets forth which uses are “Allowed by Zoning Permit,” which uses are “Allowed by Conditional Use Approval,” and which uses are prohibited in each of the Village’s districts. Such uses are also listed under each district in the preceding chapter; in the case of conflict, this table shall govern.

TABLE 1020.02: COMPREHENSIVE USE TABLE	VN	SN	UN	MH	VC	LN	LM	CO	EM	IC	RU	OS	USE DEFINITION & STANDARDS
General Utility	●	●	●	●	●	●	●	●	●	●	●	●	1020.03
General Right-of-Way	●	●	●	●	●	●	●	●	●	●	●	●	1020.04
Parks and Preserves	●	●	●	●	●	●	●	●	●	●	●	●	1020.05
Accessory	●	●	●	●	●	●	●	●	●	●	●	●	1020.06
Temporary	●	●	●	●	●	●	●	●	●	●	●	●	1020.07
Recreational	►	►	►	►	►	►	►	►	►	►	●	●	1020.08
Civic and Institutional	●	●	●	-	●	●	●	●	-	-	●	-	1020.09
Single-Unit Residential	●	●	●	-	●	●	●	●	-	-	●	-	1020.10
Two-Unit Residential	●	●	●	-	●	●	●	●	-	-	-	-	1020.11
Three-to-Eight-Unit Resi.	●	-	►	-	●	●	●	●	-	-	-	-	1020.12
Nine-Plus-Unit Residential	●	-	-	-	-	►	●	●	-	-	-	-	1020.13
Neighborhood Commercial	●	-	►	-	●	►	●	●	►	●	-	-	1020.14
Regional Commercial	-	-	-	-	-	-	►	►	►	●	-	-	1020.15
Vehicle-Oriented	-	-	-	-	-	-	-	►	●	●	-	-	1020.16
Artisanal Industrial	-	-	-	-	●	-	-	●	●	-	-	-	1020.17
Light Industrial	-	-	-	-	-	-	-	●	●	●	-	-	1020.18
Agricultural	-	-	-	-	-	-	-	-	-	-	●	-	1020.19
Outdoor Arena	-	-	-	-	-	-	-	-	►	►	-	-	1020.20
Sexually Oriented	-	-	-	-	-	-	-	-	►	-	-	-	1020.21
Telecommunications Tower	-	-	-	-	-	-	-	-	►	►	-	-	1020.22
Manufactured or Mobile Home Park	-	-	-	●	-	-	►	-	-	-	-	-	1020.23
Short-Term Rental	●	●	●	●	●	●	●	●	-	-	-	-	1020.24
Recreation Vehicle Park	-	-	-	-	-	-	-	►	-	-	-	►	1020.25
Propane Tank Storage	-	-	-	-	-	-	-	-	►	-	-	-	1020.26

● Permitted ► Conditional - Not Permitted

USE REGULATIONS

1020.03: Use-Specific Standards for General Utility Uses

(a) Definition of General Utility Uses. General Utility Uses are uses consisting of public utilities pumps, pipelines, wires, and ponds related to the delivery of telecommunications data, natural gas, water, sewage, stormwater, electricity, or steam heat. General Utility Uses shall include water reservoirs and channels; stormwater detention basins; public utilities, including pumping stations and power substations; and telecommunications antennas under forty (40) feet in height. General Utility Uses do not include power plants or solar or wind energy systems. Solar and wind energy systems with less than one (1) megawatt of capacity shall be considered accessory uses. Solar and wind energy systems with a capacity of one (1) megawatt or greater shall be considered Light Industrial Uses. General Utility Uses do not include oil and gas wells, surfacing mines, or quarries, which shall all be considered Heavy Industrial Uses. General Utility Uses do not include landfills or waste transfer facilities, which shall be considered Heavy Industrial Uses.

(b) Explosive Fluids Restricted for General Utility Uses. General Utility Uses shall not store or transport flammable, explosive, volatile, or unstable fluids in quantities that may pose a threat to neighboring occupants or the environment. Where such storage may pose a threat to neighboring occupants or the environment, the use shall be considered a Heavy Industrial Use, not a General Utility Use.

1020.04: Use-Specific Standards for General Right-of-Way Uses

- (a) Definition of General Transportation Uses.** General Right-of-Way Uses are uses consisting of typical uses of the right-of-way. General Right-of-Way Uses include pedestrian paths, pedestrian streets, electric recharging ports, bus stops, and other transit related facilities.
- (b) Food Trucks.** Food trucks, where not established at a permanent location, shall be treated as Temporary Uses, not General Right-of-Way Uses.
- (c) Right-of-Way Encroachment Permit Required.** A right-of-way encroachment permit are required for certain activities within a government-controlled right-of-way,

such as a public street and/or sidewalk and are issued by a designee of the Planning Department.

1020.05: Use-Specific Standards for Parks and Preserves Uses

- (a) Definition of Parks and Preserves Uses.** Parks and Preserves Uses are uses consisting of passive recreation; natural woods, wetlands, or forests; and neighborhood beautification uses. Parks and Preserves Uses include pedestrian plazas, pedestrian squares, fountains, community gardens, parks, picnic areas, and nature preserves.
- (b) Specific Standards for Parks and Preserves Uses.** Village-owned Parks and Preserves are mandatory referrals to the Planning Commission.

1020.06: Use-Specific Standards for Accessory Uses

- (a) Standards for All Accessory Uses.** All Accessory Uses and all accessory structures shall meet all of the following conditions:
- (1)** Accessory Uses on Same Lot as Principal Use. All Accessory Uses and all accessory structures shall occur on the same lot as the principal use and principal structure with which they are associated.
 - (2)** Setbacks for Accessory Uses. Accessory Uses shall maintain setbacks from all lot lines as governed for principal uses, unless otherwise regulated in this section, such as for accessory structures of residential uses or for solar or wind energy systems.
 - (3)** Fences Regulated Elsewhere. Fences are regulated in Section 1030.04.
- (b) Standards for Accessory Parking.**
- (1)** Parking as Accessory Use. Parking shall be considered an accessory use of the principal use of the lot.
 - (2)** Parking Regulated Elsewhere. Parking is regulated in Section 1030.01.
- (c) Standards for Accessory Structures of Residential Uses.**

- (1)** Accessory Structures Allowed with Residential Uses. Accessory structures shall be allowed on lots with principal residential uses where such accessory structures are customarily associated with residential living and are intended for use primarily by the residents of the property, as determined by a designee of the Planning Department. Such accessory structures shall include:
- a. Permanent basketball hoops and courts, tennis courts, and other sports courts;
 - b. Treehouses;
 - c. Gazebos, pergolas, patios, decks, porches, and awnings;
 - d. Car ports and garages;
 - e. Electric vehicle charging stand;
 - f. Sheds and other equipment storage structures, as permitted;
 - g. Swimming pools and hot tubs, swimming pool patios, and swimming pool pumps and houses;
 - h. Amateur radio antennas; and
 - i. Flag poles and flag lighting.
- (2)** Permit Required for Accessory Structures Associated with Residential Uses. A zoning permit shall be required for the installation or placement of any accessory structure associated with a residential use where such accessory structure exceeds eighteen (18) feet in height or one-hundred twenty (120) square feet in building footprint.
- (3)** Setbacks for Accessory Structures Associated with Residential Uses. Accessory structures in association with principal residential uses shall maintain setbacks from all lot lines as indicated in the table below. If the setbacks of a particular accessory structure are regulated elsewhere in this Development Code, those setbacks shall govern; for example, the setbacks of wind energy systems are governed by Section 1020.06 (d).

TABLE 1020.06 (A): SETBACKS FOR ACCESSORY STRUCTURES ASSOCIATED WITH RESIDENTIAL USES

ACCESSORY USE	SETBACK FROM FRONT LOT LINE	SETBACK FROM ALL OTHER LOT LINES
Amateur Radio Antennas	No less than the lesser of: (1) the setback of the principal dwelling, or (2) 100 ft.	No less than 110% of the heights of the antenna
Dog Kennels and Other Domestic Animal Housings	No less than the lesser of: (1) the setback of the principal dwelling, or (2) 100 ft.	10 ft. min.
Flag Poles and Flag Lighting	2 ft. min.	10 ft. min.
Electric Vehicle Charging Stand	3 ft. min.	3 ft. min.
All Other Accessory Structures Associated with Residential Uses	No less than the lesser of: (1) the setback of the principal dwelling, or (2) 100 ft.	3 ft. min.

- (4)** Limits to Heights of Accessory Structures Associated with Residential Uses. The height of accessory structures in association with principal residential uses shall not exceed the heights indicated in the table below. If the height limit of a particular accessory structure is regulated elsewhere in this Development Code, that height limit shall govern; for example, the height limit of wind energy systems and solar energy systems are specifically exempted by Section 1020.06 (d).

TABLE 1020.06 (B): LIMITS TO HEIGHTS OF ACCESSORY STRUCTURES ASSOCIATED WITH RESIDENTIAL USES

ACCESSORY USE	HEIGHT
Amateur Radio Antennas	40 ft. max.
Flag Poles and Flag Lighting	40 ft. max.
All Other Accessory Structures Associated with Residential Uses	20 ft. max.

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- (5) Accessory Structures Associated with Residential Uses as Contributing to Lot Coverage. Accessory structures associated with residential uses shall contribute to lot coverage calculations only when the accessory structure has a ground coverage of greater than nine (9) square feet and when the accessory structure does not permit rain to pass through to soil directly below it. As examples, the following accessory structures shall contribute to lot coverage calculations: paved patios, roofed porches, roofed gazebos, garages, carports, and sheds. As examples, the following accessory structures shall not contribute to lot coverage calculations: the water area of a swimming pool, bird baths, little library kiosks, basketball hoops, gardens, and unroofed decks built over bare soil.
- (6) Fences Regulated Elsewhere. Fences are regulated in Section 1030.04.
- (7) Accessory Dwelling Units Regulated Elsewhere. Accessory dwelling units are regulated in Section 1020.06 (f).
- (8) Home Occupations Regulated Elsewhere. Home occupations, which are considered an accessory use as opposed to an accessory structure, are regulated in Section 1020.06 (e).

(d) Standards for Accessory Wind and Solar Energy Systems.

- (1) Wind Energy Systems. A wind energy system shall be considered a conditional use in any zoning district. No wind energy system shall be constructed or located within the Village unless a conditional use permit is issued as outlined in Chapter 1320 and a site plan has been recommended for approval by the Building Commissioner. Any addition or modification to a wind energy system that alters the size, type and number of wind turbines or other equipment shall be subject to additional site plan reviews and reconsideration of the issued conditional use permit. In all cases, the applicant must demonstrate compliance with the requirements of this section and the requirements of any other applicable section of this Development Code.
- (2) Solar Energy Systems: Solar energy systems shall be considered a permitted use in any zoning

district, subject to the requirements of this section and the requirements of any other applicable section of this Development Code.

- (3) Setbacks Applicable to Wind Turbines. Wind turbines must maintain a setback to all lot lines equal to one-hundred ten (110) percent of the height above grade; the height of the wind turbine is measured from the grade to the tip of the blade when at its highest position.

(e) Standards for Home Occupations

- (1) Definition of Home Occupation. A home occupation is an occupation or profession which is conducted within a structure (1) where the structure is principally a residence, (2) where the person conducting the occupation or profession is the permanent resident of the residence or is an employee of the permanent resident of the residence, and (3) where the occupation or profession is compatible with the residential use of the property and surrounding residential uses, as determined by a designee of the Planning Department. Examples of home occupations may include fabrication of window treatments or upholstery; paralegal services; massage therapy services; state-licensed family day-care home services; and online tutoring.
- (2) Home Occupations as Accessory to a Residential Use. A home occupation shall be conducted only where the use of the property or portion of the property is principally as a residence and where the portion of the structure or property is principally configured for use as a residence.
- (3) Permitting Required for a Home Occupation. A home occupation shall require a permit from the Village:
 - a. The home occupation involves a non-resident employee or colleague to visit the property of the home occupation and residence at any time in order to conduct business; or
 - b. The home occupation involves in-person customer interactions, such as drop-off of children for day care services, client visits for massage therapy appointments, or customer pickup of upholstery goods.

- (4)** Limits on Number of Employees of Home Occupations. No Dwelling Unit may have more than one (1) non-resident employee or colleague present at any given time in association with the Dwelling Unit's home occupation(s).
- (5)** Limits on Number of Customers Visiting a Home Occupations. No dwelling unit may have more than two customer present at any given time in association with the dwelling unit's home occupation(s). However, children of a state-licensed family day-care home shall not count as customers for the purposes of this regulation; the parents of such children, during drop-off and pick-up, shall not count as customers for the purposes of this regulation.
- (6)** Limits on Public Hours of Home Occupations. No dwelling unit may be open for visitation by customers in association with a home occupation between the hours of 7:00PM and 7:00AM.
- (7)** Limits on Outdoor Storage in Association with a Home Occupation. No material, equipment, merchandise, or other products associated with the home occupation may be stored outdoors, except in the case that the equipment is a vehicle licensed or registered with the state, such as a limousine or fishing boat, in which case it shall be parked in compliance with this Development Code's parking regulations in Section 1030.01, and except that child play equipment in association with a state-licensed family day-care home shall be permitted to be stored outdoors in a rear yard.
- (8)** Limits on Deliveries in Association with a Home Occupation. No Home Occupation may necessitate the delivery or pick-up of parcels, materials, or equipment by a freight hauler where such freight hauler is not customarily associated with the delivery or pick-up of goods to or from single-unit dwellings.
- (9)** Limits on Signage in Association with a Home Occupation. A home occupation shall be allowed to display a sign only where this Development Code allows such types and sizes of signs in the district in which it is displayed. See Section 1030.08 for sign regulations.
- (10)** Limits on Emissions of Noise, Vibrations,

Odors, and Smoke in Association with a Home Occupation. No Home Occupation may cause the transmission of noise, vibration, odor, or smoke to adjacent residences at a level exceeding what is typically associated with a residential use. As examples, the opening and closing of a door, the use of a snow blower or other snow-removal equipment, the venting of a residential stove, or the venting of one (1) residential laundry dryer shall be considered typical of a residential use.

(f) Accessory Dwelling Units (ADUs)

(1) General Requirements

- a. Purpose. These standards establish guidelines for the development of attached and detached Accessory Dwelling Units (ADUs) to promote housing diversity while maintaining neighborhood character.
- b. Applicability. These standards apply to all residentially zoned properties where ADUs are permitted.

(2) Development Standards.

- a. Number of Units: A maximum of one ADU per lot is permitted in addition to the primary dwelling
- b. Minimum Lot Size: ADUs are allowed on lots meeting the minimum lot size requirement for the zoning district.
- c. Maximum Unit Size:
 - (i) Attached ADU - The lesser of 50% of the primary dwelling's floor area or 1,000 square feet.
 - (ii) Detached ADU - Maximum of 1,200 square feet.
- d. Height Limit:
 - (i) Attached ADU - Must comply with the height limitations of the primary dwelling
 - (ii) Detached ADU - Maximum height of 16 feet for single-story units; 25 feet for two-story units where permitted.

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- e. Setbacks:
 - (i) Front: - Must comply with the front setback of the zoning district.
 - (ii) Side and Rear: Minimum of 5 feet from property lines for detached ADUs. Attached ADUs must maintain setbacks consistent with the primary structure.
- f. Lot Coverage: ADUs must comply with maximum lot coverage limits established by the zoning district.

(3) Design Standards.

- a. Architectural Compatibility: The ADU shall match the primary dwelling in materials, color, roof design, and general architectural style.
- b. Entryways: Attached ADUs shall have a separate exterior entrance from the primary dwelling. Detached ADUs must have primary entrances oriented away from adjacent properties where feasible
- c. Windows and Privacy: Windows facing adjacent properties must incorporate privacy measures (e.g., frosted glass, setbacks, or landscaping). Second-story detached ADUs require minimum 10-foot setbacks when facing neighboring residential properties.

(4) Utility and Infrastructure Requirements.

- a. Separate Utility Connections: ADUs may share utility connections with the primary dwelling or have separate connections.
- b. Stormwater and Drainage: ADUs must comply with applicable stormwater management regulations to prevent drainage impacts on adjacent properties.

(5) Occupancy and Use Restrictions.

- a. Owner Occupancy Requirement: The property owner must reside in either the primary dwelling or the ADU, unless otherwise specified by local ordinance.

- b. Short-Term Rentals: ADUs may not be rented for short-term rentals.
- c. Home Occupations: Business activities within an ADU must comply with applicable home occupation regulations.

(6) Permitting and Approval Process.

- a. Permit Requirement: A building permit is required for all ADUs, subject to site plan and zoning compliance review.
- b. Nonconforming Structures: Existing nonconforming structures converted into ADUs must be brought into compliance with applicable health and safety codes.

(7) Enforcement and Violations.

- a. Penalties: Unauthorized ADUs or violations of these standards are subject to enforcement actions, including fines and required removal per Section 1050.15.
- b. Inspections: The city may conduct inspections to ensure compliance with ADU regulations.

1020.07: Use-Specific Standards for Temporary Uses

(a) Temporary Use Defined. Temporary uses are uses established with limited durations, such as festivals, yard sales or garage sales, construction activities and construction offices, model homes, temporary storage units, and temporary art installations.

(b) Zoning Permit Required for Temporary Uses. Temporary structures and temporary uses shall require a zoning permit, except where specifically exempted below. See Section 1050.04 (d) for procedures applicable to applying for a zoning permit.

(c) Zoning Permit Exempted Temporary Uses. The following temporary uses shall be allowed without securing a zoning permit: yard sales or garage sales, sidewalk sales or tent sales. In such cases, a Building Permit may still be required; contact the

Building Department to inquire. A public right-of-way encroachment permit shall be secured wherever such temporary activity encroaches upon the right-of-way.

- (d) **Duration Limited for Temporary Uses.** A designee of the Planning Department shall, during the processing of the zoning permit application, assign a date at which the temporary permit must cease or seek zoning permit renewal. The date shall be assigned based on the proposed temporary use's probable impacts on the nighttime tranquility of any neighboring residential uses and the probable demands on Village services. The decision of a designee of the Planning Department may be appealed to the Board of Zoning Appeals as regulated in Section 1050.14.

1020.08: Use-Specific Standards for Recreational Uses

- (a) **Recreational Uses Defined.** Recreational Uses are defined as uses intended for athletic or leisure recreation, such as athletic fields, athletic courts, athletic rinks, golf courses, campgrounds, boat launches, boat houses, and marinas. Sound Amplification Prohibited. Recreational Uses may not amplify sound in outdoor settings.
- (b) **Tall Outdoor Lighting Structures Prohibited.** Outdoor lighting used in conjunction with Recreational Uses may not project from poles, towers, or any other structures that exceed fifteen (15) feet in height.

1020.09: Use-Specific Standards for Civic and Institutional Uses

- (a) **Civic and Institutional Uses Defined.** Civic and Institutional Uses are defined as uses that are public or quasi-public in nature, designated for public services and activities that benefit the community, such as government buildings, educational institutions, community centers, houses of worship, cemeteries, mortuaries, libraries, museums and aquariums, police stations, fire stations, EMS stations, correctional facilities, philanthropic institutions, food pantries, and non-commercial meeting halls.
- (b) **No Specific Standards for Civic and Institutional Uses.** There are no specific standards for Civic and Institutional Uses other than those established during a

conditional use approval process.

1020.10: Use-Specific Standards for Single-Unit Residential Uses

- (a) **Single-Unit Residential Uses Defined.** A dwelling unit that is attached by one (1) or more party walls to one (1) or more other dwelling units each of which is located on a separate subdivided lot or, in a site condominium or site cooperative, a separate building site; or, a building or manufactured home housing only a single dwelling unit that is separated from other buildings by open space.
- (b) **No Specific Standards for Single-Unit Residential Uses.** There are no specific standards for Single-Unit Residential Uses.

1020.11: Use-Specific Standards for Two-Unit Residential Uses

- (a) **Two-Unit Residential Uses Defined.** Two-Unit Residential Uses are uses consisting of two dwelling units per lot, side-by-side or stacked. Two-unit Residential Uses shall also include single-unit attached dwellings, such as side-by-side duplexes where the vertical party wall is built above the lot line.
- (b) **No Specific Standards for Two-Unit Residential Uses.** There are no specific standards for Two-Unit Residential Uses.

1010.12: Use-Specific Standards for Three- to Eight-Unit Residential Uses

- (a) Three- to Eight-Unit Residential Uses are uses consisting of three to eight dwelling units per lot or group living homes of six to eight bedrooms. Three- to Eight-Unit Residential Uses shall include cottage courts with no more than eight units per court, row houses of single-unit or two-unit dwellings attached on both sides with no more than eight contiguous units, dormitories with six to eight rentable bedrooms, large group homes with six to eight bedrooms, assisted living facilities with six to eight units or bedrooms, nursing homes with six to eight units or bedrooms, and convalescent homes with six to eight units or bedrooms.
- (b) **No Specific Standards for Three - to Eight-Unit Residential Uses.** There are no specific standards for

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Three- to Eight-Unit Residential Uses.

1020.13: Use-Specific Standards for Nine-Plus-Unit Residential Uses

- (a) **Nine-Plus-Unit Residential Uses Defined.** Nine-Plus-Unit Residential Uses are uses consisting of nine or more dwelling units per lot or group living homes of nine or more bedrooms. Nine-Plus-Unit Residential Uses shall include buildings with nine or more dwelling units on one (1) lot, large group homes with nine or more bedrooms, dormitories with nine or more rentable bedrooms, assisted living facilities with nine or more units or bedrooms, nursing homes with nine or more units or bedrooms, and convalescent homes with nine or more units or bedrooms. Nine-Plus-Unit Residential Uses shall not include cottage courts with more than eight units per court or row houses of single-unit or two-unit dwellings attached on both sides with more than eight contiguous units.
- (b) **No Specific Standards for Nine-Plus-Unit Residential Uses.** There are no specific standards for Nine-Plus-Unit Residential Uses.

1020.14: Use-Specific Standards for Neighborhood Commercial Uses

- (a) **Neighborhood Commercial Uses Defined.** Neighborhood Commercial Uses are commercial uses of less than fifteen thousand (15,000) square feet of gross floor area per building per lot, including sales of goods; services; office uses; health services; veterinary services; home improvement stores; hardware stores; garden supply stores; eating and drinking establishments; microbreweries; wineries that do not grow their own grapes on site; indoor entertainment and events facilities, such as game rooms, religious ceremonies, gyms, and ice skating rinks; day care centers; health, fitness, pool, or athletic clubs; and lodging. Neighborhood Commercial Uses shall not include crematoria; any use considered an Artisanal Industrial, Light Industrial, or Heavy Industrial use; uses fitting the definition of Vehicle-Oriented Use; operations of fifteen thousand (15,000) square feet of gross floor area or greater; outdoor kennels; emergency or in-patient medical care; gunsmith shops; and firing ranges.
- (b) **No Specific Standards for Neighborhood**

Commercial Uses. There are no specific standards for Neighborhood Commercial Uses.

1020.15: Use-Specific Standards for Regional Commercial Uses

- (a) **Regional Commercial Uses Defined.** Regional Commercial Uses are commercial uses of at least fifteen thousand (15,000) square feet of gross floor area per building per lot, including sales of goods, such as department stores; services; office uses; health services and hospitals, including emergency and inpatient services; self-storage centers; veterinary services; home improvement stores; hardware stores; garden supply stores; eating and drinking establishments, including commercial kitchens and catering kitchens; indoor entertainment and events facilities, such as game rooms, religious ceremonies, gyms, and ice skating rinks; day care centers; health, fitness, pool, or athletic clubs; lodging; bus and rail stations; and film, television, radio, and animation studios. Regional Commercial Uses shall not include crematoria; any use considered an Artisanal Industrial, Light Industrial, or Heavy Industrial use; uses fitting the definition of Vehicle-Oriented Use; operations of less than fifteen thousand (15,000) square feet of gross floor area; outdoor kennels; firearms, dangerous ordnance, or weapons sales; gunsmith shops; and firing ranges.
- (b) **Storage of Recreational Vehicles at Self-Storage Centers.** Personal vehicles, such as boats and recreational vehicles, that are stored at a self-storage center must be screened from public view with an opaque fence or wall of at least six (6) feet in height and adequate landscaping.

1020.16: Use-Specific Standards for Vehicle-Oriented Uses

- (a) **Vehicle-Oriented Uses Defined.** Vehicle-Oriented Uses are uses that sell or service auto s and boats, including motor vehicle sales; car washes; car fueling stations; car repair and maintenance shops; drive-throughs; motor vehicle part and accessory stores; commercial off-street parking lot as a principal use of a lot; boat and marine equipment sales; car and truck rental establishments; storage of trucks or buses; truck stops; bus garages, terminals, parking, and services; and large equipment sales, rental, and storage. Vehicle-Oriented Uses shall not include outdoor storage associated with an Artisanal

Industrial, Light Industrial, or Heavy Industrial use.

(b) Standards for All Vehicle-Oriented Uses.

- (1)** Permanent Storage of Inoperable Vehicles in Association with Vehicle-Oriented Uses. No permanent storage of inoperable vehicles shall be permitted on the site of a Vehicle-Oriented Use.
- (2)** Temporary Storage of Inoperable Vehicles in Association with Vehicle-Oriented Uses. The temporary storage of inoperable vehicles shall be permitted for certain Vehicle-Oriented Uses, such as vehicle repair and body shops, where such vehicles are made operable within six months, where such vehicles are limited to one (1) vehicle per one thousand (1,000) square feet of lot area, and where such vehicles are stored on paved surfaces.

(c) Standards for Vehicle Refueling Stations.

- (1)** Distance from Dwellings. No pump dispensing gasoline, diesel, kerosene, natural gas, propane, or other hydrocarbon shall be located within one hundred (100) feet of any lot occupied by a dwelling.
- (2)** Side Setbacks for Refueling Stations. Vehicle refueling stations, including those dispensing gasoline, diesel, hydrogen, but not including those dispensing only electrical charge, shall provide a side setback of at least twenty (20) feet or a side setback of a greater distance where required in the district in which the use is located.
- (3)** Buffering of Refueling Stations. Vehicle refueling stations, including those dispensing gasoline, diesel, hydrogen, but not including those dispensing only electrical charge, shall be buffered from adjacent residential uses according to buffering standards described in Chapter 1030 Generally Applicable Regulations.

(d) Standards for Vehicle Towing and Impounding Uses.

- (1)** Screening Required. An eight (8)-foot-high, one hundred (100) percent-opaque fence shall be required to screen all activities on the property.
- (2)** Buffering Standards Applying to Vehicle-Oriented

Uses. Buffering standards may apply to Vehicle-Oriented Uses on lots abutting residential districts; see Section 1030.03 "Buffering Standards."

- (3)** Vehicle Processing, Recycling, or Disposal Prohibited. No open burning, cutting, or processing is permitted.

1020.17: Use-Specific Standards for Artisanal Industrial Uses

- (a) Artisanal Industrial Uses Defined.** Artisanal Industrial Uses are uses consisting of hand-made artisan goods production and their associated sales in small workshops of less than five thousand (5,000) square feet of gross floor area, where the gross floor area includes any outdoor storage of materials or products. Artisanal Industrial Uses shall include small artist studios and artist live-work units; woodworking shops; leather crafts; ceramics studios; and chocolate shops. Artisanal Industrial Uses shall not include operations with automated manufacturing processes, the storage of flammable fluids in quantities greater than three hundred (300) gallons, or the emission of gases greater than what would be typical of one (1) ceramics kiln of twelve (12) cubic feet or less.

- (b) No Specific Standards for Artisanal Industrial Uses.** There are no specific standards for Artisanal Industrial Uses.

1020.18: Use-Specific Standards for Light Industrial Uses

- (a) Light Industrial Uses Defined.** Light Industrial Uses are uses consisting primarily of welding, compressing, cutting, compounding, distillation, manufacturing, packaging, coating, reconditioning, laundering, or refining of food and drink products, consumer products, building supplies, chemicals, commercial goods, or raw materials, where such activity does not comprise the storage of flammable or hazardous materials in excess of one thousand (1,000) gallons, and where such activity does not produce emissions or vibrations that would constitute a health hazard to residents within two thousand (2,000) feet of the facility. Light Industrial Uses shall include indoor warehousing and storage and distribution facilities; laboratories for medical, dental, and optical research; and film and photographic testing. Light Industrial Uses shall not include operations that

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may fall within the definition of Artisanal Industrial Uses.

- (b) Buffering Standards Applying to Light Industrial Uses.** Buffering standards may apply to Light Industrial Uses on lots abutting residential districts; see Section 1030.03 "Buffering Standards."

1020.19: Use-Specific Standards for Agricultural Uses

- (a) Agricultural Uses Defined.** Agricultural Uses are uses that involve the production and associated sale of raw food products. Agricultural Uses shall include row crop production, orchards, aquaculture, horticulture, greenhouses, nurseries, feed and grain storage, and forestry. Agricultural Uses shall include certain processing of raw food, such as the production of wine, maple syrup, and vinegars. Agricultural Uses shall also include farm stands selling products produced on the premises, such as tomatoes, sweet corn, maple syrup, honey, sauces, and pies. Agricultural tourism uses, such as wine tours and tasting rooms and pick-your-own operations, shall be included as Agricultural Uses, but shall not include the use of agricultural properties for commercial events unrelated to the agricultural production of the property.
- (b) No Specific Standards for Agricultural Uses.** There are no specific standards for Agricultural Uses.

1020.20: Use-Specific Standards for Outdoor Arena Uses

- (a) Outdoor Arena Uses Defined.** Outdoor Arena Uses are outdoor uses that attract large numbers of people to sporting or entertainment events. Outdoor Arena Uses include stadiums, arenas, outdoor concert venues, racetracks, fairgrounds and festival grounds, amphitheaters, and flea markets. Outdoor Arena Uses may include associated indoor spaces, such as bathrooms, halls, and offices, and may include the sale of associated food, drinks, and merchandise, such as in the case of a stadium's food concessions.
- (b) Temporary Uses at Outdoor Arena Uses.** Where an Outdoor Arena Use has received a zoning permit, and where the Outdoor Arena Use has been established, no temporary use permit shall be required by the Village for the property owner to conduct temporary events in

association with that Outdoor Arena Use, such as a race at a racetrack or a concert festival at a fairgrounds.

- (c) Sound Amplification Restricted.** Outdoor Arena Uses shall not amplify sound in outdoor settings, except where such uses are more than one (1) mile from a Residential District .
- (d) Tall Outdoor Lighting Structures Restricted.** Outdoor lighting used in conjunction with Outdoor Arena Uses may not project from poles, towers, or any other structures that exceed fifteen (15) feet in height, except where such uses are more than one thousand (1000) feet from a Residential District.

1020.21: Use-Specific Standards for Sexually Oriented Uses

- (a) Sexually Oriented Uses Defined.** Sexually Oriented Uses means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater, or adult theater. "Sexually Oriented Business" does not include a nude model studio.
- (1)** "Adult Arcade" means any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- (2)** "Adult Bookstore" or "Adult Video Store" means a commercial establishment which, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:
- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or described specified sexual activities or specified anatomical areas; or
 - Instruments, devices, or paraphernalia, other

than medical or contraceptive devices, which are designed for use in connection with specified sexual activities.

- (3) “Adult Cabaret” means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- a. Persons who appear in a state of nudity; or
- b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

- (4) “Adult Motion Picture Theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, are regularly shown.

- (5) “Adult Theater” means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

- (6) “Specified Anatomical Areas” means human genitals.

- (7) “Specified Sexual Activities” means any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- c. Masturbation, actual or simulated.

- (8) “Nude Model Studio” means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided solely to be sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

- (b) **Location Restricted.** A sexually oriented use shall be located only in accordance with the following restrictions:

- (1) No sexually oriented use shall be located on any parcel within one thousand (1,000) feet of a property in a Residential District;
- (2) No sexually oriented use shall be located within one thousand (1,000) feet of the boundaries of the Village;
- (3) No sexually oriented use shall be located within one thousand (1,000) feet of any adjoining city, village, or township;
- (4) No sexually oriented use shall be located on any parcel within one thousand (1,000) feet of any library, any private or public elementary or secondary school, any pre-school, any day care center, any public park, or any church, inclusive of any library, school, day care center, park, or church located outside of the boundaries of the Village; and
- (5) No sexually oriented use shall be located on any parcel within one thousand (1,000) feet of another sexually oriented use located within the boundaries of the Village or any adjoining city, village, or township.

- (c) **Measuring Distances from Sexually Oriented Uses.**

- (1) For the purposes of subsections b(1-4) hereof, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented use is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.
- (2) For the purposes of subsection b(5) hereof, the distance between any two sexually oriented

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businesses shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located.

(d) Exceptions. Nothing in this section shall be construed to prohibit or limit the display, sale, or rental of descriptive, printed, film, or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational, or scientific value.

(e) Nonconforming Sexually Oriented Uses. Notwithstanding Chapter 1040 Nonconformities, any sexually oriented use lawfully operating on the effective date of this chapter that is in violation of this chapter shall be deemed a nonconforming use. A sexually oriented use lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public or private elementary or secondary school, public park or library within one thousand (1,000) feet, or a Residential District or use within five hundred (500) feet, of the sexually oriented business.

(f) Abandonment of Nonconforming Sexually Oriented Uses. When a nonconforming sexually oriented use of a structure or premises is voluntarily discontinued or abandoned for more than six months, the structure, building, or premises shall not thereafter be used except in conformity with this Development Code.

(g) Buffering Standards Applying to Sexually Oriented Uses. In addition to location restrictions applying to Sexually Oriented Uses, buffering standards may apply to Sexually Oriented Uses on lots abutting residential districts; see Section 1030.03 "Buffering Standards."

1020.22: Use-Specific Standards for Telecommunications Towers Uses

(h) Purpose. These regulations governing wireless telecommunication facilities are established to provide for the construction, erection, maintenance, extension and removal of such facilities in certain zoning districts in the Village and are related to certain applications of technology and engineering in the field of wireless telecommunication. The purpose of these regulations is to balance the competing interests created by the

Federal Telecommunications Act of 1996 (Public Law 104-104) and the interests of the Village in regulating wireless telecommunication towers and related facilities for the following reasons:

- (1)** To provide for orderly development within the Village,
- (2)** To protect property values,
- (3)** To maintain the aesthetic appearance of the Village, including, but not limited to, its residential character, unobstructed open spaces, and attractive commercial areas,
- (4)** To protect residential properties, parks, open spaces and the nonintensive commercial zoning districts which are characteristic of the Village from the adverse effects of towers and related facilities,
- (5)** To promote collocation of wireless telecommunication facilities in order to decrease the total number of towers in the Village, and
- (6)** To provide for and protect the residents and visitors of the Village.

(i) Applicability. No person shall construct, erect, maintain, extend, or remove a wireless telecommunication facility in the Village without compliance with the provisions of this section.

(j) Minimum Standards for Construction, Erection, Maintenance, Extension and Removal. All wireless telecommunication facilities shall comply with the following standards:

- (1)** Installation of an Antenna on an Existing Tower or Building. The installation of a wireless telecommunication antenna, where the construction or erection of a tower is not proposed by the applicant, shall be permitted as an accessory use on existing towers or on existing buildings or structures being a minimum of five (5) stories in height from grade and where such towers, buildings or structures are located in the following districts: Commercial Center, Employment Flex, Industrial, or Natural. To the extent the remaining standards of this subsection are applicable to the situation involving the installation of a wireless telecommunication antenna on an existing tower,

building or structure, such standards shall govern the installation.

(2) Collocation.

- a. All applicants for construction or erection of wireless telecommunication towers shall be required to construct the tower on a base tower structure and structure foundation that are designed to be buildable up to, but not including, two hundred (200) feet above grade. Such structure shall be designed to have sufficient structural loading capacity to accommodate at least three antenna platforms or antenna arrays of equal loading capacity for three separate providers of service to be located on the structure when constructed to the maximum allowable height. The wireless telecommunication facility shall also be designed to show that the applicant has enough space on its site plan for an equipment shelter large enough to accommodate at least three separate users of the facility. If an equipment shelter is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment shelter expansions to accommodate up to at least three separate users. Agreement to the provisions of this subsection must be included in the applicant's lease with the property owner, if different from the owner/user of the tower. Written documentation must be presented to the Building Commissioner evidencing that the property owner of the property on which the tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding collocation of another user of the facility within thirty (30) days after receipt of written inquiry. Copies of all written requests to collocate and all written responses shall be sent to the Building Commissioner.
- b. The applicant requesting permission to install a new tower shall provide:
 - (i) Evidence that there is no technically suitable space for the applicant's

antenna(s) and related facilities reasonably available on an existing tower, building or structure within the geographic area to be served; and

- (ii) Subject to economic and technical feasibility, evidence that the most current technology in the field of personal wireless services is being utilized in the application. With its application, the applicant shall also identify the location of every tower, building, or structure that could support the proposed antenna(s) or the area where it would be technically suitable to locate so as to allow it to serve its intended function. As part of its application, the applicant shall provide a scaled map of all of its existing, proposed, or planned antenna locations within a five-mile radius of the site which is the subject of the application.
 - c. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building, or structure. If an existing tower, building or structure is technically suitable, the applicant must demonstrate that it has made written request to collocate on the existing tower, building, or structure and the request was rejected by the owner of the tower, building, or structure. In all circumstances, owners of existing towers shall promptly respond in writing to requests for collocation, but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for collocation. If another telecommunication tower is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna on another tower within the Village which is owned or controlled by the applicant, if available, on commercially reasonable terms and the offer was not accepted.
- (3)** Spacing. There shall be a separation of a minimum of one-quarter (1/4) mile between wireless telecommunication towers.

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- (4) Height. The maximum height of a free-standing wireless telecommunication tower, including its antenna and all appurtenances, shall be less than two hundred (200) feet above grade. The maximum height of any wireless telecommunication antenna installed pursuant to 1020.22 (c)(1) "Installation of an Antenna on an Existing Tower or Building" hereof, shall be no greater than the height of the existing tower, building, or structure to which it is attached. The height of any equipment shelter shall not exceed fifteen (15) feet from grade.
- (5) Setbacks. All wireless telecommunication towers shall be set back from property lines of residentially zoned or residentially used properties a distance of at least one-hundred ten (110) percent of the height of the tower. In all cases, all towers and related facilities shall be a minimum of forty (40) feet from the front, rear and side property lines. In no event shall a wireless telecommunication tower or facility be located in front of the principal building on the lot.
- (6) Design.
- All wireless telecommunication towers shall be of a monopole design, as opposed to a lattice design.
 - All wireless telecommunication facilities shall be subject to review by the Design Review Board for the purpose of enhancing the compatibility of the facilities with their surroundings.
 - The color of a wireless telecommunication tower and/or antenna shall be as determined by the Design Review Board for the purpose of minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- (7) Landscaping. Landscaping shall be consistent with requirements provided in Chapter 1030 Generally Applicable Regulations.
- (8) Engineering Report. A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable Federal, State, County and Village regulations. The report shall include a detailed description of the telecommunication tower, antenna(s), equipment shelter, and appurtenances, and shall certify that radio frequency (electromagnetic) emissions are in compliance with the regulations of the Federal Communications Commission (FCC).
- (9) Maintenance.
- The applicant shall submit a plan documenting how the wireless telecommunication facility will be maintained on the site in an ongoing manner that meets industry standards.
 - On each biennial anniversary of the issuance of the building permit for a wireless telecommunication facility, or not more than ninety (90) days prior thereto, the owner/user shall submit to the Village a report prepared by a licensed professional engineer which shall verify continued compliance of the facility with all governmental requirements, including, but not limited to, the structural integrity and stability of any towers or antennas, electrical safety standards, and auxiliary power source safety standards.
- (10) Lighting Prohibited. Except as required by law, an antenna, or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by Federal Aviation Administration (FAA) regulations, the most visually nonobtrusive state-of-the-art lighting available shall be used, unless otherwise required by the FAA.
- (11) Security.
- A security fence not less than eight (8) feet in height shall fully enclose those portions of the wireless telecommunication facility which come in contact with the ground. Gates shall be locked at all times.
 - A permanent warning sign with a minimum size of two (2) square feet and a maximum size of six (6) square feet shall be posted on

the site, as well as an emergency telephone number of the owner/user of each set of antennas on the site. The owner/user shall also provide the Building Commissioner, the Village Fire Department, and the Village Police the owner's telephone number in event of an emergency.

- (12)** Advertising Prohibited. No advertising signs or devices shall be permitted anywhere on a wireless telecommunication facility site.
- (13)** Outdoor Storage. There shall be no outdoor storage of equipment or other items on the wireless telecommunication facility site except during the facility construction period and to supply emergency power to the facility only during a power outage.
- (14)** Access to Facility. The access driveway to the wireless telecommunication facility shall, whenever feasible, be provided along with circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the facility shall be a minimum of eighteen (18) feet in width with a minimum overhead clearance of eleven (11) feet and shall be set back a minimum of twenty (20) feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. If the access road to the facility is more than one-thousand five-hundred (1,500) feet from the public right-of-way, a turnaround shall be provided for emergency vehicles at the site and a by-pass, adequate for emergency vehicles, with an approachable access, shall be provided for each additional one-thousand five-hundred (1,500) feet of the driveway. There shall be a maximum of one (1) off-street parking space on the facility site.
- (15)** Accessory Equipment Shelter. The maximum cumulative total size of all equipment shelters accessory to a telecommunication tower or antenna on a lot shall be seven-hundred fifty (750) square feet and their maximum height shall not exceed fifteen (15) feet from grade. Only one (1) equipment shelter, or the configuration of more than one (1) shelter to appear that there is one (1) shelter, shall be permitted on a lot. Where it is technically feasible and reasonably practical to do so, an existing building or structure on a lot shall be used to shelter equipment associated with a wireless telecommunication facility.
- (16)** Underground Utilities. All utility lines from the utility source to the wireless telecommunication facility shall be underground.
- (17)** Time Limit for Commencement and Completion. After issuance of a building permit to construct a wireless telecommunication facility, the applicant shall commence construction within six (6) months and shall complete construction within one (1) year, or the building permit shall expire.
- (18)** Abandonment and Removal of Facilities

 - a. If at any time the use of the wireless telecommunication facility is discontinued for one-hundred eighty (180) consecutive days, said facility shall be deemed abandoned. The Building Commissioner shall notify the owner/user in writing and advise such owner/user that the facility must be reactivated within ninety (90) days or it must be dismantled and removed from the site within that same ninety (90)-day period at the cost of the owner/user. The owner/user of the wireless telecommunication facility shall, on no less than an annual basis from the date of issuance of the building permit, file a declaration with the Building Commissioner as to the continuing operation of each of its facilities within the Village.
 - b. The applicant for the wireless telecommunication facility shall be required, as a condition of issuance of a building permit, to post a cash or surety bond acceptable to the Director of Law of not less than \$100.00 per vertical foot from grade of the wireless telecommunication facility, which bond shall insure that an abandoned, obsolete, or destroyed wireless telecommunication antenna or tower shall be removed within one-hundred eighty (180) days of cessation of use or abandonment. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of

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time that the successor-in-interest or assignee occupies the facility.

(k) Exemption of Certain Village Property. Regardless of the provisions of this section, a wireless telecommunication facility may be permitted on any property owned or controlled by the Village and used for public services and shall be constructed, erected, maintained, extended, and removed under such conditions, standards, and regulations as required by Council. The design shall be approved by the Design Review Board prior to construction.

- (1)** Buffering Standards Applying to Telecommunications Tower Uses. Buffering standards may apply to Telecommunications Tower Uses on lots abutting residential districts; see Section 1030.03 "Buffering Standards."

1020.23: **Manufactured or Mobile Home Park Uses**

(a) Purpose. To provide standards for the development and maintenance of manufactured home parks that ensure a safe, sanitary, and attractive living environment and protect surrounding residential character.

(b) Application and Approval.

- (1)** Permitted only as a Conditional Use by the Planning Commission under Section 1050.06.
- (2)** A Development Plan must show layout, open space, utilities, and compliance with Ohio Administrative Code (OAC) Chapter 4781-12.
- (3)** Ohio Department of Commerce license approval required prior to occupancy.

(c) Minimum Standards.

- (1)** Minimum Park Area: 10 acres.
- (2)** Minimum Lot Size: 3,600 square feet
- (3)** Density: A maximum of 6 mobile homes per gross acre is permitted.
- (4)** Spacing: Homes must be a minimum distance apart: 15 feet side-to-side (12 feet minimum at any point), 10 feet side-to-end, and 5 feet end-to-end.

- (5)** Setbacks: Homes and accessory buildings must be at least 35 feet from the front property line and 20 feet from the side or rear property lines.
- (6)** Perimeter Buffer: 50 ft with landscaping or fencing.
- (7)** Open Space: 10% minimum of total site area.
- (8)** Streets: Hard-surfaced, minimum 24 ft width.
- (9)** Parking: 2 spaces per unit
- (10)** Utilities: Public water and sewer required.
- (11)** Skirting: Non-combustible material enclosing undercarriage.
- (12)** Lighting: Adequate without glare to adjacent properties.
- (13)** Refuse: Screened and centralized, per Section 1030.05.
- (14)** Storm Drainage: Per Village and Highland County standards.

(d) Design Requirements.

- (1)** Proper grading for drainage and storm connections.
- (2)** Uniform alignment of homes along internal streets.

(e) Performance and Maintenance.

- (1)** Owner responsible for maintenance of roads, open spaces, and facilities.
- (2)** Street signage standards, per Section 1030.08.
- (3)** Non-residential uses prohibited except management/recreation buildings.
- (4)** Annual inspection permitted by a designee of the Planning and Zoning Department

(f) Conditional Use Compatibility Findings.

- (1)** Site is adequate in size and location.
- (2)** Design and buffering mitigate neighborhood impacts.
- (3)** Adequate utilities and emergency services available.
- (4)** Traffic impacts are manageable.

- (5) Consistent with the Buckeye Lake Comprehensive Plan.

1020.24: Short-Term Rental Uses

- (a) **Purpose.** To allow limited and properly managed Short-Term Rentals while protecting neighborhood character and ensuring public safety.

- (b) **Application and Licensing Integration.**

- (1) Approval of Short-Term Rental as a Conditional Use. under this section is required in zoning districts where it is designated as "Conditional".
- (2) The operator must complete the Village's annual Short-Term Rental Business License application as required under Ordinance 2024-22.
- (3) The licensing process requires:
 - a. Current electrical-safety inspection by a licensed electrician or certified home inspector within twelve (12) months.
 - b. Proof of liability insurance (\$500,000 minimum per unit).
 - c. Hosting-platform registration documentation.
 - d. Installation of a rapid-access Knox HomeBox.
 - e. Fire and code inspections prior to license issuance.
- (4) Both Conditional Use Permit and STR License must remain current; revocation of either may suspend operation.

- (c) **Operational Standards.**

- (1) Occupancy: Max two (2) adults per bedroom plus three (3) additional persons.
- (2) Parking: One and one-half (1.5) off-street spaces per bedroom minimum.
- (3) Local Contact: Maintain a 24/7 local contact person available within thirty (30) minutes travel time.
- (4) Noise: Must comply with Village noise and nuisance ordinances; gatherings end by 11 p.m.

- (5) Rental Duration: A continuous period of less than 30 days.

- (6) ~~Frequency (Non-Owner-Occupied): Limited to 180 nights per year unless otherwise approved.~~

- (7) Hosting Platform: Must list STR's Village license number.

- (8) Recordkeeping: Maintain guest logs for two (2) years.

- (9) Taxes and Licenses: All taxes remitted and licenses current.

- (10) Revocation: Three (3) violations in twelve (12) months may revoke the license.

- (d) **Compatibility Findings.** The Board of Zoning Appeals shall find that:

- (1) The STR will not alter neighborhood character.
- (2) Adequate parking and access exist.
- (3) Guest frequency is compatible with adjoining uses.
- (4) Mitigation conditions are adequate.
- (5) Applicant has no unresolved code violations or taxes.

- (e) **Spacing.**

- (1) No short-term rental shall be located within 300 feet of another licensed short-term rental.
- (2) The distance shall be measured in a straight line from the nearest point of the subject parcel boundary to the nearest point of any parcel boundary containing another licensed short-term rental.
- (3) For multi-unit buildings, the spacing requirement shall apply to the property as a whole, not to individual units.
- (4) The Village shall maintain a current map of all licensed Short-Term Rentals and shall determine compliance prior to license issuance.

- (f) **Licensing Fee Schedule and Administration.** The Short-Term Rental Business License shall be subject to

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annual fees per the Village Fee Schedule. Licenses are valid January 1 through December 31 and are non-transferable. Inspections must be completed and fees paid prior to license issuance.

- (g) Enforcement.** Violations may result in denial, suspension, or revocation of permits or licenses, and penalties as provided by Village ordinance. The Zoning Administrator, Code Enforcement Officer, or Fire Chief may inspect STRs for compliance.
- (h) Severability.** If any section or provision of this ordinance is found invalid or unconstitutional, such invalidity shall not affect the remaining sections, which remain in full force and effect.
- (i) Existing Licenses.**
 - (1)** Any short-term rental lawfully licensed prior to the effective date of this section shall be considered legally nonconforming and may continue to operate, subject to annual renewal.
 - (2)** Nonconforming short-term rentals shall not expand or relocate to a different property without compliance with these spacing standards.

1020.25: Recreational Vehicle Park

- (a) Purpose.** To allow limited development of recreational vehicle parks that provide safe, sanitary, and attractive facilities for seasonal visitors while protecting community character and infrastructure.
- (b) Application and Review.**
 - (1)** Permitted only as a Conditional Use approved by the Planning and Zoning Commission under Section 1050.06.
 - (2)** Development Plan required showing park layout, circulation, open space, utilities, and compliance with Ohio Administrative Code Chapter 3701-26.
- (c) Minimum Standards.**
 - (1)** Minimum Site Area: 10 acres.
 - (2)** Maximum Density: 15 RV sites per acre.
 - (3)** Minimum Site Area per RV: 2,000 sq ft.

- (4)** Minimum Site Width: 30 ft.
- (5)** Setbacks: Front 50 ft, Side/Rear 25 ft.
- (6)** Access and Streets: Paved, minimum 20 ft one-way or 30 ft two-way width.
- (7)** Parking: 1 space per RV plus 1 space for passenger vehicle per site; 1 visitor space per 5 RVs.
- (8)** Utilities: Public water and sewer required; underground electric service.
- (9)** Open Space: Minimum 10% of total site area for recreation or open space.
- (10)** Length of Stay: Maximum 180 consecutive days; no permanent residency.
- (11)** Registration: Log of occupants and vehicle data maintained and available for inspection.
- (12)** Lighting: Adequate illumination without glare to adjacent properties.
- (13)** Refuse: Screened refuse area provided and maintained.
- (14)** Storm Drainage: Plan approved by Village and County Engineer.

(d) Service and Accessory Buildings.

- (1)** Service buildings shall contain restrooms, showers, and laundry per OAC 3701-26-09.
- (2)** Buildings shall be conveniently located, paved, and lighted for safety.
- (3)** Exterior design compatible with adjacent uses and recreational setting.

(e) Operational and Performance Standards.

- (1)** Operator responsible for maintenance of roads, open spaces, and common facilities.
- (2)** On-site manager required during operating season.
- (3)** Compliance with all fire and emergency access requirements.
- (4)** Permanent placement of mobile homes prohibited.

(f) Compatibility Findings.

- (1)** Site suitable in size, location, and topography.
- (2)** Adequate access, utilities, and buffering provided.
- (3)** Landscaping effectively screens visual and noise impacts.
- (4)** Traffic impacts mitigated on adjacent streets.
- (5)** Proposal supports Village tourism and economic development goals.

(d) Compliance With Codes and Standards. All storage tanks, piping, transfer equipment, and operational practices shall comply with applicable federal, state, and local safety regulations, including adopted fire codes and building standards.

- (1)** Demonstration of compliance shall be provided prior to issuance of zoning approval and maintained for the life of the use.
- (2)** Zoning approval does not relieve the operator from obtaining required permits from fire, building, or other regulatory authorities.

1020.26: Propane Tank Storage

(a) All propane storage shall comply with the following performance-based standards, which are intended to protect public health and safety while allowing flexibility in storage area design.

(b) Public Safety and Hazard Mitigation. The storage area shall be designed, located, and operated to minimize the risk of explosion, fire, or uncontrolled release of propane beyond the site boundary.

- (1)** Safety measures shall demonstrate that credible incident scenarios are contained on-site or mitigated to levels that do not pose an unreasonable risk to adjacent properties or public rights-of-way.

Facilities shall maintain appropriate separation, shielding, or protective features to reduce exposure to neighboring uses.

(c) Compatibility With Surrounding Uses. The use shall be sited and designed to minimize adverse impacts on surrounding properties.

- (1)** Facility layout, tank placement, and circulation shall be arranged to reduce visual prominence, noise, and perceived hazard from public streets and adjacent lots.
- (2)** Where located near residential or mixed-use areas, additional buffering, screening, or operational controls shall be provided to ensure land-use compatibility.

(e) Site Access and Emergency Response. The site shall provide safe and adequate access for delivery vehicles and emergency responders.

- (1)** Access drives, turning areas, and gate controls shall allow emergency response vehicles to reach all critical areas of the storage area without obstruction.
- (2)** The operator shall coordinate with local emergency response agencies regarding site layout, emergency shut-off locations, and access procedures.

(f) Environmental Protection. The storage area shall be designed and operated to prevent adverse environmental impacts.

- (1)** Measures shall be implemented to control runoff, erosion, and potential contamination associated with storage or transfer operations.
- (2)** Venting, flaring, or pressure-relief systems shall be designed to minimize off-site impacts and nuisance conditions.

(g) Noise, Odor, and Vibration. The facility shall incorporate reasonable security measures to prevent unauthorized access or tampering.

- (1)** Equipment shall be maintained in good working order and operated in a manner consistent with industry best practices.

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- (h)** Security and Monitoring. The facility shall incorporate reasonable security measures to prevent unauthorized access or tampering.

 - (1)** Security features may include fencing, controlled access points, lighting, monitoring systems, or on-site personnel, scaled to the size and intensity of the operation.
- (i)** Operational Management. The operator shall maintain written operational and emergency procedures addressing normal operations, maintenance, and incident response.

 - (1)** Such procedures shall be available for review by the Designee of the Planning Department upon request.

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Generally Applicable Regulations

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1030.01: **Parking and Loading Standards**

(a) Purpose of Parking and Loading Standards.

These parking and loading standards are intended to mitigate the negative impacts of motor vehicle parking on government interests, including impacts on neighborhood aesthetics, pedestrian safety, and stormwater management.

- (b) Parking Limited to Parking Areas.** No parking of any motor vehicle or of any accessory to a motor vehicle, such as a trailer or camper, shall occur except on a parking area or on a driveway as defined by this section.

(c) Location of Parking Areas

- (1) Parking Areas Limited in Actual Front Yards**
- In the Village Center District, no motor vehicle parking area shall be located in the actual front yard, which is defined as the space between the front lot line and the front building line extended to the side lot lines.
 - In the Corridor District, no more than one (1) motor vehicle parking space per twenty (20) feet of lot frontage may be permitted in the actual front yard.
 - In the Urban Neighborhood District, Suburban Residential District, and the Village Neighborhood District, no parking area shall be located in an actual front yard except on a driveway as regulated in this section.

- (2) Parking Areas to Maintain Setbacks.** All portions of a motor vehicle parking area, except for any accessway from the right-of-way to the parking area, must maintain front, side, and rear setbacks equal to or greater than those required for principal structures in the district in which the parking area is located; however, in no case shall a parking area be located within six (6) feet of a front lot line, and in no case shall a parking area be located within three (3) feet of an adjacent lot, except where a parking area accessway connects the parking area to the parking area on the adjacent lot.

(d) Driveway and Parking Area Accessway Standards.

- (1) Driveway Regulations.** A driveway is an improved vehicle pathway that leads from a right-of-way to a one (1)-unit dwelling, a two-unit dwelling, a three-unit dwelling, or a four-unit dwelling. A driveway may lead to a side yard or a rear yard, or may lead to the entrance of a garage of a one (1)-unit dwelling or a two-unit dwelling. No driveway may exceed sixteen (16) feet in width or the width of a garage that it leads to, whichever is greater. No driveway may be located within three (3) feet of a side lot line, except when a driveway is shared between the residents of two (2) adjacent lots; the area between the driveway and any side lot line within five (5) feet must be of a natural, permeable surface.
- (2) Parking on a Driveway.** Parking on a driveway is permitted, even if the driveway is located in the actual front yard.

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- (3) **Parking Area Accessways Regulations.** Parking area accessways are improved vehicle pathways connecting a right-of-way and a parking area, where such parking area is not intended for a one (1)-unit dwelling, a two-unit dwelling, a three-unit dwelling, or a four-unit dwelling. No parking area accessway may exceed thirty (30) feet in width along its main pathway or forty (40) feet at its delta with the right-of-way. No parking area accessway may be located within three feet of a side lot line, except where a parking area accessway is shared between two adjacent lots or where a parking area accessway connects a parking area of one (1) lot to a parking area of an adjacent lot.
- (e) **Parking Areas Contribute to Lot Coverage Calculation.** Motor vehicle parking areas and motor vehicle accessways shall contribute to the lot coverage, which is regulated by district-specific building development standards.
- (f) **Landscaping within Parking Areas.** Landscaping, such as trees and shrubs, are required for all new parking areas, as described in Section 1030.05 “Landscaping and Screening Regulations.”
- (g) **Parking Areas with Electric Vehicle Charging Stations.** Any parking space of any motor vehicle parking area or driveway may contain an electric vehicle charging station, provided that any electric vehicle charging station is set back from any lot line by at least three (3) feet.
- (h) **Parking Area Paving Material.** Motor vehicle parking areas and their associated driveways and accessways shall be paved in a dustless, all-weather surface, such as asphalt, concrete, permeable pavers, a gravel stabilizing interlocking paver system, or pervious asphalt. Parking of motor vehicles and their associated trailers shall not be permitted on unimproved ground, except in association with approved temporary use activities, such as festivals.
- (i) **Micro-Vehicle Parking.** Micro-vehicles are any small vehicles that (1) do not use internal combustion engines, that (2) weigh less than three-hundred (300) pounds, that (3) do not have the capacity to generate twenty (20) horsepower or greater, and shall include bicycles, unicycles, push scooters, electric scooters, and electric bicycles. Micro-vehicle parking is permitted as an accessory to any use and may be located in any location on any lot in any district, provided it does not cause an obstruction to ingress, egress, or the safe passage of pedestrians.
- (j) **Parking of Commercial Vehicles.**
- (1) **Applicability.** This section applies to all properties within zoning districts designated as residential, including but not limited to VN, SN, UN, LN, and RU districts and any equivalent low- to medium-density residential zoning classification.
- (2) **Prohibited Vehicles.** The following are prohibited from being parked or stored in residential districts:
- a. Vehicles with a GVWR over 10,000 pounds.
 - b. Semi-trailers, tractor cabs, and buses.
 - c. Construction equipment or vehicles with open cargo of commercial materials (gravel, refuse, scrap, etc.).
 - d. Vehicles emitting offensive odors or generating noise exceeding local nuisance thresholds.
- (3) **Permitted with Conditions.** The following vehicles may be parked on a residential lot subject to the conditions below:
- a. One light-duty commercial vehicle per dwelling unit.
 - b. Must be parked on a paved driveway or in an enclosed garage; not on the street or lawn.
 - c. No idling or commercial operation (loading/unloading) between 9:00 p.m. and 7:00 a.m.
- (4) **Temporary Exceptions.** Commercial vehicles actively providing services to a residence (e.g., construction, landscaping, utility repair) may be parked for the duration of service, not to exceed 48 consecutive hours.
- (5) **Screening and Storage Requirements.** Any legally parked light-duty commercial vehicle with

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attached equipment (e.g., ladder racks, storage boxes) shall be parked to minimize visibility from the street. Storage of any commercial vehicle exceeding permitted standards in an enclosed garage or building shall be allowed if fully screened from view and not used for active business operations.

(k) Parking and Storage of Recreational Vehicles in Residential Districts.

- (1) Number Permitted.** No more than one RV, utility trailer, or boat/trailer combination may be parked or stored on a residential lot outside of a fully enclosed building.
- (2) Location and Screening Requirements.**
 - a. Front Yard. Parking or storage of RVs or trailers in the front yard is prohibited, except for temporary loading/unloading.
 - b. Side and Rear Yard. Permitted if located at least 3 feet from any lot line. Must be parked on a hard surface (concrete, asphalt, pavers, or gravel) and must be screened from adjacent residential lots and public rights-of-way using fencing, landscaping, or other approved means.
 - c. Driveways. Allowed only for temporary parking, not to exceed 72 hours for loading, unloading, or maintenance purposes but must not obstruct sidewalks or public rights-of-way.
- (3) Enclosed Storage Encouraged.** Long-term storage (more than 30 consecutive days) is encouraged to occur within an enclosed garage or accessory structure in compliance with accessory use standards.
- (4) Condition and Use Restrictions.**
 - a. All RVs and trailers must be currently licensed, operable, and maintained in good condition.
 - b. Use of RVs for living, sleeping, or commercial purposes while parked or stored on a residential lot is strictly prohibited.
 - c. No discharge of wastewater, fuel, or other materials from RVs is permitted.

(5) Exceptions and Temporary Permits.

- a. Temporary Use: RVs may be used temporarily as lodging for up to 7 consecutive days, no more than twice per calendar year, subject to written notice to the Zoning Administrator.
- b. Hardship or Construction Exception: Temporary use of RVs during home construction or emergency conditions may be permitted by special approval for a defined period, not to exceed 90 days, with optional renewal.

- (l) Temporary Storage of Inoperable Vehicles.** The temporary storage of inoperable vehicles shall be limited to one (1) inoperable vehicle per lot and shall be stored on a paved surface. For the purposes of this regulation, “temporary” shall be interpreted to mean three days or less in duration.

(m) Parking Space Count.

- (1)** The minimum required parking spaces by building function are as follows:
 - a. Residential: Two (2) parking place for each dwelling.
 - b. Lodging: The number of bedrooms available on each lot for lodging is limited by the requirement of one (1) assigned parking place for each bedroom, up to twelve (12), excluding short term rentals.
 - c. Office: The building area available for office use on each lot is limited to the first story of the principal building and/or to the accessory building, and by the requirement of two (2) assigned parking places per one thousand (1,000) square feet of net office space.
 - d. Retail/Service: The building area available for retail use is limited to three (3) assigned parking places per one thousand (1,000) square feet of net retail space.
 - e. Industrial: One (1) parking place per business vehicle, and:

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- (i) One (1) parking place for every one thousand (1,000) square feet of gross floor area for buildings up to twenty thousand (20,000) square feet.
- (ii) One (1) parking place for every five thousand (5,000) square feet of gross floor area for buildings twenty-thousand and one (20,001) to one-hundred twenty thousand (120,000) square feet.
- (iii) One (1) parking place for every ten thousand (10,000) square feet of gross floor area for buildings over one-hundred twenty thousand (120,000) square feet.

- f. Recreation: Four (4) parking places per one thousand (1,000) square feet.
- g. Institutional: Four (4) parking places for every one thousand (1,000) square feet of gross floor area up to two thousand (2,000) square feet; plus one (1) parking place per employee on the largest shift.
- h. Hospital/Medical Center/Clinic: Four (4) parking places per one thousand (1,000) square feet, plus one (1) parking place per employee on the largest shift.
- i. Automotive Service: Three (3) parking places for every one thousand (1,000) square feet of gross floor area plus two (2) parking places for each service bay/gas pump.

(2) Joint Use.

- a. A building or group of buildings containing two (2) or more uses even if a use in the building(s) is under the same ownership, operating during the same hours and which have different off-street parking requirements, may jointly provide spaces for not less than the sum of the spaces required for each use.
- b. Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Building Commissioner shall be filed

with the application for a zoning permit.

1030.02: Vision Triangle Clearance Standards

(a) Purpose of Vision Triangle Clearance Standards.

These vision triangle clearance standards are intended to reduce visual obstructions and mitigate the dangers associated with motor vehicles turning onto streets and to advance the government's interests in public health and safety.

(b) Applicability.

These vision triangle clearance standards shall apply at any street-and-street intersection and any street-and-driveway intersection.

(c) Vision Triangle Defined.

For any street-and-street intersection, the vision triangle shall be defined as the area bounded by the street property lines of corner lots and a line joining points along said street lines twenty (20) feet from their point of intersection. For any street-and-driveway intersection, the vision triangle shall be defined as the area bounded by the street property line and the edge of the driveway and a line joining points along said street and driveway twenty (20) feet from their point of intersection.

(d) Vision Triangle to Remain Clear.

No structure, vegetation, sign, fence (as regulated by Section 1030.04, Fence Standards), or other visual obstruction shall be placed within the vision triangle except where the structure, vegetation, or sign fulfills one (1) of the following conditions:

- (1) The structure, vegetation, or sign does not exceed three feet of height above the crest of the driveway, or more minor of the streets at a street-and-street intersection; or
- (2) The structure, vegetation, or sign presents a visual obstruction of a pole-type nature, such as a support beam or a tree trunk, where the pole-type visual obstruction is less than one (1) foot in diameter, with no greater visual obstruction between three and eight feet of height above the crest of the driveway, or more minor of the streets at a street-and-street intersection.

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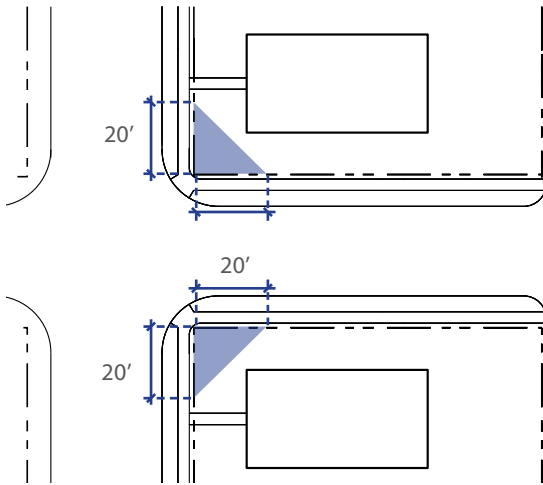


Figure 1030.02: Vision triangle at the intersection of two streets

Urban Neighborhood), where the abutting lot within the residential district is being put to residential use or has the potential to be put to residential use. Weapons-Related Uses shall be located not within seven hundred (700) feet from a residential district (Village Neighborhood, Suburban Neighborhood, and Urban Neighborhood) and shall not be required to satisfy the buffering requirement.

- (3) For the purposes of this regulation, “has the potential to be put to residential use” shall be interpreted to mean a property that could reasonably develop a residential use without the granting of a conditional use approval, without the abandonment of governmental or utility right-of-way ownership or easement, and without an annulment of any current deed restrictions or covenants that may prevent a residential use from being developed.

1030.03: Buffering Standards

- (a) **Purpose of Buffering Standards.** These buffering standards are intended to reduce the negative health effects associated with light and heavy industrial uses.
- (b) **Applicability of Buffering Standards.** These buffering standards shall apply in the following circumstances:
- (1) Where any of the following uses is commenced after the enactment of this Development Code:
 - a. Vehicle-Oriented Use
 - b. Light Industrial Use
 - c. Heavy Industrial Use
 - d. Weapons-Related Use
 - e. Sexually Oriented Use
 - f. Telecommunications Tower Use
 - g. Aerospace-Related;
 - (2) And where such use is conducted on a lot that abuts a lot within a residential district (Village Neighborhood, Suburban Neighborhood, and
- (c) **Buffering Area Required.** Where buffering is required per Section 1030.03 (b) “Applicability of Buffering Standards,” the following buffering area shall be provided: a twenty five (25)-foot-strip along the entire lot line that abuts such residential use or residential district.
- (d) **Location of Buffering Area.** The buffering area shall be required only along that portion of the applicable lot that abuts a neighboring lot within a residential district that is being put to residential use or, considering any applicable deed restrictions or covenants, has the potential to be put to residential use. Portions of the applicable lot that do not border lots within residential districts shall not be required to supply a buffering area.
- (e) **Buffering Areas Containing Streets, Parking Areas, or Driveways.**
- (1) Where a street or other public right-of-way is located in the area between the applicable use’s lot and the abutting residential lot, such street or other public right-of-way may be used to satisfy the buffering area requirement on a per-foot-width basis. For example, if a right-of-way of fifteen (15) feet in width forms the border between an applicable use’s lot and a residential use’s lot, the right-of-way shall reduce the width of the buffering area on the applicable use’s lot by fifteen (15) feet; however, the vegetation requirements shall still apply on a linear foot basis.

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- (2) Where a private parking area, driveway, or other vehicle accessway is located on the lot containing the applicable use near the lot line abutting the residential use's lot, such private parking area, driveway, or other vehicle accessway shall not be permitted to satisfy the required buffering area.

(f) Buffering Areas Containing Utility Easements.

Where the required buffering area contains an underground or overhead utility easement, where such utility easement is recognized by the Village and is maintained by a state-authorized utility company or agency, where such utility makes the planting of shade trees impractical, the requirement for planting shade trees shall be automatically waived for that portion of the buffering area.

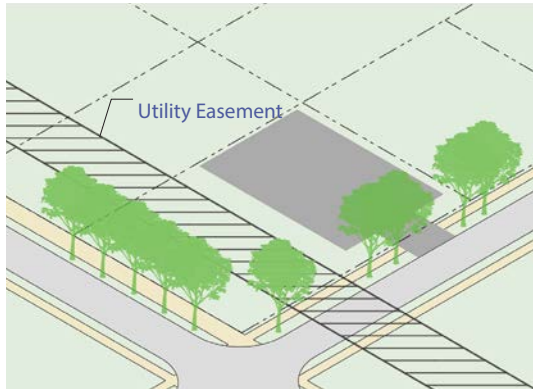


Figure 1030.03: Shade tree planting waived within utility easement

(g) Contents of Buffering Area. The buffering area shall contain the following vegetation:

- (1) One shade tree or evergreen tree per forty (40) linear feet or fraction thereof; and
- (2) One shrub per five (5) linear feet or fraction thereof.
- (3) The remainder of the buffering area shall consist of fencing, mounding, landscaping, rock-scaping, or other impervious surface.
- (4) No buildings shall be located within the buffering area.
- (5) No use-related activities, such as sales, manufacturing, storage of employee or commercial vehicles, or storage of products or materials, shall be performed within the buffering area.

- (h) Condition of Vegetation at Planting** Time within Buffering Area. Shade trees and evergreen trees shall be of at least two (2) inches diameter at breast height at the time of planting. Shrubs shall be of at least two (2) feet in height at the time of planting. All vegetation shall be disease free at the time of planting.

- (i) Maintenance of Buffering Area.** The property owner shall be responsible for maintaining the health of the vegetation required within the buffering area. If required plant material dies, it shall be the responsibility of the property owner to replace such required vegetation within twelve (12) months of the plant's death. Other maintenance, such as mowing, weeding, mulching, and litter clean-up, shall be performed by the property owner.

1030.04: Fencing Standards

- (a) Purpose of Fencing Standards.** By regulating fence heights, locations, materials, and upkeep, the Village intends to promote the government interests of safety, security, and neighborhood aesthetics.
- (b) Applicability of Fencing Standards.** These fence regulations shall apply to all lots in all districts.
- (c) Location of Fences.** Fences are not required to adhere to the setbacks established for principal or accessory structures; however, fences shall comply with the following setbacks:
- (1) Where a Fence Is Entirely within a Lot. Fences located entirely within a lot may maintain at least two (2) feet of setback from adjacent lots to allow for maintenance of the fence and control of vegetation; gates may swing open over public sidewalks and internal drives.
- (d) Fences Located on Easements.** Fences may be located on easements, such as water or gas line easements, at the fence owner's risk and subject to other requirements herein and subject to requirements imposed by the easement agreement.
- (e) Fence "Finished Side" Orientation.** The "finished side" of a fence shall face outward from the lot on which it is located. In the case of a fence located along a lot line, the finished side shall face away from the installer or in the direction agreed upon in the fence agreement. Posts and supports shall be located opposite the "finished side."

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- (f) Prohibited Fence Materials.** Fences shall not be constructed of chain link fencing within the required front yard setback; electric charged fencing, barbed wire, spikes, or broken glass; chicken wire; scrap materials; fragile or readily flammable materials such as cloth, canvas, paper; or corrugated or sheet metal, except where used in the Industrial District.
- (g) Fence Color Standards.** The entirety of each different material used in the construction of a fence shall display either its natural color(s) or shall be painted or stained a single tint or shade of a single color.
- (h) Fence Height Limits.** Fences shall not exceed the following heights:

TABLE 1030.04: FENCE HEIGHT LIMITS		
DISTRICT	FENCE LOCATION	FENCE HEIGHT MAXIMUM
Employment	Any Location	10 ft. max.
Corridor	Within 30 ft. of State Route 79	4 ft. max.
	Outside 30 ft. of State Route 79	6 ft. max.
All Other Districts	Within minimum front yard setback	4 ft. max.
	Outside minimum front yard setback	6 ft. max.

(i) Fence Standards for Swimming Pools and Hot Tubs.

- (1)** In-ground swimming pools and hot tubs shall be equipped with full-perimeter fencing of at least four (4) feet in height and no horizontal slats or openings of greater than one and three-quarter (1 3/4)-inch in width or height. Any gate leading to the swimming pool or hot tub shall be equipped with an automatic-closing hinge and a self-locking latch that shall be accessible only from the inside of the fenced area or at a height of at least five (5) feet.

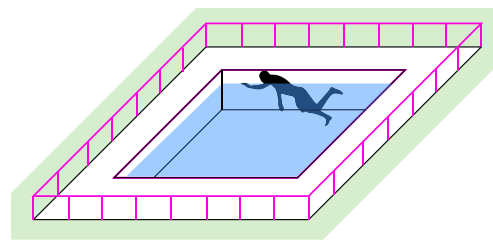


Figure 1030.04 (A): Fencing located around an in-ground swimming pool

- (2)** For above-ground pools, no perimeter fencing shall be required if the sidewall of the pool and any perimeter fencing extending above such sidewall are at least four feet in height and completely encircle the pool, or, where a deck comprises a portion of that perimeter fencing, the deck is at

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least four (4) feet in height or completely enclosed by a fence of at least four (4) feet in height above grade and is accessed only through a gate with an automatic-closing hinge and a self-locking latch that shall be accessible only from the inside of the fenced area or with an exterior latch at least five feet above grade or accessible via a ladder or step system that is made unclimbable when the pool is not in use and is not able to be unlatched except from the decked area or at a height of at least five (5) feet above grade.

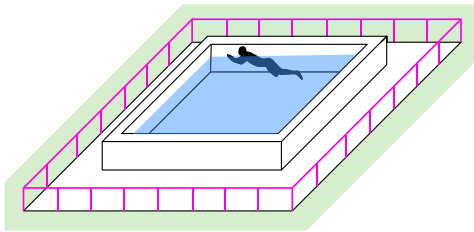


Figure 1030.04 (B): Fencing around an aboveground swimming pool

- (3) These swimming pool and hot tub fencing requirements shall not be required for small wading pools with designed and actual water depths of less than twelve (12) inches.

(4) These swimming pool and hot tub fencing requirements shall not be required for decorative fountains, fish ponds, or rain gardens.
- (j) Fences within the Vision Triangle.** All fences within the vision triangle, as described in Section 1050.02, shall conform to the height and vision requirements therein.
- (k) Fence Maintenance Required.** The property owner on which a fence is installed shall maintain and repair the fence in such a manner that it does not:

 - (1) Encroach upon the property of others; or
 - (2) Exist in a condition likely to collapse or cause personal injury or damage to the property of others; or
- (3) Display rotting, rusted, corroded, dented, or damaged materials, dead vegetation, or worn or eroded ground cover or otherwise become unsightly or in a blighted condition.
- (l) Temporary Fences.** Fences in association with a temporary use, such as construction activities or a festival, shall be permitted as accessory to the temporary use, provided that the temporary fences do not encroach upon the right-of-way, do not obstruct the vision triangle, do not pose a safety risk during heavy winds, and do not remain after the temporary use has ceased.
- (m) Signs on Fences.** Any sign affixed to a fence or consisting of a fence shall conform to all sign height, sign area, sign setback, sign number, sign type, and sign permitting regulations as regulated by Section 1050.08.
- (n) Fences Impairing Drainage.** No fence shall adversely affect drainage or create or significantly aggravate runoff problems on abutting lots.
- (o) Conflict with Buffering Regulations.** In any case in which the regulations of this section and the provisions of Section 1050.03 “Buffering Standards” conflict, the provisions of Section 1050.03 “Buffering Standards” shall govern.

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1030.05: Landscaping and Screening Regulations (see Ordinance Number 2011-04, Landscaping and Screening Regulations)

1030.06: Outdoor Lighting Standards

- (a) **Purpose of Outdoor Lighting Standards.** These outdoor lighting standards are intended to permit outdoor lighting that aids in safety and security while mitigating the negative impacts of outdoor lighting, including nuisances, glare, detriments to wildlife, and human physiological effects.
- (b) **Applicability of Outdoor Lighting Standards.** These outdoor lighting standards shall apply to all outdoor lighting associated with all uses in all zoning districts. Lighting as illumination of signage is regulated elsewhere; see Section 1030.08 (i).
- (c) **Height of Outdoor Lighting.** No outdoor lighting shall be mounted at a height greater than the maximum height allowed for principal structures in the district in which they are located. In the case that the district does not list a maximum height for principal structures, no outdoor lighting shall be mounted at a height greater than thirty five (35) feet.
- (d) **Night Sky Protections.** No outdoor lighting shall be installed, unless such outdoor lighting fixture is equipped with full-cutoff shielding, which prevents any light from shining in any direction upward of horizontal.

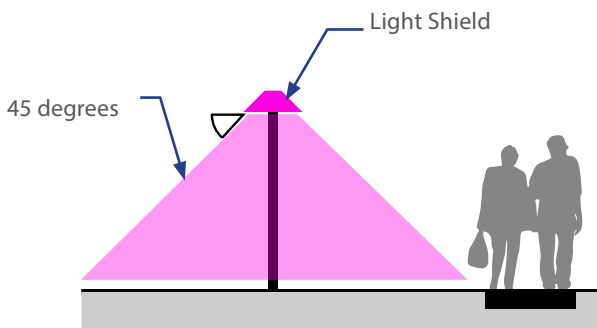


Figure 1030.06: Shielding that prevents light from being emitted within 45 degrees of a horizontal plane

- (e) **Glare Prohibited.** No outdoor lighting shall be permitted, whether existing prior to the enactment of this Development Code or newly installed, where such outdoor lighting causes glare on neighboring properties or causes a safety risk to motor vehicles or pedestrians.

1030.07: Outdoor Storage and Display Standards

- (a) **Purpose of Outdoor Storage and Display Standards.** These outdoor storage and display standards are intended to limit the negative aesthetic impacts of outdoor storage and display of goods and materials and to promote the governmental interest of neighborhood aesthetics.
- (b) **Applicability of Outdoor Storage and Display Standards.** These outdoor storage and display standards shall apply to the storage or display of materials, products, merchandise, equipment, refuse, fuels, and vehicles in outside-of-enclosed-buildings settings and shall apply to all lots in all districts.
- (c) **Sign Standards for Outdoor Displays.** Outdoor displays shall conform to sign standards as set forth in Section 1030.08 "Sign Standards."
- (d) **Outdoor Storage and Display in Association with Residential Uses.**
 - (1) Outdoor Storage or Display in Association with Home Occupations. Outdoor storage or display in association with home occupations shall conform to the regulations in Section 1020.06 (e)(7) "Limits on Outdoor Storage in Association with a Home Occupation."
 - (2) Outdoor Storage of Inoperable Vehicles in Association with Residential Uses. No permanent storage of inoperable vehicles shall be permitted on the site of a Residential Use.
 - (3) Outdoor Storage of Landscaping Equipment on the Lot of a Residential Use. No landscaping equipment, such as a lawnmower, weed-whacker, or snowblower, shall be stored in the outdoors in the actual front yard, corner side yard, or interior side yard, of a lot containing a Residential Use.
 - (4) Outdoor Storage of Fuels on a Lot of a Residential Use. No storage of fuels, including firewood and

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heating oil or gas, shall occur in the actual front yard of a lot containing a Residential Use. No storage of liquid or gaseous fuels shall exceed one thousand (1000) gallons per dwelling unit per lot. Any storage of volatile fuels on a lot containing a Residential Use shall be contained within safe vessels, such as containers meeting the rules of the U.S. Consumer Product Safety Commission (CPSC) for gasoline storage.

- (5) Outdoor Display of For-Sale Items on a Lot of a Residential Use. No lot containing a Residential Use shall display items for sale in the outdoors, except in the following circumstances:
- The items for sale are limited to one (1) object or set, such as a vehicle or household appliance, that is limited in duration of display to fourteen (14) days per year; or
 - The items for sale are displayed only during a yard sale or garage sale that is limited in duration to three (3) days, or

(e) Outdoor Storage and Display in Association with Non-Residential Uses.

- (1) Outdoor Storage of Inoperable Vehicles on a Lot of a Non-Residential Use. The outdoor storage of inoperable vehicles in association with a Vehicle-Oriented Use is regulated by Section 1020.16 (b)(1) "Permanent Storage of Inoperable Vehicles in Association with Vehicle-Oriented Uses." The outdoor storage of inoperable vehicles in association with a Heavy Industrial Use is permitted.
- (2) Outdoor Storage of Commercial or Fleet Vehicles on a Lot of a Non-Residential Use. The outdoor storage of commercial vehicles or fleet vehicles on a lot of a non-residential use, where such vehicles are not for sale, shall be regulated according to Section 1030.01 (j) "Parking of Commercial Vehicles."
- (3) Outdoor Storage of Products, Materials, and Fuels on a Lot of a Non-Residential Use. The outdoor storage of products, materials, and fuels on a lot of a non-residential use, where such products, materials, and fuels are not for sale, shall not be

permitted except where such storage is screened by an opaque fence of at least six (6) feet in height. This regulation shall not apply if other state or federal law prohibits the screening of such storage, such as may be the case with the storage of certain flammable fluids.

- (4) Outdoor Display of For-Sale or For-Rent Items on a Lot of a Non-Residential Use. The outdoor display of products, materials, equipment, fuels, or vehicles on a lot of a non-residential use that are for sale or rent shall conform to all of the following regulations:
- The display of vehicles for sale or rent, including cars, trucks, trailers, recreational vehicles, boats, motorcycles, off-road vehicles, farm or lawn equipment, and the like, but not including bicycles, mobility scooters, kick scooters, and the like, shall be parked in a parking area and shall conform to the parking requirements set forth in Section 1030.01 "Parking and Loading Standards."
 - Where products, materials, equipment, or fuels are displayed for sale or rent outdoors on a lot of a non-residential use, and where such objects are not considered vehicles, such as cars, trucks, trailers, recreational vehicles, boats, motorcycles, off-road vehicles, farm or lawn equipment, and the like, such displayed products, materials, equipment, or fuels shall be permitted only when the displayed products, materials, equipment, or fuels are set back from the right-of-way no less than ten (10) feet less than the front yard setback required by a principal structure in the district in which it is located.
 - The outdoor display of products, materials, equipment, fuels, or vehicles for sale or rent shall be permitted only where in association with a non-residential use that has been properly permitted by the Village, except in the residential use cases as described in Section 1030.07 (d)(5) "Outdoor Display of For-Sale Items on a Lot of a Residential Use."

(f) Outdoor Storage and Display on Lots with Both

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Residential and Non-Residential Uses. Where a lot contains both residential and non-residential uses, outdoor storage and display shall be regulated according to the use most closely associated with the outdoor storage and display. For example, where a lot contains a business use on the ground floor and a residential use above, the outdoor display of products for sale by the business shall be regulated according to non-residential use regulations as described in Section 1030.07 (e)(4) “Outdoor Display of For-Sale or For-Rent Items on a Lot of a Non-Residential Use.”

marijuana, or marijuana products shall comply to rule 3796:6-3-24 of the Ohio Administrative Code.

- (1)** The following signs are exempt from the provisions of this section and shall be allowed without a sign permit:
- a. Flags, pennants, or insignia of any nation, state, village, or other political unit or jurisdiction.
 - b. Signs bearing only the property address or names of occupants of residential premises not exceeding one (1) square foot in area.
 - c. Cornerstones, commemorative tablets, and historical signs not exceeding ten (10) square feet in area.
 - d. Signs located on the interior of a building not visible from the public right of way or neighboring properties.
 - e. Governmental signs providing traffic control information and other similar public information.
 - f. Signs posted to indicate handicap accessible parking spaces.

1030.08: Sign Standards

- (a) Purpose and Applicability.** These sign standards regulate the type, number, design, size, time of display, location, and maintenance of signs displayed in the Village of Buckeye Lake in order to: protect the public health, safety, and welfare of pedestrians and drivers in all zones and districts; promote clarity in sign communications; promote harmony between physical characteristics of signs and the surrounding land, structures, and development features; and to promote attractive and orderly appearance in all districts. These standards shall apply to all existing signs, to all signs erected or installed after the effective date of adoption of these standards, and any sign which replaces and existing sign or component thereof.
- (b) Sign Definition.** For the purposes of these regulations a sign shall be interpreted as any visual or graphic device that is designed and/or used to communicate – primarily through use of words, numbers, characters, and/or proprietary symbols, as defined herein– a verbal and/or visual message. Such a device shall be considered a sign whether or not a message is currently displayed thereupon. Sign shells, embellishments, and support structures shall be considered part of the sign. Flags shall be considered signs per this definition.
- (c) Sign Permit Required.** All signs, except those specifically exempted by the provisions of this section, shall only be erected, installed, relocated, replaced, or changed in illumination type with acquisition of and conformance with the provisions of a sign permit issued by a designee of the Planning and Zoning Department. This requirement shall not apply to the maintenance of an existing sign where such maintenance does not require its relocation, expansion, or replacement. Signs advertising or marketing recreational marijuana, medical

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TABLE 1030.08 (A): PERMITTED SIGNS													REF
	VN	SN	UN	MH	VC	LN	LM	CO	EM	IC	RU	OS	
Freestanding Sign	SE	SE	SE	●	●	●	●		●	●		-	
Projecting Sign	●				●	●	●	●				-	
Wall Sign	●				●	●	●	●	●	●		-	
Canopy/Awning Sign	●				●	●	●					-	
Window Sign	●				●	●	●					-	
Temporary Sign	●	●	●	●	●	●	●	●	●	●	●	-	
Banner Sign					●		●	●	●	●		-	
Portable Sign					●		●	●	●	●		-	

● Permitted
SE - Subdivision Entry Sign

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(d) Sign Standards in all Districts. Only the signs listed in the following pages shall be permitted within each district.

(1) Measurement Standards

- a. Sign Area shall mean the total exposed surface on the largest single sign face of a sign, including sign background, but excluding purely decorative embellishments and any supporting structure that does not form part of the sign proper.
 - (i) The area of a sign consisting solely of individual letters or symbols against a building wall or other surface that does not serve solely or principally as a sign, such as an awning or canopy, shall be the sum of the areas within rectangular envelopes completely enclosing each attached group of letters or symbols.
- b. Sign height shall be measured as the vertical distance from the highest part of a sign, including support structures and embellishments, to:
 - (i) The average grade of the land abutting the base of or directly beneath the sign, for facade signs; awning and canopy signs; roof signs; projecting signs; and ground signs more than 50 feet from the edge of a public street pavement; or
 - (ii) The curb level, as defined herein, of the street from which the sign is intended to be viewed, for all other ground signs; or, in the case of a lot abutting more than one street, the mean average of the curb levels of such streets.

- a. Monument Signs, also referred to as ground signs, in which the sign is affixed to the ground by means of a permanent foundation.
- b. Pole Signs, so long as they are supported by two (2) or more uprights or braces placed in the ground.

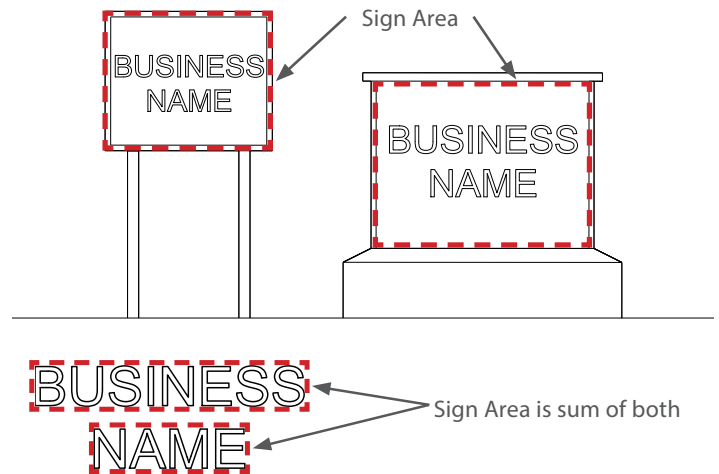


Figure 1030.08 (A): How to Measure Sign Area

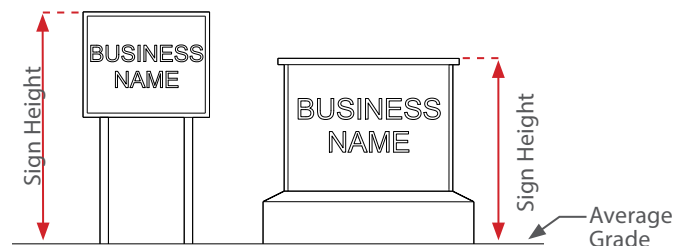


Figure 1030.08 (B): How to measure sign height from the average grade

- (2) Freestanding Sign.** A sign that is attached to, erected on, or supported by some structure, such as a post, mast, or frame that is not itself an integral part of or attached to a building or other structure whose principal function is something other than support of a sign. Permitted types of freestanding signs include:

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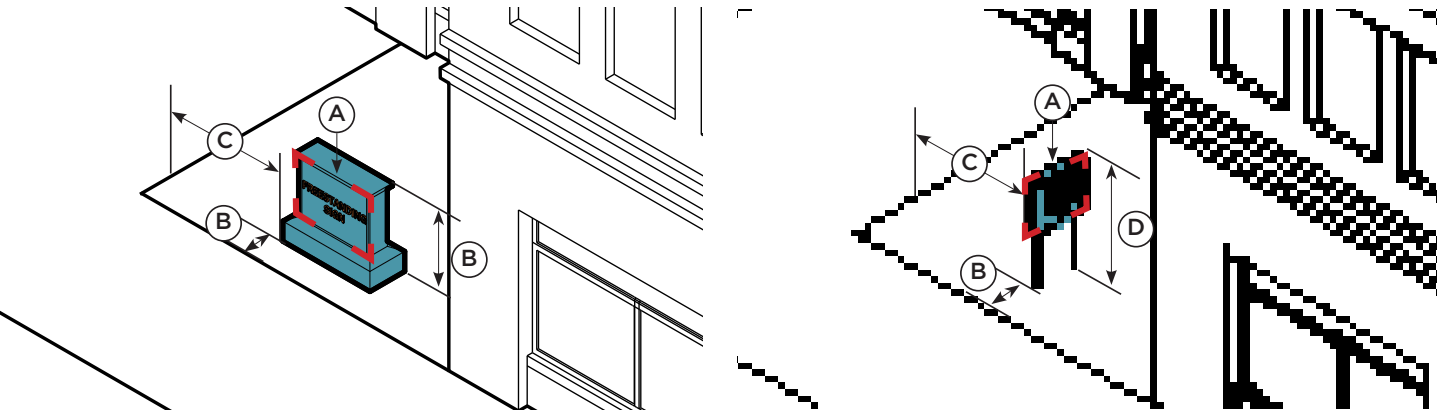


TABLE 1030.08 (B): FREESTANDING SIGN STANDARDS	DISTRICTS								
	VN	SN	UN	MH	VC	LN	LM	EM	IC
Number of Signs	1 at each main entrance	1 at each main entrance	1 at each main entrance	1 at each main entrance	1	1	1	1	1
Illumination Types	External	External	External	External	Internal or External	External	Internal or External	Internal or External	Internal or External
(A) Max. Sign Area (per sign)	24 sq. ft.	24 sq. ft.	24 sq. ft.	24 sq. ft.	24 sq. ft.	24 sq. ft.	24 sq. ft.	36 sq. ft.	36 sq. ft.
(B) Max. Height	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.	8 ft.	8 ft.
(C) Min. Front Setback	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
(D) Min. Side Setback	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.

GENERALLY APPLICABLE REGULATIONS

(3) Projecting Sign. Any permanent building sign attached perpendicular to a building wall and extending laterally more than twelve (12) inches but not more than thirty six (36) inches from the face of such wall.

- a. Suspended signs that hang down from a marquee, awning, or porch perpendicular to a building wall that would otherwise need to be attached to the building are also permitted.

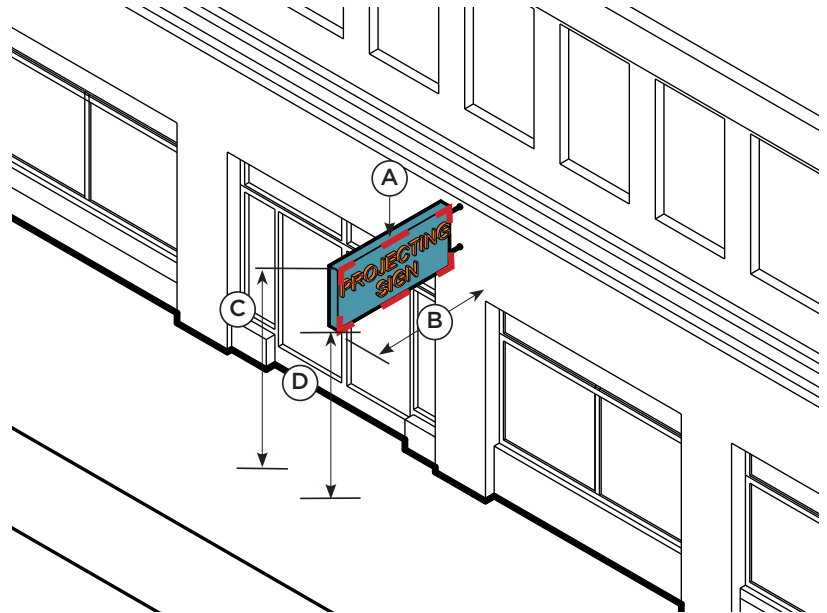


TABLE 1030.08 (C): PROJECTING SIGN STANDARDS*	DISTRICTS				
	VN	VC	LN	LM	CO
Number permitted	1	1	1	1	1
(A) Max. Sign Area (per sign)	8 sq. ft.	8 sq. ft.	8 sq. ft.	8 sq. ft.	8 sq. ft.
(B) Max. Width	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
(C) Max. Height	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
(D) Min. Clearance	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.
Min. Setback	18 in. from end of building face	18 in. from end of building face	18 in. from end of building face	18 in. from end of building face	18 in. from end of building face

*Projecting signs shall only be affixed to the principal building or structure located on the lot. No portion of the projecting sign shall extend beyond property lines, except as permitted under specific easements or Village agreements. Signs must be securely mounted to ensure structural stability and shall be inspected for safety compliance as required.

GENERALLY APPLICABLE REGULATIONS

- (5) **Wall Sign.** A sign attached to or painted on the exterior wall of a building or structure. Wall signs are typically placed flat against the wall and may not extend beyond the building’s facade.

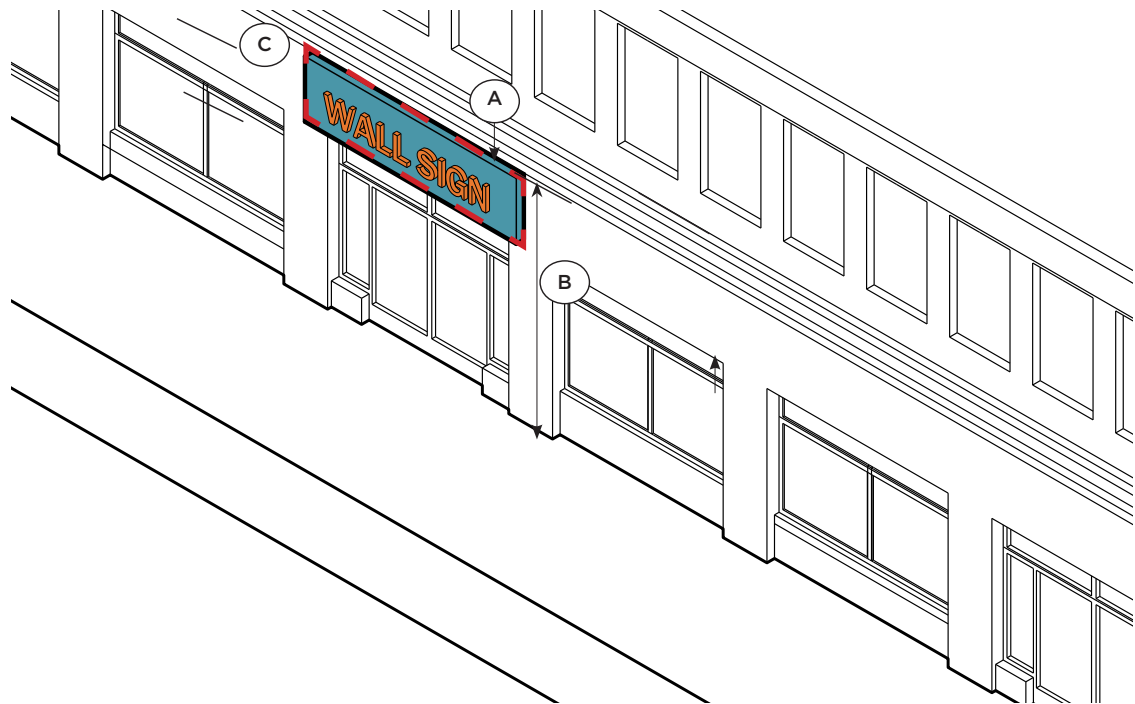


TABLE 1030.08 (D): WALL SIGN STANDARDS*	DISTRICTS						
	VN	VC	LN	LM	CO	EMP	IC
Number permitted	1 per frontage	1 per frontage	1 per frontage	1 per frontage	1 per frontage	1 per frontage	1 per frontage
A Max. Sign Area (per sign)	2 sq. ft. per linear foot of frontage	2 sq. ft. per linear foot of frontage	2 sq. ft. per linear foot of frontage	2 sq. ft. per linear foot of frontage	2 sq. ft. per linear foot of frontage	2 sq. ft. per linear foot of frontage	2 sq. ft. per linear foot of frontage
B Max. Height	25 ft. max.	25 ft. max.	25 ft. max.	25 ft. max.	25 ft. max.	25 ft. max.	25 ft. max.
Min. Setback	0 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.	0 ft. min.
C Max. Projection	12 in.	12 in.	12 in.	12 in.	12 in.	12 in.	12 in.

* Wall signs must be constructed of durable, weather-resistant materials such as metal, acrylic, or treated wood. Plastic, vinyl, or reflective materials are discouraged unless they complement the building’s design. Signs must be designed to harmonize with the building’s architectural features.

GENERALLY APPLICABLE REGULATIONS

- (5) **Canopy/Awning Sign.** A sign that is painted or otherwise permanently affixed to an awning or canopy.

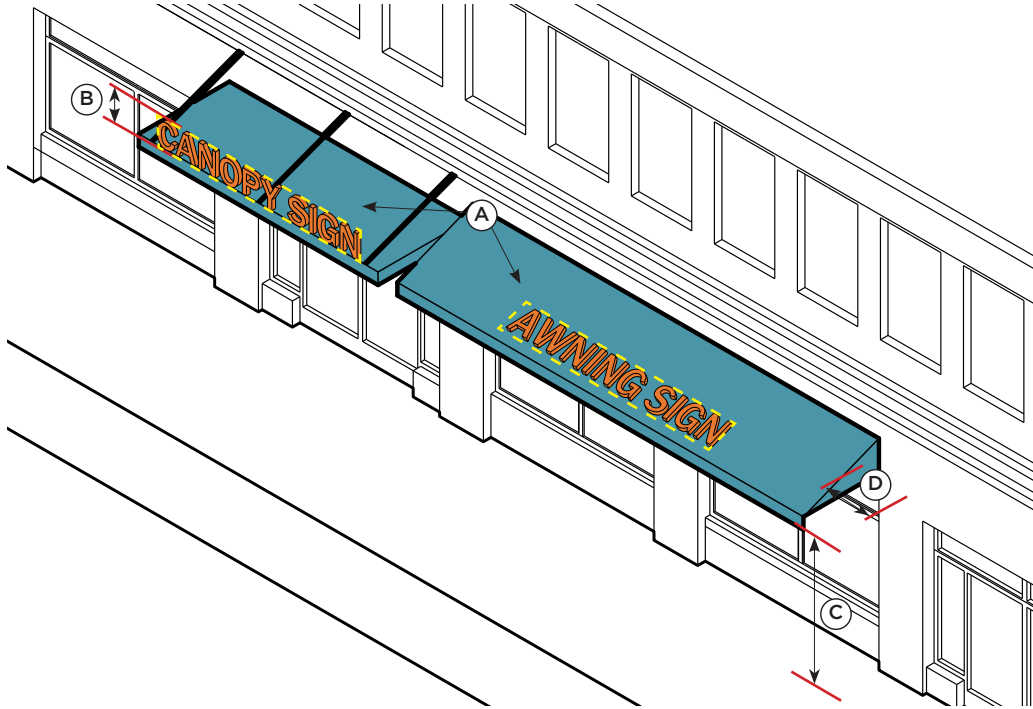


TABLE 1030.08 (E): CANOPY/AWNING SIGN STANDARDS*	DISTRICTS			
	VN	VC	LN	LM
Number permitted	1 per business frontage	1 per business frontage	1 per business frontage	1 per business frontage
(A) Max. Sign Area (per sign)	16 sq. ft.	16 sq. ft.	16 sq. ft.	16 sq. ft.
(B) Max. Height	2 ft letter height	2 ft letter height	2 ft letter height	2 ft letter height
(C) Min. Clearance	8 ft.	8 ft.	8 ft.	8 ft.
(D) Max. Projection	6 ft.	6 ft.	6 ft.	6 ft.

*Canopy/awning signs must be constructed of durable materials such as treated fabric, metal, or acrylic that can withstand outdoor weather conditions. Signs must be professionally designed to complement the architectural style of the building.

GENERALLY APPLICABLE REGULATIONS

- (8) **Window Sign.** Signs that are attached to, affixed to, or placed in or on a window or within 3 feet of the interior of a window, and are visible from the exterior of the building.

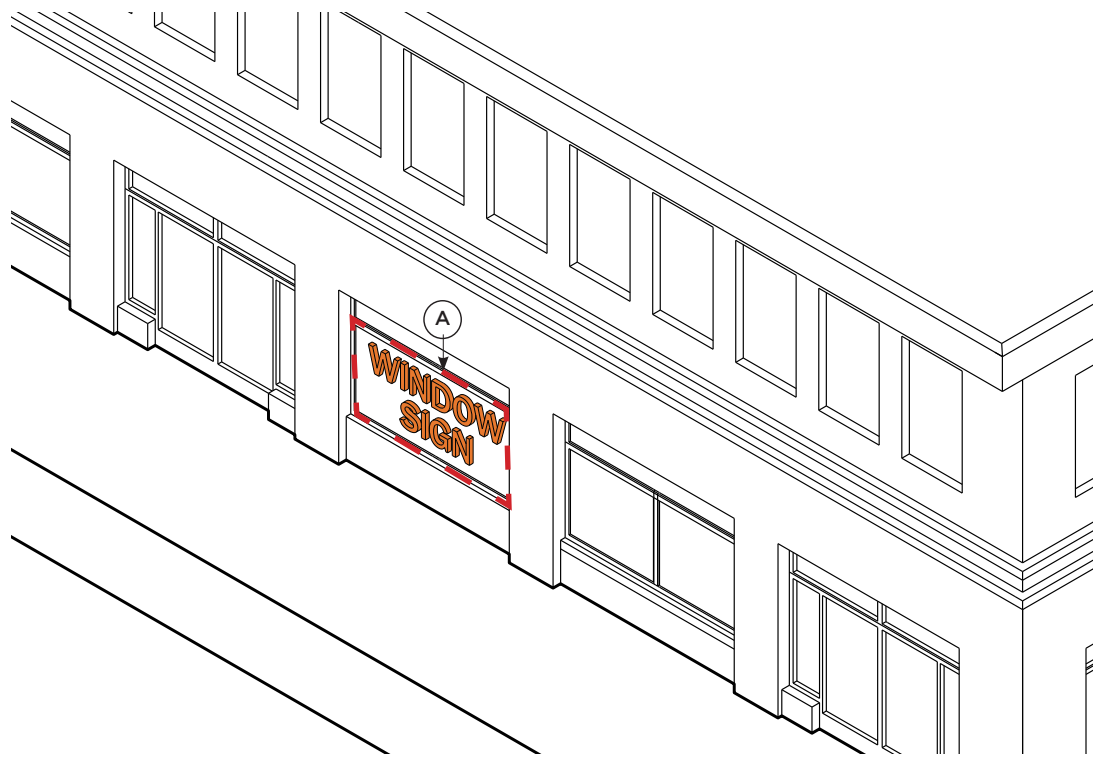


TABLE 1030.08 (F): WINDOW SIGN STANDARDS	DISTRICTS			
	VN	VC	LN	LM
Number permitted	2	2	2	2
(A) Max. Sign Area (per sign)	30% of window area	30% of window area	30% of window area	30% of window area
Max. Height	First story	First story	First story	First story
Min. Setback	Within 3 ft. of window interior	Within 3 ft. of window interior	Within 3 ft. of window interior	Within 3 ft. of window interior

GENERALLY APPLICABLE REGULATIONS

- (9) Temporary Sign.** A sign that is not permanently affixed to a structure or permanently embedded in the ground, and is designed to be displayed for a limited period of time. Temporary signs must be made of durable materials and maintained in good condition to avoid becoming dilapidated or creating visual blight. Examples of temporary signs include: personal “For Sale” signs, Real Estate signs, signs promoting a specific community or civic event, signs or posters indicating candidates or issues on the public ballot, and construction signs announcing the names of contractors or other parties participating in the construction project.

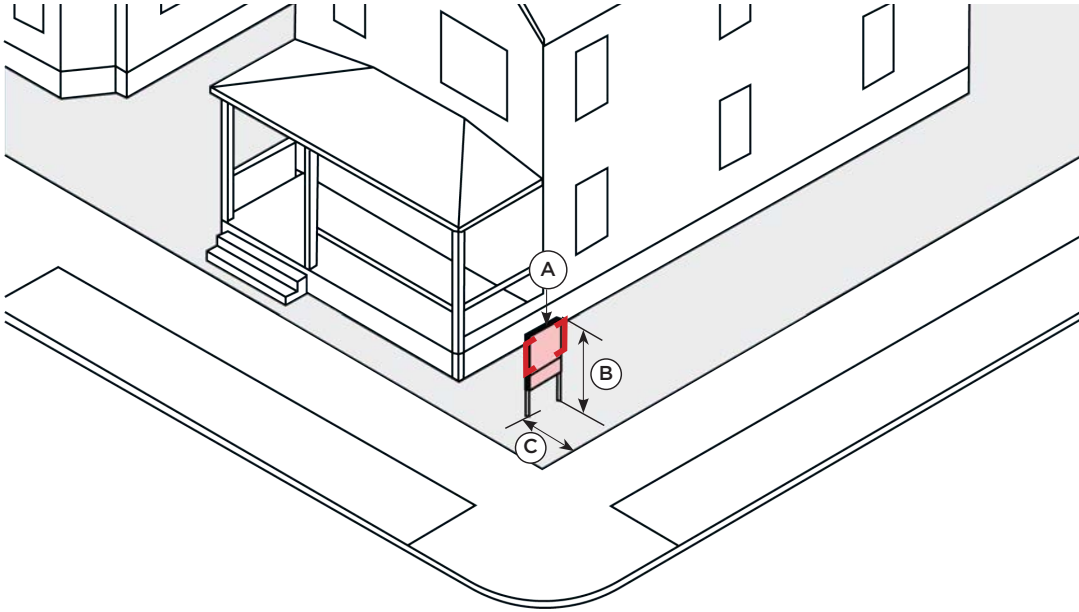


TABLE 1030.08 (G): TEMPORARY SIGN STANDARDS	DISTRICTS										
	VN	SN	UN	MH	VC	LN	LM	CO	EM	IC	RU
Max. Number permitted	3	3	3	3	3	3	3	3	3	3	3
Max. Time permitted	30 days	30 days	30 days	30 days	30 days	30 days	30 days	30 days	30 days	30 days	30 days
Ⓐ Max. Sign Area (per sign)	8 sq. ft.	8 sq. ft.	8 sq. ft.	8 sq. ft.	12 sq. ft.	8 sq. ft.	12 sq. ft.	18 sq. ft.	24 sq. ft.	24 sq. ft.	8 sq. ft.
Ⓑ Max. Height	6 ft.	6 ft.	6 ft.	6 ft.	8 ft.	6 ft.	8 ft.	8 ft.	12 ft.	12 ft.	6 ft.
Ⓒ Min. Setback	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Sign Illumination	None	None	None	None	None	None	None	None	None	None	None

GENERALLY APPLICABLE REGULATIONS

(10) **Portable Sign.** Freestanding signs not permanently affixed to a building, structure, or ground, typically designed to be moved from one location to another of each day of business or activity. Examples include A-frame or sandwich board signs, feather flags, and signs mounted on wheeled structures.

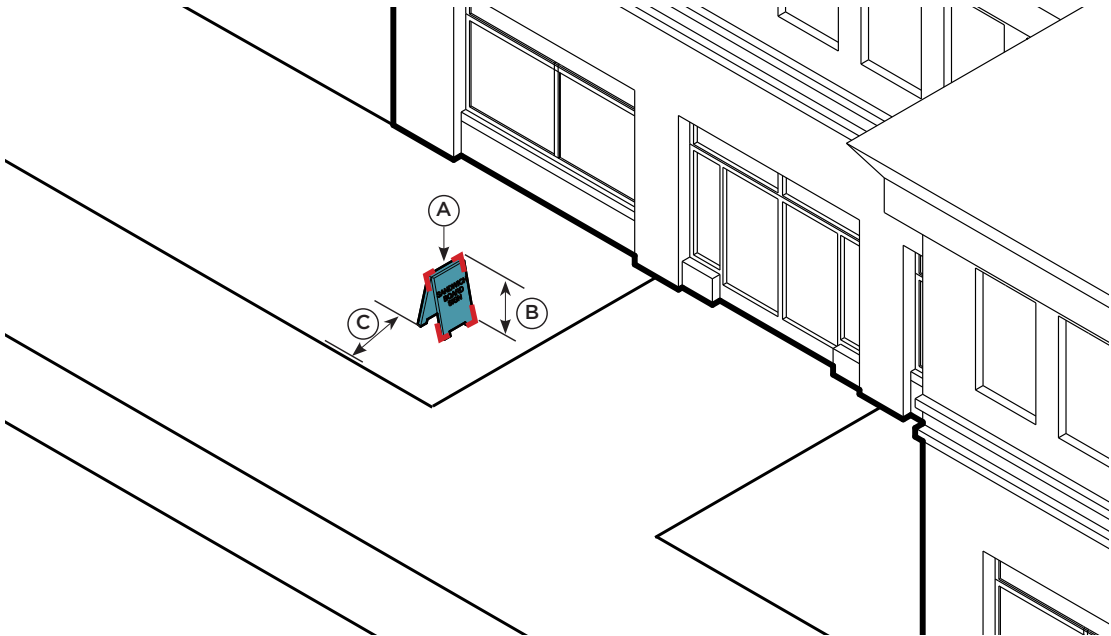


TABLE 1030.08 (H): PORTABLE SIGN STANDARDS	DISTRICTS				
	VC	LM	CO	EMP	IC
Number permitted	2	2	2	2	2
(A) Max. Sign Area (per sign)	6 sq ft.	6 sq ft.	6 sq ft.	6 sq ft.	6 sq ft.
Max. Height	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Min. Setback	5 ft. from property line; within 10 ft. from building facade	5 ft. from property line; within 10 ft. from building facade	5 ft. from property line; within 10 ft. from building facade	5 ft. from property line; within 10 ft. from building facade	5 ft. from property line; within 10 ft. from building facade

GENERALLY APPLICABLE REGULATIONS

(e) **Sign Illumination.** Any lighting source, other than the sun, that illuminates the surface or interior of a sign. Sign illumination shall not be construed as referring to any illumination of signs provided by light sources intended to illuminate an area in which a sign is located--such as street lights, facade lighting, or parking lot lighting--rather than specifically to illuminate the sign. Lighting around the border of a sign, such as in the case of perimeter lighting around a window displaying a window sign or in the case of a border of lights around a marquee sign, shall be considered part of the sign illumination.

(1) The following sign illumination types shall be allowed provided that a sign permit is attained for the given sign illumination type:

- a. Internal illumination, which includes the following types:
 - (i) **Channel-letters:** a type of internal illumination where each letter or symbol has a light source integrated within it, where such light shines out through a semi-translucent diffusing material on the surface of the letter or symbol; neon lighting and imitation neon lighting are included as examples of channel-letters.
 - (ii) **Light-box:** a type of internal illumination where a light source is integrated within a sign, rather than following the course of each letter or symbol, where such light shines out through a semi-translucent diffusing material on the surface of the sign.
 - (iii) **Halo-letters:** a type of internal illumination where a light source is routed within each letter or symbol and shines towards the backdrop of the sign, creating the effect of a lit halo around each silhouetted letter or symbol.

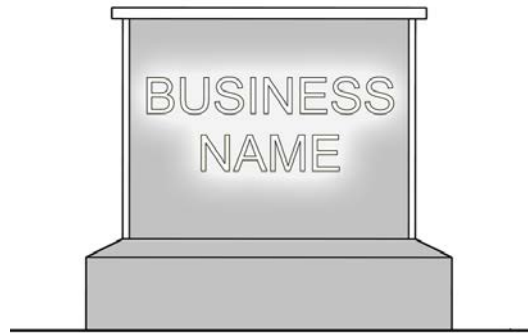


Figure 1030.08 (C):: Example of channel-letters.



Figure 1030.08 (D): Example of a light-box.



Figure 1030.08 (E): Example of halo-letters.

GENERALLY APPLICABLE REGULATIONS

- b. External illumination, which includes the following types:
 - (i) Gooseneck lighting: a type of lighting involving a rigid arm extending horizontally away from the sign with a shielded lamp aiming light back towards the sign surface.
 - (ii) Ground lighting: a type of lighting involving a ground-mounted lamp projecting light at the sign surface.

(2) Prohibited Sign Illumination Types. The following sign illumination types shall be prohibited in all districts:

- a. Sign illumination that causes glare to neighboring properties, vehicles, or pedestrians, such as bare-bulb illumination that is not properly shielded or diffused.
- b. Sign illumination that blinks, shudders, or twinkles, or in any way is not constant and even in intensity and direction.

(f) Prohibited Signs. The following sign types shall be prohibited as both permanent signs and temporary signs for all land uses in all districts:

- (1) Billboards:** a sign, of any size, directing attention to a specific business, product, service, entertainment or other activity sold, offered or conducted elsewhere than upon the lot on which the sign is located.
- (2) Electronic Signs:** Freestanding signs that include flashing, moving, rotating, intermittently illuminated signs, neon signs, signs with illuminated LED display, back-lit LCD display, or other light-emitting monitor, except where such a display comprises only non-moving red pixels on an unlit black background. Window signs that have electronic copy are not included. Pixels should be a single color on a black background with a changing dynamic scroll rate of not more than ten (10) characters per second.
- (3) Inflatable Signs:** includes balloons or other gas-

filled figures whether airborne and tethered to the ground or activated by air or moving gas.

- (4) Notices, Bulletins, or other Signage on Utility Poles or Fences:** Attaching notices, bulletins, or other signage to public utility poles or fences is not permitted.

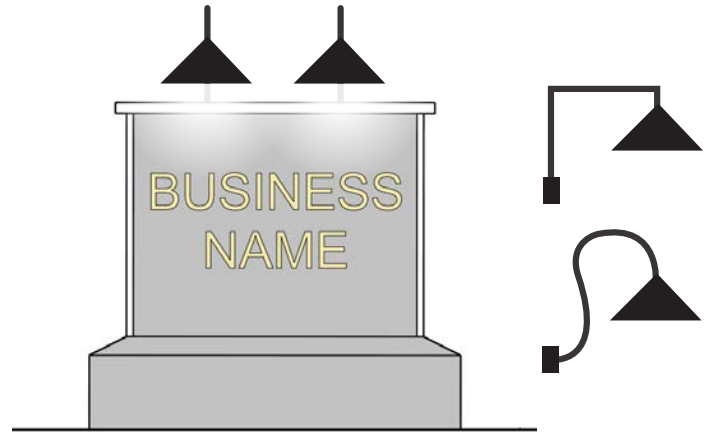


Figure 1030.08 (F): Example of gooseneck lighting.



Figure 1030.08 (G): Example of ground lighting.

GENERALLY APPLICABLE REGULATIONS

(g) Sign Maintenance. Nothing in this section shall prohibit the maintenance of an existing sign, including the rewiring, repainting, change of copy, or reinforcement of structural elements, where such maintenance does not constitute a relocation, change in height, or enlargement of the sign and where such maintenance does not constitute a change of sign illumination type. Signs shall be maintained in a safe, working, and clean condition by the landowner. Signs which are deemed by the Village to be dangerous to public health and safety shall be ordered by the Village to be removed immediately at the landowner's expense.

- (1)** The replacement of an existing permitted or legal nonconforming sign shall be permitted where the replacement constitutes no change in sign type, sign area, sign location and height, or sign illumination type.

(h) Abandoned Signs.

- (1)** A sign or sign face shall be considered abandoned when:
 - a. The sign or sign face remains after the discontinuance of a use. A use is considered to be discontinued if the lease has expired for that use or it is closed to the public for at least thirty (30) consecutive days.
 - b. The sign or sign face is not maintained in accordance with the provisions of this chapter and the owner of the sign has not complied with notices to maintain the reasonable and proper appearance and condition of the sign.
- (2)** Whenever a designee of the Planning and Zoning Department determines that a sign has been abandoned as defined in this chapter, the right to maintain and use such a sign shall terminate immediately.
- (3)** Physical removal of a sign may be accomplished pursuant to the nuisance abatement procedures and ordinances of the Village.
- (4)** Whenever a designee of the Planning and Zoning Department determines that a sign face is abandoned as defined in this chapter but the existing sign conforms to the Zoning Code, he/she

may issue a notice to the sign owner or property owner to remove the abandoned panel and replace it with a blank. This shall not apply to signs maintained on lots that do not have any existing structure.

- (5)** Whenever the designee of the Planning and Zoning Department determines that a sign face in a multi-tenant sign is abandoned but other panels on the sign are not abandoned, he or she may issue a notice to the sign owner to remove the abandoned panel and replace it with a blank.

(i) Nonconforming Signs.

- (1)** Existing signs which were erected legally prior to the enactment of this code but which do not conform to the sign standards of this code shall be deemed legal nonconforming signs. Likewise, signs deemed nonconforming by the previously enforced development code shall be considered legal nonconforming signs by this code. However, a sign which is nonconforming for its use of nonconforming changeable copy animations, for its use of illumination that causes unhealthful glare on adjacent properties or passersby, or for its lack of maintenance in a safe, working, and clean condition shall not be considered a legal nonconforming sign and shall be made to conform to those standards or be deemed a violation.
- (2)** A legal nonconforming sign shall be allowed to continue to exist—including the changing of copy; the maintenance of the sign face, wiring, and structure; and the replacement of the sign—provided that no change is made to the sign type, sign area, sign height, sign location, and sign illumination type.

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(j) Freeway Signs.

- (1) Size and Height Limitations
 - a. Maximum Sign Area: 400 square feet per side.
 - b. Maximum Height: 50 feet.
- (2) Illumination Standards
 - a. Internal Illumination: Freeway signs may be illuminated internally, provided the light intensity does not exceed 0.3 foot candles above ambient lighting when measured at a distance of 250 feet.
 - b. External Illumination: Lighting shall be directed downward or away from traffic to avoid glare or driver distraction.
- (3) Setback Requirements
 - a. All freeway signs shall maintain a minimum setback of 15 feet from any property line adjacent to a public right-of-way and 50 feet from any residentially zoned property.
 - b. Signs must be placed at least 500 feet apart from each other along the freeway frontage.
- (4) Materials and Construction
 - a. Signs must be constructed of durable materials designed to withstand wind loads and weather conditions typical to the area.
 - b. Supports and structures must comply with state construction and safety standards.
- (5) Prohibited Sign Features
 - a. Flashing, intermittent, or moving lights, except for signs providing time and temperature information and animated or video display features that may distract drivers.

1030.09: ODNR Guidelines for Excavation and Construction along Buckeye Lake Dam

(a) Objectives

- (1) Ensure excavations and construction on private property along the dam do not lead to embankment slope instability or failure, expose the soil-cement structure that is the core of the new dam, lead to the creation of new seepage pathways through the dam, or otherwise harm neighboring State property or endanger the public.
- (2) Ensure excavations and construction on private property along the dam do not lead to embankment slope instability or failure, expose the soil-cement structure that is the core of the new dam, lead to the creation of new seepage pathways through the dam, or otherwise harm neighboring State property or endanger the public.

(b) Guidelines for adjacent property owners for work at the downstream toe of the downstream embankment slope.

- (1) Avoid excavations into the downstream slope of the embankment deeper than what is typical for single-family residential construction without a basement..
 - a. The downstream slope is the area from the embankment crest, located just lakeward of the homes lining the dam, down the slope to the downstream toe.
 - b. A typical foundation excavation should be a concrete slab on grade or a standard frost depth footer of 36 inches.
- (2) Provide electronic boundary survey data and construction plans to the Buckeye Lake State Park Office before starting work.
 - a. Boundary survey data from an Ohio registered professional surveyor.
 - b. ODNR will review the plans and may request additional information or changes, if needed.
 - c. Please allow 30 working days for ODNR's review of the information.

GENERALLY APPLICABLE REGULATIONS

- (3) Provide details for proposed excavation and foundation construction in the downstream slope. These details are to ensure the safety and structural integrity of adjacent State property and the dam embankment crest.
 - a. Details should include lateral support design plans defining how neighboring State property will be supported during and after excavation.
 - b. Design plans are especially important for wide excavations of the downstream embankment slope that are deeper than 3 feet.
 - c. Plans are designed and sealed by an Ohio registered professional engineer specializing in geotechnical engineering.
 - d. Deck building and post hole digging less than 24 inches in diameter will typically not need to be designed by a registered professional engineer.
 - e. At a minimum, design plans follow the Occupational Safety and Health Administration (OSHA) regulations for cut slope stability and support of excavation as outlined in 29 CFR 1926, Subpart P.
 - (i) The existing embankment at Buckeye Lake Dam is granular soil that was mechanically placed as a fill and by its nature is considered “disturbed”. Therefore, OSHA soil classifications “Stable Rock” and “Type A” soil from Table B-1 of 29 CFR 1926, Subpart P cannot be considered for design or be approved by ODNR.
 - f. Acceptable support of excavation methods (See Attachment 1):
 - (i) Drilled pile and lagging (e.g. small diameter drilled shafts, auger cast piles, or drilled soldier piles)
 - (ii) Concrete masonry unit walls (CMU)
 - (iii) Steel sheeting braced excavation support
 - (iv) Composite sheeting braced excavation support
 - (v) Other exterior braced excavation support
 - g. Unacceptable support of excavation methods:
 - (i) Driven shoring protection
 - (ii) Vibrated shoring protection
 - (iii) Anchored shoring protection
 - h. Monitoring of open excavation and support operations follow Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1926.651(k) Inspections. Signs of distress or movement in the embankment must be addressed immediately with additional bracing or shoring protection measures prior to proceeding with building construction. ODNR must be notified immediately in the event of an embankment slope movement or failure.
- (c) Requirements for adjacent property owners for work on State property including the embankment crest, the upstream slope from the embankment crest into the lake, and other State land.**
- (1) Property owners shall not undertake excavation, construction, placement of materials, or other activities described below on State property without written permission from ODNR.
 - a. State property includes the embankment crest and upstream dam slope, as well as several public access corridors extending from the downstream embankment toe up to the embankment crest.
 - b. The embankment crest and upstream slope is considered to be the area from the existing homes along the dam extending out into the lake to the farthest extent of the underwater rock riprap along the upstream toe.
 - (2) State property between the homes and the lake will generally be kept in turf grass by ODNR, with the

GENERALLY APPLICABLE REGULATIONS

exception of structures ODNR installed as part of the dam improvement project.

- a. The exceptions include the residential sidewalk placed near the homes along the dam and the public access path on top of the new dam structure, both running the length of the dam.
- b. Exceptions also include the small concrete pads that mark the prescribed locations for any future privately installed docks along the front of the dam.

(3) The following activities on State property may be allowed with written permission from ODNR:

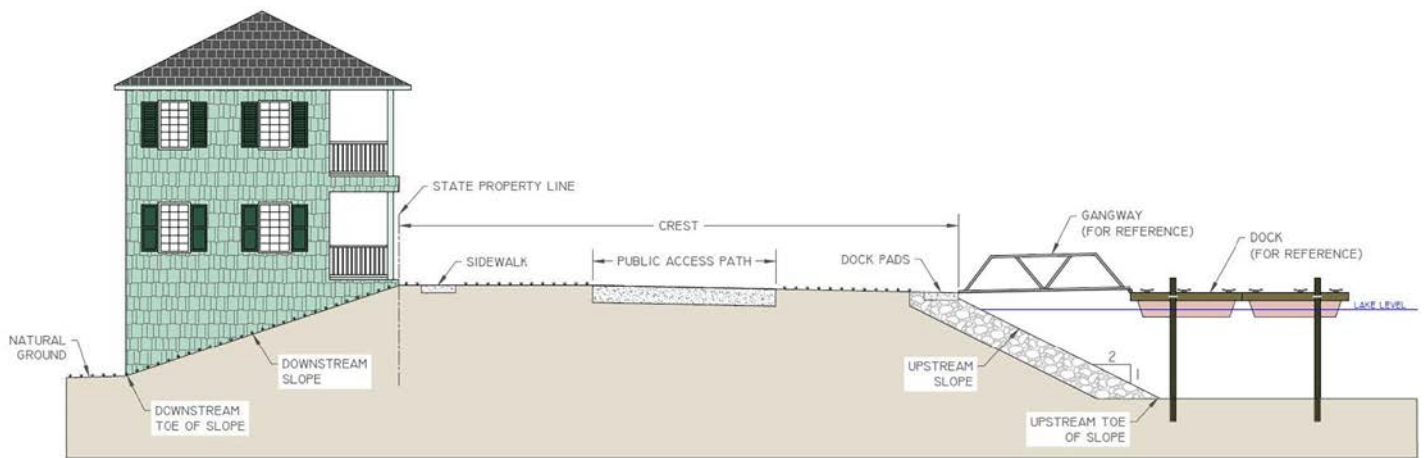
- a. Property owners may obtain a License from ODNR authorizing the exclusive use of the crest of the dam between the State property line and the sidewalk for certain purposes that will not damage the dam and will still allow for its inspection and maintenance. Under the License, property owners:
 - (i) Shall maintain the area
 - (ii) May place personal property limited in weight that can easily be removed by hand
 - (iii) Shall not excavate deeper than 4 inches
 - (iv) Shall not plant woody vegetation (trees, shrubs, bushes)
 - (v) Shall not place or construct heavy or permanent improvements, including decks; boardwalks; cantilevered structures; cemented stone or brick paths or patios; and concrete paths or patios.
- b. Property owners shall obtain a Right of Entry from the Buckeye Lake State Park Office to use State property to temporarily stage supplies or light equipment needed for home maintenance when their access would otherwise not be feasible.

(4) Activities that encroach on State property or pose a safety risk to the dam or public shall be prohibited, including:

(d) Placement of heavy loads above 1,500 pounds or use of heavy equipment on State property along the crest or upstream slope

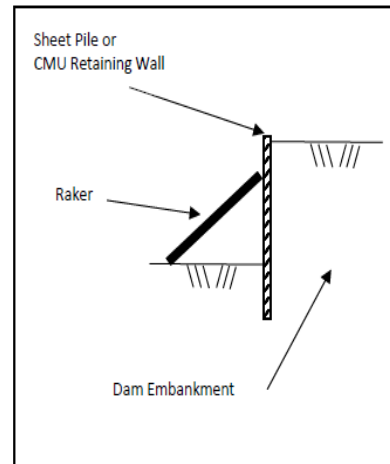
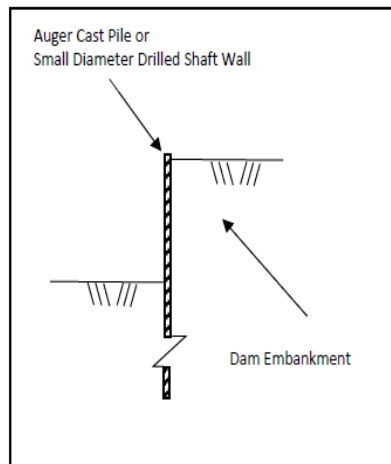
- a. Stockpiling excavated material along the embankment crest
- b. Use of motorized vehicles on the residential sidewalk or access path except as used for handicapped accessibility in accordance with the Americans with Disabilities Act.
- c. Overnight placement of personal property, including equipment and furniture, on State property, without written permission from ODNR.
- d. Penetrations of any kind into State property
- e. Encroachments of any kind onto State property unless authorized by the License above.
- f. Installation of dock pilings into the riprap rock under water along the dam's upstream slope.
- g. Installation of fixed gang planks that cannot be easily removed for dam inspection and maintenance
- h. Removal of survey flags, pins, monuments, and other items used to establish property lines.
- i. Removal of sod or turf from State property.
- j. For the entire set of regulations, see: <https://dam.assets.ohio.gov/image/upload/ohiodnr.gov/documents/parks/bld/buckeyelakeconstructionguidelines.pdf>

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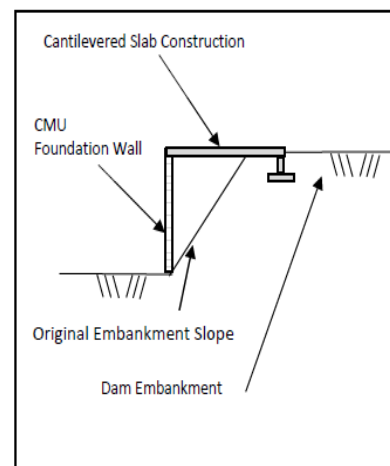
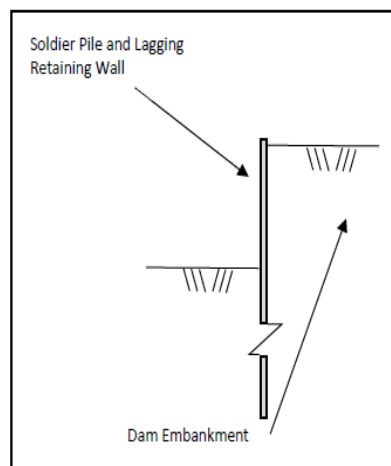


Source: Ohio Department of Natural Resources

Typical Embankment Diagram



Source: Ohio Department of Natural Resources



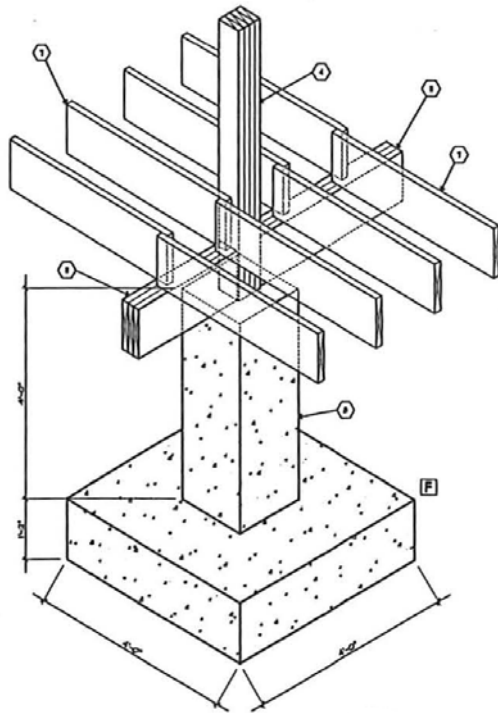
General Schematic

GENERALLY APPLICABLE REGULATIONS

1030.10: Pier-Type Foundation

(a) Prohibition

- (1) Foundations that are a type of deep foundation system that consists of vertical structural elements, or pier-type foundations, which transfer building loads to a deeper, more stable soil layer or bedrock are not permitted anywhere in the Village of Buckeye Lake.



Typical Pier-Type Foundation

1030.11: Building Demolition

(a) Applicability

- (1) These regulations apply to the demolition of any principal or accessory structure within the jurisdiction, except for structures exempt under the State Building Code or designated as minor temporary structures.

(b) Demolition Permit Required

- (1) No structure shall be demolished without first obtaining a Demolition Permit from the Zoning

Administrator or designated official.

- (2) A separate permit may also be required by the Building Department or State authority, as applicable.

(c) Application Requirements

- (1) The application for demolition must include:
 - a. A site plan showing the building(s) to be demolished.
 - b. A description of the method of demolition.
 - c. The proposed timeline for demolition and site restoration.
 - d. Proof of utility disconnection (electric, gas, water, sewer, etc.).
 - e. Dust and debris control measures.
 - f. For structures over 50 years old or in a historic district, additional review may be required under historic preservation or architectural review provisions.

(d) General Standards for Demolition

- (1) Safety: All demolition must comply with applicable safety codes and OSHA standards.
- (2) Nuisance Prevention: Dust, noise, debris, and vibration shall be minimized and shall not extend beyond the property boundary.
- (3) Timeframe: Demolition shall be completed within 60 days of permit issuance unless otherwise approved.
- (4) Waste Removal: All demolition debris must be removed from the site and properly disposed of at an approved facility.

(e) Site Restoration Requirements

- (1) All disturbed areas must be graded to a safe, even surface.
- (2) The site must be seeded, sodded, or otherwise stabilized to prevent erosion within 30 days of demolition completion.
- (3) Foundations, driveways, and pavement areas must be removed unless part of an approved redevelopment plan.

1030.12: Context Averaging

(a) Purpose

- (1) The contextual frontage setback ensures that new buildings fit the established rhythm of the block. This standard maintains consistent building lines, walkable streets, and the existing neighborhood character.

(b) Application

- (1) The block has three or more existing houses on the same side of the street; and
- (2) If these conditions are not met, the district's standard frontage setback shall apply.

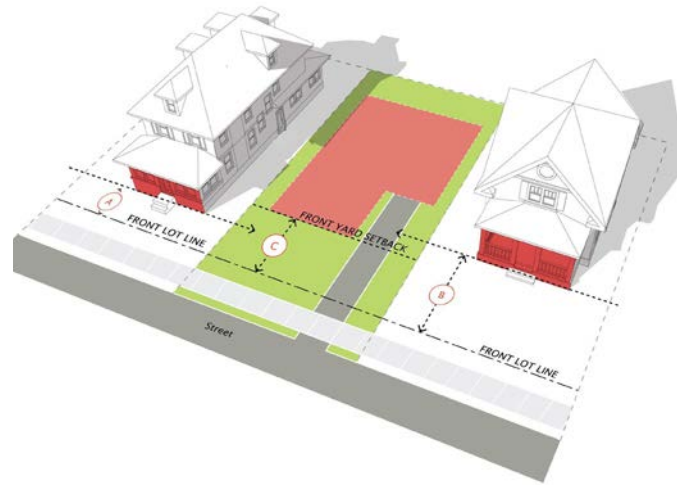
(c) Determination

- (1) Identify Comparison Buildings. (A) (B) Measure the front setbacks of the two closest houses on each side of the lot (up to four total). If fewer exist, use the buildings available.
- (2) Calculate the Average. Add the measured setbacks and divide by the number of buildings. This number becomes the Contextual Frontage Setback (CFS).
- (3) Build Within the Setback Range. (C) New buildings must be placed within $\pm 10\%$ of the CFS, or within 5 feet of the CFS, whichever provides the larger range.

(d) Special Conditions

- (1) Front Porches. Open porches may extend up to 6 feet beyond the contextual setback but may not be closer to the front lot line than the nearest porch on either adjacent lot.
- (2) Corner Lots. Use the contextual setback for the primary frontage. For the secondary frontage, use either the standard district setback or apply this same section if three or more nearby corner houses create a clear pattern.
- (3) Redevelopment Blocks. Where the Planning Commission determines that applying the contextual setback would undermine an adopted neighborhood design plan, an adjustment may be approved.

- (4) No Usable Comparison Buildings. If only one or no houses exist on the block, use the frontage setback for the district.



GENERALLY APPLICABLE REGULATIONS

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1040

Nonconformities

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1040.01: Purpose of Nonconformities Chapter

- (a) This chapter's regulations are intended to minimize governmental takings of private property rights resulting from the enactment of new land use regulations by this Development Code by permitting certain legal nonconforming uses, lots, and structures to continue to exist.

1040.02: Unlawful Lots, Uses, and Structures, Generally

- (a) This chapter does not allow for the perpetuation of uses or structures that were unlawfully established or constructed. Such uses or structures are not "legally nonconforming," but instead remain "unlawful," and are subject to all of the provisions of this Development Code and any other applicable law. Likewise, this chapter does not legitimize unlawful subdivisions of property.

1040.03: Legal Nonconforming Status Attached to the Land

- (a) The status of a use as a legal nonconforming use shall run with the land and be independent of the identity of the property owner and of the structure in which the nonconforming use is conducted. The status of a structure as a legal nonconforming structure shall run with the land and be independent of the identity of the property owner and of the use conducted within, around, or on such structure.

1040.04: Undersized or Oversized Lots

- (a) **Undersized or Oversized Lots Definition.** An undersized or oversized lot is any lot that was legally created prior to the enactment of this Development Code and has dimensions that do not comply with the minimum or maximum lot area, lot frontage, lot width, and/or lot depth standards required by this Development Code.
- (b) **Undersized or Oversized Lots Continuance.** An undersized or oversized lot shall be permitted to support structures that are legally situated or were legally situated at their time of erection, provided that the structure is not determined by the Village to pose an immediate risk to public safety. An undersized or oversized lot shall be permitted to be put to use by any legal land use, provided that the lot has sufficient frontage on a public street to provide emergency response access that is appropriate for the proposed use, and shall be permitted to continue to be put to use by a legal nonconforming use, subject to the regulations of Section 1040.05 "Nonconforming Uses."

1040.05: Nonconforming Uses

- (a) **Legal Nonconforming Uses Definition.** For the purposes of this section, a legal nonconforming use shall be any use of a particular lot that fulfills one (1) of the following:
 - (1) The use of that lot was a permitted land use by the previously effective Development Code, either by right or as a Conditional Use, and was appropriately

NONCONFORMITIES

permitted by the Village, but that use of land is no longer a permitted land use in the district in which it is located by this Development Code; or

- (2) The use of land was deemed a legal nonconforming use by the previously effective Development Code, but that use of land is no longer a permitted land use in the district in which it is located by this Development Code.
- (b) **Abandonment of Use.** Whenever a nonconforming use has been discontinued for a period of one (1) year, it shall be considered abandoned, and any subsequent use shall conform to the regulations of this Development Code.
- (c) **Nonconforming Uses Burden of Proof.** When ambiguity exists, it shall be the burden of the property owner to prove to the Village that a particular land use on their property, which does not conform to the standards of this Development Code, was put into use on a date in which such land use was a permitted use under a former Development Code and that such land use has not since been intentionally abandoned.
- (d) **Nonconforming Uses Continuance.** A legal nonconforming use shall be permitted to continue, provided that all of the following conditions are met:
 - (1) The legal nonconforming use was not considered intentionally abandoned on the effective date of this Development Code or at any point thereafter;
 - (2) The legal nonconforming use continues to occur on the same lot as was previously occupied by such land use, and the legal nonconforming use is not expanded to another lot;
 - (3) The specific nature of the legal nonconforming use is not changed, or the specific nature of the legal nonconforming use is changed in a manner consistent with Section 1040.05 (e) "Change of Legal Nonconforming Use"; and
 - (4) The legal nonconforming use is not expanded in its intensity, including hours of operation, average number of working hours per week, capacity for customers, and footprint of the lot area dedicated to the use, except where specifically permitted by the following subsection, Section 1040.05 (f) "Expansion of Nonconforming Uses."

(e) **Change of Legal Nonconforming Uses.** No change to the specifications of a legal nonconforming use shall be permitted where such change, according to the Village, may result in an increased risk to public safety.

(f) **Expansion of Nonconforming Uses.** A legal nonconforming use shall not be expanded in its intensity, including in its hours of operation, average number of working hours per week, capacity for customers, and footprint of the lot area dedicated to the use, except that a nonconforming use shall be permitted to expand into a portion of the lot or structure that was manifestly arranged for such use while such legal nonconforming use was a conforming use of the land and was not abandoned, and such expansion shall permit a proportional increase in customer capacity and working hours.

1040.06: Nonconforming Structures

- (a) **Legal Nonconforming Structures Definition.** For the purposes of this chapter, a legal nonconforming structure is any structure that was existing and lawful as of the date of adoption of this Development Code, or in the case of amendment to this Development Code, then at the time of such amendment, and which does not now conform to the provisions of this Development Code or amendment thereto with respect to setback, height, building footprint or lot coverage, impervious coverage percentage, building type, or architectural design standards.
- (b) **Legal Nonconforming Structures Continuance.**
 - (1) A legal nonconforming structure shall be permitted to continue existing, provided that all of the following conditions are met:
 - a. The legal nonconforming structure does not pose an immediate risk to the public safety, as determined by the Village;
 - b. The legal nonconforming structure is not reconstructed, repaired, or expanded, except according to the provisions described in this section.

- (2) All existing portions of a legal nonconforming structure may be put to use, provided that such use is not illegal and provided that such use does not violate this Development Code, including use-specific standards, and does not violate any other Village, County, State, or Federal statute.
- (c) **Reconstruction or Repair of a Legal Nonconforming Structure.** The reconstruction, repair, or maintenance of a legal nonconforming structure shall be permitted to occur, provided that the nonconforming feature is not enlarged, increased, or extended; that no new nonconforming feature is created; and that reconstruction or repair occurs within twelve (12) months of the legal nonconforming structure's disrepair, destruction, or demolition. If reconstruction, repair, or maintenance does not occur within twelve (12) months, a written request for extension may be submitted to a designee of the Planning and Zoning Department.
- (d) **Expansion of a Legal Nonconforming Structure.** A legal nonconforming structure may be expanded or reduced, provided that the expansion or reduction does not intensify the nonconforming nature of the structure and does not result in any additional nonconforming feature. For example, a structure that is legally nonconforming because it has a lesser front setback than required by this Development Code in the district in which it is located may be expanded, provided that the expansion does not occur within the required front yard setback and does not violate any other structure focused provision, including height limits, building footprint limits, impervious coverage limits, minimum setbacks from lot lines, or design standards.
- (e) **Single Nonconforming Lots of Record or Legacy Lots.** In any district that permits single-family dwellings, one single-family home and its customary accessory structures may be built on any single lot of record—including Legacy Lots—that existed on the effective date of this Ordinance or any subsequent amendment. The lot must be held in separate ownership. This allowance applies even if the lot does not meet the current minimum lot area or lot width requirements. All other applicable development standards for the district shall apply. Any variance from the standards identified in Articles 1010 and 1030.01 of this Ordinance—except for minimum lot area or minimum lot width—may be granted only by the Board of Zoning Appeals, consistent with the procedures in Sections 1050.08 and 1050.13.

1040.07: Other Nonconformities

- (a) **Nonconforming Signs Regulated Elsewhere.** Nonconforming signs are regulated by Section 1030.08 (i) "Nonconforming Signs."
- (b) **Nonconforming Landscaping.** Nonconforming landscaping, including nonconforming parking lot landscaping, shall be considered a violation of this Development Code and shall be corrected according to planting and maintenance standards in Section 1030.05 "Landscaping and Screening Regulations."
- (c) **Nonconforming Lighting.** For the purposes of these regulations, nonconforming outdoor lighting, including lighting that does not conform to standards in Section 1030.06 "Outdoor Lighting Standards," shall be considered an architectural design feature and shall be regulated as a nonconforming structure.
- (d) **Nonconforming Parking**
 - (1) Any nonconforming parking behavior, including the parking of vehicles on areas of a lot where prohibited by the standards in this Development Code, shall be considered an immediate violation of this Development Code.
 - (2) Any nonconforming impervious surface coverage caused in part by parking areas shall be regulated as a parking area infrastructure nonconformity according to the subsection below.
 - (3) All nonconforming parking area infrastructure on a lot, such as not providing the correct number of bicycle parking spaces or electric vehicle charging stations or building a number of parking spaces in excess of parking maximums, shall be permitted to continue, provided that such nonconformities are brought into conformity during any of the following occurrences:
 - a. The complete reconstruction of the principal structure on the lot, or the piecemeal reconstruction of such entire structure over the course of two (2) years or less; or
 - b. A net increase in vehicle parking area on the lot.

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1050

Administration and Procedures

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1050.01: “What Approval Do I Need?”: An Introduction to the Administration and Procedures Chapter

- (a) **Purpose of the Administration and Procedures Chapter.** The Administration and Procedures Chapter intends to set forth processes for obtaining necessary approvals for activities related to zoning, enforcement of the provisions of the Development Code, and enforcement actions for violations of such provisions.
- (b) **“What Approval Do I Need?”** The below table describes the zoning approvals required for many common activities. If you are unsure of the approvals required for your project, please contact a designee of the Planning and Zoning Department.
- (c) **“Who Do I Ask for Help?”**
- (1) Contact Village. Please contact a designee of the Planning and Zoning Department regarding approvals and procedures.
 - (2) Request a Pre-Filing Conference. Prior to filing an application for any approval, an applicant may request a Pre-Filing Conference with the Village or, as applicable, with the Planning Commission. At the Conference, the applicant may outline their proposal and submit preliminary information. The officer, Commission, shall advise the applicant concerning in what respects the applicant’s proposal appears to conform or not conform

to applicable Village plans and development regulations, applicable approval criteria, and desired standards of planning.

1050.02: Review and Approvals

- (a) This Chapter sets forth the powers and duties of the Building Commissioner, the Board of Zoning Appeals (BZA), and the Planning Commission relative to the administration and enforcement of this Zoning Code.
- (b) The following table summarizes the applications and role of each of the administrative, quasi-judicial, quasi-legislative, and legislative reviews and the responsible reviewing party:

1050.03: Building Permit

- (a) **Building Permits Issued by the Licking County**
- (b) **Building Code Department.** Building Permits are not regulated by this Development Code; instead, Building Permits are regulated by the Licking County Building Code Department, 675 Price Road, Newark, OH 43055.
- (c) **Applicability. A Building Permit is required in accordance with Chapter _____ of the Codified Ordinances.** While Chapter ____ includes details on Building Permits, below is a list of projects that may require a Building Permit:
- (1) Demolition (partial or complete) of an existing structure;

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- (2) Paving, repaving, or expansion of a driveway or parking area; and
- (3) Creation of a temporary use that involves new or modified internal areas that may affect ingress, egress, or maximum occupancy.

(d) Demolition Standards.

(1) Applicability

- a. These regulations apply to the demolition of any principal or accessory structure within the jurisdiction, except for structures exempt under the State Building Code or designated as minor temporary structures.

(2) Demolition Permit Required

- a. No structure shall be demolished without first obtaining a Demolition Permit from the Zoning Administrator or designated official.
- b. A separate permit may also be required by the Building Department or State authority, as applicable.

(3) Application Requirements

- a. The application for demolition must include:
 - (i) A site plan showing the building(s) to be demolished.
 - (ii) A description of the method of demolition.
 - (iii) The proposed timeline for demolition and site restoration.
 - (iv) Proof of utility disconnection (electric, gas, water, sewer, etc.).
 - (v) Dust and debris control measures.
 - (vi) For structures over 50 years old or in a historic district, additional review may be required under historic preservation or architectural review provisions.

(4) General Standards for Demolition

- a. Safety: All demolition must comply with applicable safety codes and OSHA standards.
- b. Nuisance Prevention: Dust, noise, debris, and vibration shall be minimized and shall not extend beyond the property boundary.
- c. Timeframe: Demolition shall be completed within 60 days of permit issuance unless otherwise approved.
- d. Waste Removal: All demolition debris must be removed from the site and properly disposed of at an approved facility.

(5) Site Restoration Requirements

- a. All disturbed areas must be graded to a safe, even surface.
- b. The site must be seeded, sodded, or otherwise stabilized to prevent erosion within 30 days of demolition completion.
- c. Foundations, driveways, and pavement areas must be removed unless part of an approved redevelopment plan.

(6) Additional Conditions for Certain Demolitions

- a. Residential Neighborhoods: No demolition may occur before 7:00 a.m. or after 7:00 p.m., including weekends.
- b. Historic or Architecturally Significant Structures: Demolition is prohibited without review by the appropriate historic preservation board or architectural review commission, if applicable.

1050.04: Zoning Permit

(a) Purpose of Zoning Permits. The requirement of zoning permits is intended to promote compliance with the provisions of the Development Code.

(b) Applicability of Zoning Permits. A Zoning Permit shall be required for any development project or change of use within Village boundaries including, but not limited to, the following activities:

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- (1) Commencement of a new use of a structure or a lot, such as the commencement of a new medical office;
- (2) Commencement of a temporary use of a structure or a lot;
- (3) Change of use of a structure or a lot, such as a change of a structure or lot from a parking area to an outdoor dining area;
- (4) Paving or expanding a parking area;
- (5) Erection of, modification of, or addition to a residential structure;
- (6) Modification of a sign's location, height, area, sign type, or illumination type.

(c) Activities for which Zoning Permits Are Not Required.

For the following activities, a Zoning Permit shall not be required:

- (1) The replacement of windows, doors, roofs, walls, or accessory structures with identical or nearly identical elements shall not require a Zoning Permit. In such cases, a Building Permit may still be required; contact the Licking County Building Code Department to inquire.
- (2) The replacement of an existing fence with a fence of the same height or shorter in its exact location shall not require a Zoning Permit. The new fence must still comply with the buffering requirements of the Development Code. In such case, a Building Permit may still be required; contact the Licking County Building Code Department to inquire.
- (3) The replacement of a sign with a sign of exact area, sign type, location, height, and illumination type shall not require a Zoning Permit. In such case, a Building Permit may still be required; contact the Licking County Building Code Department to inquire.
- (4) Modification of a fence, except where the modification is a reduction in the fence's height. In such case, a Building Permit may still be required; contact the Licking County Building Code Department to inquire.
- (5) The erection of a new fence or sign shall not require

a Zoning Permit, but requires a Building Permit.

- (6) The erection of a temporary sign shall not require a Zoning Permit. The temporary sign must comply with the provisions of this Development Code's sign regulations in Section 1030.08.

(d) Applying for a Zoning Permit

- (1) When to Apply for a Zoning Permit. The property owner shall apply for and secure a Zoning Permit prior to any operator of such property performing any of the activities described in Section 1050.03 (c) "Applicability".
- (2) Who to Send or Ask Questions to Regarding a Zoning Permit. Any application for a Zoning Permit and any questions regarding such application shall be addressed to a designee of the Planning and Zoning Department.
- (3) Zoning Permit Application Materials. Any application for Zoning Permit shall include all information requested by the Zoning Permit application form. Such information shall include the following:
 - a. The property owner's name; the applicant's name; the applicant's legal agent; authorization by the property owner for the applicant, if different, to apply for the Zoning Permit;
 - b. A disclosure of interest; disclosures of interest are described in Section 1050.17 "Disclosure of Interest, Conflicts of Interest";
 - c. The name of the development project, if applicable;
 - d. Location of the subject property, and may require legal descriptions, using metes and bound or subdivision block and lot number, of the subject property or properties;
 - e. A description of the activity to be conducted on the property; and renderings of any proposed buildings, including building heights, floor areas, building footprints, and number of dwelling units; renderings may be required to be more detailed to evaluate conformity with approved design standards;

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- f. Application fee;
- g. A plat of survey, if required for the particular activity; see the subsection below for a list of projects that may require a plat of survey; and
- h. A site plan, if required for the particular activity. Site plans are described in greater detail in a subsection below.

(4) Zoning Permit Application Fee Required. The Village shall require a Zoning Permit application fee to be charged to any applicant of a Zoning Permit. Such fee shall be used to offset the administrative costs of administering and enforcing this Development Code. The amount of the fee shall be established by a fee schedule approved by Council.

(5) Plat of Survey Required for Certain Zoning Permit Applications. A plat prepared by a surveyor registered in the State of Ohio is required to be submitted with an application for a Zoning Permit for the following activities:

- a. Installation of a fence; or
- b. A subdivision of a lot, or the consolidation of two (2) or more lots.

(6) Site Plan Required for Certain Zoning Permit Applications. A site plan shall be required for the following Zoning Permit Applications:

- a. Applicability. A sketch plan shall be submitted with all zoning permit applications for:
 - (i) New single-family or two-family dwellings.
 - (ii) Additions to principal or accessory structures.
 - (iii) New accessory structures (e.g., garages, sheds, fences).
 - (iv) Driveway, parking area, or patio expansions.
 - (v) Other minor development as determined by designee of the Planning and Zoning Department.

b. Sketch Plan Standards. The sketch plan may be hand-drawn or computer-generated but must be legible and drawn to scale (or with dimensions clearly labeled). The plan shall include the following information:

(i) Property Information

- (A) Property boundaries, labeled with dimensions.
- (B) Street name(s) and orientation (north arrow).
- (C) Parcel identification number (if known).

(ii) Existing Conditions

- (A) Location and footprint of all existing structures.
- (B) Driveways, parking areas, and walkways.
- (C) Natural features (trees, streams, slopes) that may affect development.

(iii) Proposed Improvements

- (A) Footprint and location of all proposed buildings, additions, or structures.
- (B) Setback distances from all property lines for existing and proposed structures.
- (C) Height and square footage of proposed structures.
- (D) Location of any proposed driveways, parking areas, patios, or fencing.

(iv) Utilities and Drainage

- (A) General location of water and sewer connections (or septic system/well).
- (B) Indication of how stormwater runoff

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will be managed (e.g., direction of flow, swales, etc.).

- (v) Other Requirements (as applicable)
 - (A) Screening or buffer areas for adjacent residential uses.
 - (B) Sign locations (for non-residential uses).
 - (C) Any easements, rights-of-way, or zoning overlays affecting the property.

c. Waivers. The designee of the Planning and Zoning Department may waive specific sketch plan elements if:

- (i) The information is not relevant to the proposed work, or;
- (ii) The project is minor in nature and can be reviewed without full documentation.

(7) Zoning Permit Review

- a. Staff Review for Application Completeness. Zoning Permits applications shall be reviewed by a designee of the Planning and Zoning Department for completeness. Incomplete applications shall be returned within fourteen (14) calendar days to the applicant. The applicant shall be able to correct the incomplete element of the application and resubmit the application; if the application is resubmitted within thirty (30) calendar days from the date of notification of incompleteness, a new application fee shall not be required. If the application is not returned within fourteen (14) days of receipt by the Village, it shall be interpreted as being complete and under review.
- b. Staff Review for Conformity with the Development Code. Within forty-five (45) calendar days of receiving a complete application for a Zoning Permit, a designee of the Planning and Zoning Department shall notify the applicant in writing or email that the

application has been determined to be one (1) of the following:

- (i) Approved, and the activity, as described in the application, conforms to the Development Code provisions and a Zoning Permit shall be issued immediately; please note that, in such case, the activity may need other applicable approvals from other Village, County, or special governmental bodies, such as a stormwater permit or a Building Permit;
 - (ii) Denied, and the activity, as described in the application, does not conform to the Development Code provisions, regardless of any additional approvals; in such case, a designee of the Planning and Zoning Department shall provide, in writing or email, the rationale for denial of the Zoning Permit; or
 - (iii) Conforms to the Development Code Except for Additional Approvals, such as a Conditional Use approval, or a variance; in such case, a designee of the Planning and Zoning Department shall instruct the applicant on the steps to seek such additional approval(s); see Section 1050.03 (d)(7)(d.). "Application Needing Additional Approvals Scheduled for Planning and Zoning Commission or Board of Zoning Appeals Agenda."
- c. Zoning Permit Issuance Without Additional Approvals. If the Zoning Permit application is deemed to be complete by a designee of the Planning and Zoning Department and conforms to the Development Code without any additional approvals, the Zoning Permit shall be issued in writing or email, with a Village seal and signed date of issuance, where the date of issuance shall be within forty-five (45) days of the receipt of complete application.
 - d. Application Needing Additional Approvals Scheduled for Planning and Zoning Commission or Board of Zoning Appeals

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Agenda. Following a determination by a designee of the Planning and Zoning Department that a Zoning Permit application's proposed activity conforms to the Development Code but requires one (1) or more additional approvals—such as a Conditional Use Approval, a Variance Approval, or a Floodplain Development Permit—and provided that the applicant chooses to proceed with the activity and attaining the required additional approvals, a designee of the Planning and Zoning Department shall add the Zoning Permit application to the agenda of the meeting of the appropriate review body; such meeting of the Planning and Zoning Commission or Board of Zoning Appeals shall be scheduled for a date within forty-five (45) days of a designee of the Planning and Zoning Department's review of the Zoning Permit application. The forty-five (45)-day limit may be extended to ninety (90) days where the Zoning Permit application requires review from more than one (1) review body. A designee of the Planning and Zoning Department shall notify the applicant of the time, date, and location of the meeting; this notice shall be sent to the applicant at no later than the notice sent to neighboring property owners required for public hearing notices.

- e. Application Needing Additional Approvals Sent to Planning and Zoning Commission or Board of Zoning Appeals for Decision. Once the meeting with the Planning and Zoning Commission or Board of Zoning Appeals has been scheduled, the Zoning Permit application needing a conditional use approval, or a variance, shall be sent by a designee of the Planning and Zoning Department to the clerk of the appropriate review body. Details for Conditional Use Approvals can be found in Section 1050.06 "Conditional Use Approvals." Details for Variance Approvals can be found in Section 1050.08 "Variance Approvals." Details for Floodplain Development Permits can be found in Section 1050.09 "Floodplain Development Permit."

- f. Application Needing Additional Approvals Returned to a designee of the Planning and Zoning Department for Zoning Permit Issuance. Following the meeting and decision of the Planning and Zoning Commission or Board of Zoning Appeals for conditional use approval, or a variance, the Planning Commission or Board of Zoning Appeals shall return the Zoning Permit application to a designee of the Planning and Zoning Department with written notation of their decision to approve or deny the special approval. The Planning and Zoning Department designee then, based on the approval or denial of the conditional use approval, or a variance, shall issue or deny to issue the Zoning Permit to the applicant, in writing or email, within fourteen (14) calendar days of the review body's meeting date. If the Planning and Zoning Department denies the Zoning Permit, a written explanation for the denial shall be included.
- g. Zoning Permit Expiration. Zoning Permits shall expire six (6) months from the date of issuance with a one (1) year period to complete. Once expired, no property shall undergo a change of use, a structural erection or alteration, or other activity that requires a Zoning Permit, unless a new Zoning Permit is applied for and issued. Any construction of a structure that has substantially progressed at the time of expiration of the Zoning Permit shall be permitted to continue.

1050.05: Temporary Use Permit

- (a) **Purpose of Temporary Use Permits.** Certain uses may provide a public benefit without significant detriment to the public welfare if they are established only for temporary durations. In such cases full compliance with regulations for permanent uses may be unnecessary. This section allows uses not in compliance with regulations applicable to permanent uses to be established as Temporary Uses.
- (b) **Applicability of Temporary Use Permits.** Temporary Use Permits shall apply to all temporary uses, except for residential yard sales. For the purposes of this Development Code, a temporary use shall be interpreted

by the Village to mean an infrequent use of the property where such use would not, to a neighbor of the property, be reasonably understood to be the typical use of the property and does not result in the rearrangement, modification, or erection of permanent structures or paved areas to facilitate the temporary use. The following are examples of temporary uses:

- (1) A church festival as a temporary use of a church's parking lot;
- (2) A construction office as a temporary use of a housing lot during the development of a subdivision;
- (3) A corn maze attraction as a temporary use of an agricultural field; and
- (4) The sale of mulch in completely sealed containers or bags in the parking lot of a grocery store.

(c) Temporary Use Permit Is Not an Alternative to Other Approvals. A Temporary Use Permit shall not serve as an alternative to a variance, amendment, conditional use approval, or other approval for a use that is likely to remain permanently.

(d) Temporary Use Permit Required for Temporary Uses. A Temporary Use Permit is required for any temporary use, except that a residential yard sale operating fewer than 6 days per calendar year per lot shall not require a Temporary Use Permit. A temporary use that involves the modification of indoor space which may affect ingress, egress, or maximum capacity, shall also seek a Building Permit.

(e) Temporary Use Permit Application and Issuance Process

- (1) Temporary Use Permits Addressed to a designee of the Planning and Zoning Department . A Temporary Use Permit application shall be completed and sent to a designee of the Planning and Zoning Department .
- (2) Temporary Use Permit Applications Follow Zoning Permit Application Processes. All application requirements, reviews, and issuance processes and timelines applicable to a Zoning Permit shall apply to a Temporary Use Permit. Temporary Use Permit review shall be undertaken by a designee of the Planning and Zoning Department and shall not

require an additional approval by a review board.

(3) Temporary Use Permit Special Conditions. A designee of the Planning and Zoning Department may apply special conditions to a Temporary Use Permit for the temporary use, including limits on the hours of operation, limits on the number of vehicles, limits on amplified sound, etc., in order to protect public welfare from any negative externalities of the temporary use.

(f) Temporary Use Permit Display. The permittee shall display the Temporary Use Permit within plain view on the premises of the temporary use for the duration of the use.

1050.06: Sign Permit

(a) A sign permit shall be required as described in Section 1030.08 (c).

1050.07: Conditional Use Approval

(a) Purpose of Conditional Use Approval. Conditional Use Approval is intended to provide a mechanism whereby a land use is approved special permissions to operate where:

- (1) Such land use cannot be allowable generally in a particular zoning district, or in any zoning district, because of special impacts such land use creates on surrounding areas; but where
- (2) Such land use may be properly allowed after special review and with specifically applied use conditions.

(b) Applicability of Conditional Use Approvals

- (1) Conditional Use Approvals Relate to Comprehensive Use Table. Conditional Use Approvals are applicable to any use in any district labeled as "Allowed by Conditional Use Approval" on the Comprehensive Use Table in Section 1020.02.
- (2) Existing Conditional Uses Exempt from Conditional Use Approval. Any use defined as a "nonconforming use" by this Development Code shall not require a Conditional Use Approval to

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continue, provided it conforms to all provisions of Chapter 1040 Nonconformities.

(c) Conditional Use Approval Process

- (1) Conditional Use Approvals Begin as Zoning Permit Applications. Where a Zoning Permit application is received by a designee of the Planning and Zoning Department and is determined to be complete, and where a designee of the Planning and Zoning Department determines that the Zoning Permit application's proposed activity conforms with the Development Code only with a Conditional Use Approval, a designee of the Planning and Zoning Department shall commence the Conditional Use Approval process.
- (2) Conditional Use Approval Public Hearing Scheduling. As described in Section 1050.03 (d) (7)(d.). "Application Needing Additional Approvals Scheduled for Planning Commission Agenda": immediately following a determination that a Zoning Permit application's proposed activity conforms to the Development Code but requires a Conditional Use Approval and confirming that the applicant chooses to proceed with the permitting process and attain the Conditional Use Approval, a designee of the Planning and Zoning Department shall add the Zoning Permit application to the agenda of the next meeting of the Planning and Zoning Commission for a public hearing; such public hearing of the Planning and Zoning Commission shall be scheduled for a date within forty-five (45) days of a designee of the Planning and Zoning Department's review of the Zoning Permit application. A designee of the Planning and Zoning Department shall notify the applicant of the time, date, and location of the public hearing; this notice shall be sent to the applicant at no later than the notice sent to neighboring property owners required for public hearing notices.
- (3) Conditional Use Approval Public Hearing Public Notices Required. Three (3) forms of public notice shall be used to inform the public of the Planning and Zoning Commission public hearing: (1) written, private notice, (2) public sign notice, and (3) published notice.
 - a. Written, private notices shall be required to be sent by the Village fifteen (15) days prior to

any Planning and Zoning Commission public hearing. The written, private notice shall conform to the following conditions:

- (i) It shall be sent to any property owner of record of a parcel, contiguous to the subject property; across the street from the subject property, or within two hundred (200) feet in any direction from the boundaries of the subject property.
 - (ii) Each written, private notice shall contain the following information: the action proposed; the scheduled date, time, and location of the public hearing; a phone number at Village offices to call for further information; the street address or other description of the property that will enable the ordinary reader to accurately locate it; the zoning district in which the action is proposed; the Conditional Use requested; the location where the application or proposal may be examined by the public and the hours it is available for inspection; and when and how the recipient of the notice may provide verbal hearing testimony or written comments.
- b. A public sign notice, as provided by a designee of the Planning and Zoning Department, shall be posted by the applicant to notify the public of the public hearing. The sign shall:
- (i) Be at least ten (10) square feet in area;
 - (ii) Face and be readable from a public street;
 - (iii) Be no further than twenty (20) feet from the street line;
 - (iv) Be erected no less than fifteen (15) days prior to the scheduled date of the hearing; and
 - (v) Remain continuously in place until the hearing is concluded and shall be removed by the applicant no later than ten (10) days thereafter.

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- (vi) A designee of the Planning and Zoning Department may provide a re-usable sign to an applicant for this purpose and may require a reasonable deposit as security for the return in good condition of any such sign. No posted sign shall be removed, tampered with, or destroyed before the conclusion of the hearing. No posting of a sign on private property shall be required if the property owner is not the applicant and is not represented by the applicant and objects to such posting.
 - c. A published notice of the Planning Commission's public hearing shall appear not less than fifteen (15) days prior to, and not more than thirty (30) days before, the scheduled date of the public hearing. The notice shall be published in a physical newspaper of general circulation or on a web-based platform as approved for public notices by the Ohio Revised Code. A designee of the Planning and Zoning Department shall initiate the published notice.
 - d. Duplicate Notices. For applications that require multiple approvals from the same board, such as a Variance Approval and a Conditional Use Approval, only one (1) notice in its three (3) forms is necessary, and such notice shall indicate the multiple approvals sought for the application.
- (4) Conditional Use Approval Public Hearing Proceedings**
- a. Accessibility. The public hearing shall be held at a time, place, and location accessible to the general public.
 - b. Planning Staff Input. The Planning and Zoning Commission may request information from the Planning Department staff during the public hearing, including details about the application, the zoning district or location of the proposed activity, the Development Code standards, and the decision history of similar cases.
 - c. Applicant Input. The Planning and Zoning Commission may request additional information from the applicant about the proposed activity where such requests relate to the decision criteria. Applicants shall have the right to have subpoenas issued by the Village for persons or documents, to present witnesses, and to cross-examine all witnesses testifying at the public hearing.
 - d. Public Input. All parties choosing to be heard shall be heard at least once at the hearing or a continuation thereof. Such parties may testify themselves or, at their option, be represented by an attorney, architect, engineer, planner, or other professional advisor or agent.
 - e. Decision. Following input from Planning Department staff, the applicant, and the public, the Planning and Zoning Commission shall discuss and make a decision regarding the Conditional Use Approval and any special conditions to apply to the Conditional Use Approval.
- (5) Conditional Use Approval Criteria.** The Planning and Zoning Commission may deny a Conditional Use Approval wherever it determines that the public health, safety, or welfare, or environmental quality may be impaired by the proposed conditional use. In order to approve a Conditional Use Approval, the Planning and Zoning Commission shall first find that the proposed activity, considering any special conditions applied by the Planning Commission, satisfies all of the following conditions:
- a. Environmental Nuisance. Any effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of generally permitted uses in the district, have been minimized.
 - b. Traffic. Any adverse impact of types or volumes of traffic-flow not otherwise typical of generally permitted uses in the zoning district has been minimized.
 - c. Use of Public Services and Facilities. The

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proposed activity will not require existing community facilities or services to a degree disproportionate to that normally expected of generally permitted uses in the zoning district, and will not generate disproportionate demand for new services or facilities, in such a way as to place undue burdens upon existing development in the area.

- d. Comprehensive Plan Compatibility. The proposed activity does not conflict with an objective applicable to that property as described in the most recent comprehensive plan.
- e. Please note that the Planning and Zoning Commission shall specifically consider whether any federal laws regarding discrimination on the basis of disability or other protected status may likely be violated if a Conditional Use Approval is denied.

(6) Conditional Use Approval Assignment of Special Conditions. The Planning and Zoning Commission may assign special conditions to a Conditional Use Approval to ensure that the proposed use more harmoniously aligns with current or projected neighboring uses; better protects public health, safety, and welfare; better promotes environmental sustainability; better promotes Village financial sustainability; or better advances a goal of the most current comprehensive plan. Examples of such special conditions include limits on hours of operation, limits on the number of vehicles providing deliveries, limits on amplified sound.

(7) Conditional Use Approval Transmission of Decision to a designee of the Planning and Zoning Department. The decision of the Planning and Zoning Commission to approve or deny the Conditional Use Approval, including any special conditions applied to that approval, shall be transmitted in writing to a designee of the Planning and Zoning Department within three (3) calendar days of the date of the public hearing; see Section 1050.03 (d)(7)(f.). "Application Needing Additional Approvals Returned to a designee of the Planning and Zoning Department. The a designee of the Planning and Zoning Department shall then proceed with the Zoning Permit Issuance process

as described in Section 1050.03 "Zoning Permits." A designee of the Planning and Zoning Department revoke the Conditional Use permit if an approval is violated or not applied.

- (d) Conditional Use Approval Continuance and Expiration. A Conditional Use Approval stays with the land and shall transfer to new property owners of the land or redevelopment of structures on the land. A Conditional Use Approval shall expire if the conditional use is not commenced within one (1) year of the issuance of the Zoning Permit associated with that Conditional Use Approval or if the specific conditional use is voluntarily abandoned for a period exceeding six (6) months. If the conditional use is not commenced within one (1) year of the issuance of the Zoning Permit, a written request for extension may be submitted to a designee of the Planning and Zoning Department
- (e) Change of Use with a Conditional Use Approval. A conditional use shall be permitted to change to another conditional use without requiring a new Conditional Use Approval where the new conditional use is, in the interpretation of the Village, similar in purpose and where the new conditional use is equal or lesser in impact to neighboring users' public health, safety, and welfare. For example, a restaurant use that is allowed by Conditional Use Approval may be changed from Mexican cuisine to Italian cuisine without requiring a new Conditional Use Approval, as the two (2) types of restaurant are similar in purpose (both to serve meals to customers) and equal in impact to public health (both venting cooking exhaust), safety (both presenting little safety risk), and welfare. As another example, a biological lab facility that processes biopsy samples under a Conditional Use Approval may, in the interpretation of the Village, increase its impact to public health, safety, and welfare if it were to change to an emergency trauma center, and may, therefore, require a new Conditional Use Approval in order to commence the emergency trauma center use.

1050.08: Variance Approvals

- (a) **Purpose of Variances.** A Variance Approval by the Zoning Commission is intended to provide a relief from the strict compliance with the Development Code's standards where such strict compliance may render a property unusable.
- (b) **Applicability of Variances.** Variance Approvals shall be

approved only to provide relief for dimensional standards of the Development Code, such as minimum lot area, maximum building height, or maximum impervious surface area; variances shall not be approved for relief of non-dimensional standards of the Development Code. Variance Approvals may apply to any property or any structure in any district where the property owner seeks relief from the strict compliance with the Development Code's standards.

(c) Variance Approval Process

- (1)** Variance Approvals Begin as Zoning Permit Applications. Where a Zoning Permit application is received by a designee of the Planning and Zoning Department and is determined to be complete, and where a designee of the Planning and Zoning Department determines that the Zoning Permit application's proposed activity conforms with the Development Code only with a Variance Approval, a designee of the Planning and Zoning Department shall commence the Variance Approval process.
- (2)** Variance Approval Public Hearing Scheduling. As described in Section 1050.03 (d)(7)(d.). "Application Needing Additional Approvals Scheduled for the Board of Zoning Appeals Agenda": immediately following a determination that a Zoning Permit application's proposed activity conforms to the Development Code but requires a Variance Approval and confirming that the applicant chooses to proceed with the permitting process and attain the Variance Approval, a designee of the Planning and Zoning Department shall add the Zoning Permit application to the agenda of the next meeting of the Zoning Commission for a public hearing; such public hearing shall be scheduled for a date within forty-five (45) days of a designee of the Planning and Zoning Department's review of the Zoning Permit application. A designee of the Planning and Zoning Department shall notify the applicant of the time, date, and location of the public hearing; this notice shall be sent to the applicant at no later than the notice sent to neighboring property owners required for public hearing notices.
- (3)** Variance Approval Public Hearing Public Notices Required. Three (3) forms of public notice shall be used to inform the public of the public hearing: (1) written, private notice, (2) public sign notice, and (3)

published notice.

- a. Written, private notices shall be required to be sent by the Village fifteen (15) days prior to any public hearing. The written, private notice shall conform to the following conditions:
 - (i) It shall be sent to any property owner of record of a parcel, contiguous to the subject property; across the street from the subject property, or within two hundred (200) feet in any direction from the boundaries of the subject property.
 - (ii) Each written, private notice shall contain the following information: the action proposed; the scheduled date, time, and location of the public hearing; a phone number at Village offices to call for further information; the street address or other description of the property that will enable the ordinary reader to accurately locate it; the zoning district in which the action is proposed; the Variance requested; the location where the application or proposal may be examined by the public and the hours it is available for inspection; and when and how the recipient of the notice may provide verbal hearing testimony or written comments.
- b. A public sign notice, as provided by a designee of the Planning and Zoning Department, shall be posted by the applicant to notify the public of the public hearing. The sign shall:
 - (i) Be at least ten (10) square feet in area;
 - (ii) Face and be readable from a public street;
 - (iii) Be no further than twenty (20) feet from the street line;
 - (iv) Be erected no less than fifteen (15) days prior to the scheduled date of the hearing; and
 - (v) Remain continuously in place until

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the hearing is concluded and shall be removed by the applicant no later than ten (10) days thereafter.

- (vi) A designee of the Planning and Zoning Department may provide a re-usable sign to an applicant for this purpose and may require a reasonable deposit as security for the return in good condition of any such sign. No posted sign shall be removed, tampered with, or destroyed before the conclusion of the hearing. No posting of a sign on private property shall be required if the property owner is not the applicant and is not represented by the applicant and objects to such posting.

- c. A published notice of the public hearing shall appear not less than fifteen (15) days prior to, and not more than thirty (30) days before, the scheduled date of the public hearing. The notice shall be published in a physical newspaper of general circulation or on a web-based platform as approved for public notices by the Ohio Revised Code. A designee of the Planning and Zoning Department shall initiate the published notice.
- d. Duplicate Notices. For applications that require multiple approvals from the same board, such as a Variance Approval and a Conditional Use Approval, only one (1) notice in its three (3) forms is necessary, and such notice shall indicate the multiple approvals sought for the application.

(4) Variance Approval Public Hearing Proceedings

- a. Accessibility. The public hearing shall be held at a time, place, and location accessible to the general public.
- b. Planning Staff Input. A designee of the Planning and Zoning Department may request information from staff during the public hearing, including details about the application, the zoning district or location of the proposed activity, the Development Code standards, and the decision history of similar

cases.

- c. Applicant Input. A designee of the Planning and Zoning Department may request additional information from the applicant about the proposed activity where such requests relate to the decision criteria. Applicants shall have the right to have subpoenas issued by the Village for persons or documents, to present witnesses, and to cross-examine all witnesses testifying at the public hearing.
- d. Public Input. All parties choosing to be heard shall be heard at least once at the hearing or a continuation thereof. Such parties may testify themselves or, at their option, be represented by an attorney, architect, engineer, planner, or other professional advisor or agent.
- e. Decision. Following input from Planning Department staff, the applicant, and the public, the Zoning Commission shall discuss and make a decision regarding the Variance Approval and any special conditions to apply to the Variance Approval.
- f. Variance Approval Criteria. A designee of the Planning and Zoning Department may deny a Variance Approval wherever it determines that the public health, safety, or welfare, or environmental quality may be impaired by the proposed variance. In order to approve a Variance Approval, a designee of the Planning and Zoning Department shall first find that the proposed variance satisfies all of the following conditions:
 - (i) Special Circumstances Not Found Elsewhere. Special circumstances exist that are peculiar to the property for which the Variance Approval is sought and that do not apply generally to other properties in the same district, such as steep terrain, overhead or underground utility rights-of-way, or streams or wetlands.
 - (ii) Not Resulting from Applicant Action. The special circumstances that are the

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- basis for the Variance Approval have not resulted from any act of the applicant or of any other party with a present interest in the property undertaken subsequent to the approval of the regulation being varied. Knowingly authorizing or proceeding with any action requiring any Variance, permit, certificate, or approval under Village development regulations prior to such approval shall be considered such an act and shall not be the basis for a Variance Approval.
- (iii) Necessary for Use of Property. The approval of a Variance is necessary for the applicant to enjoy reasonable use of the property.
 - (iv) Not Impair Essential Governmental Interests. The approving of the Variance will not substantially impair environmental quality, public health, safety, or welfare in the vicinity.
 - (v) Consistent With Ordinance and Plan. The approving of a Variance will be in harmony with the general purpose and intent of the regulations of this Development Code and of the Comprehensive Plan and other applicable approved plans of the City, as viewed in light of any changed conditions since their approval. It will not serve in effect to substantially invalidate or nullify any part thereof.
 - (vi) Minimum Variance Needed. The Variance approved is the minimum required to provide the applicant reasonable use and enjoyment of their property.
- g. Please note that a designee of the Planning and Zoning Department shall specifically consider whether any federal laws regarding discrimination on the basis of disability or other protected status may likely be violated if a Variance Approval is denied; the Americans with Disabilities Act and the Federal Housing Act and their amendments may require that accommodations in zoning standards and in administrative protocol be made to protect the enjoyment of property for those with disabilities.
- (5) Variance Approval Transmission of Decision. The decision of a designee of the Zoning Commission to approve or deny the Variance Approval shall be transmitted in writing to a designee of the Planning and Zoning Department within three (3) calendar days of the date of the public hearing; see Section 1050.03 (d)(7)(f.). "Application Needing Additional Approvals Returned to a designee of the Planning and Zoning Department for Zoning Permit Issuance." A designee of the Planning and Zoning Department shall then proceed with the Zoning Permit Issuance process as described in Section 1050.04 "Zoning Permit."
 - (d) Variance Approval Continuance and Expiration. A Variance Approval stays with the land and shall transfer to new owners of the land or redevelopment of structures on the land. A Variance Approval shall expire if the element that the variance relates to, such as a building with a height that varies from the maximum height required by this Development Code, is not erected within two years of the issuance of the Zoning Permit associated with that Variance Approval or if the specific element that the variance relates to is voluntarily abandoned for a period exceeding six (6) months.
- ### 1050.09: Floodplain Development Permit
- (a) **Floodplain Development Permits Required for Actions in Special Flood Hazard Area.** A Floodplain Development Permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the property owner or an authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a Floodplain Development Permit to determine the development's location.
 - (b) **Exemptions from Required Floodplain Development Permit.** An application for a floodplain development permit shall not be required for any of the following activities: Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural

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development activities (except for filling and grading) valued at less than five thousand dollars (\$5,000); development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701; major utility facilities permitted by the Ohio Power Siting Board under Ohio R.C. Chapter 4906; hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Ohio R.C. Chapter 3734; and development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

(c) Floodplain Development Permit Application

Requirements. Floodplain Development Permit applications shall include, but not be limited to:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) Elevation of the existing, natural ground where structures are proposed.
- (3) Elevation of the lowest floor, including basement, of all proposed structures.
- (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable to the following activities:
 - a. Flood-proofing certification for non-residential flood-proofed structure as required in the Development Code;
 - b. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of this Development Code.
 - c. Code are designed to automatically equalize

hydrostatic flood forces;

- d. Description of any watercourse alteration or relocation that the floodcarrying capacity of the watercourse will not be diminished, and maintenance assurances as required by this Development Code;
- e. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one (1) foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by this Development Code;
- f. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by this Development Code;
- g. Generation of base flood elevation(s) for subdivision and large-scale developments as required by this Development Code; and
- h. A floodplain development permit application fee set by the schedule of fees approved by the Village.

(d) Review of Floodplain Development Permit Applications

- (1) Review
 - a. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required for a Floodplain Development Permit application, as described in the subsection above, has been received by the Floodplain Administrator.

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- b. The Floodplain Administrator shall review all Floodplain Development Permit applications to assure that all necessary permits have been received from those Federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

- (2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or deny the application. If an application is approved, a Floodplain Development Permit shall be issued. All Floodplain Development Permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

- (e) **Inspections of Activities Subject to Floodplain Development Permits.** The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

- (f) **Post-Construction Certifications Required for Activities Subject to Floodplain Development Permits.** The following as-built certifications are required after a Floodplain Development Permit has been issued:

- (1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or authorized agent.
- (2) For any of the following developments:
 - a. Floodway encroachments that increase

or decrease base flood elevations or alter floodway boundaries;

- b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
- c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
- d. Subdivision or large-scale development proposals requiring the establishment of base flood elevations.

- (g) **Revoking a Floodplain Development Permit.** A Floodplain Development Permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit approved thereon. In the event of the revocation of a permit, an appeal may be taken to the Board of Zoning Appeals.

1050.10: Changes to Nonconformities

- (a) **Administrative Procedures for Changes to Nonconforming Uses.** Changes to nonconforming uses shall seek a Zoning Permit and comply with regulations in Section 1040.05 "Nonconforming Uses."

- (b) **Administrative Procedures for Changes to Nonconforming Structures**

- (1) Changes to nonconforming structures shall seek a Zoning Permit and a Building Permit and comply with regulations in Section 1040.06 "Nonconforming Structures."
- (2) Certain changes to nonconforming structures may require a Floodplain Development Permit where located in a floodplain.

1050.11: Amendments to the Text of the Development Code

- (a) **Purpose of the Amendments to the Text of the Development Code Section.** To adapt to new social and economic conditions and to implement the Comprehensive Plan in phases, this Development Code

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includes an administrative procedure by which the Development Code's text may be changed from time to time.

(b) Applicability of Amendments to the Text of the Development Code.

Any portion of this Development Code may be amended following procedures outlined in this section.

(c) Who May Initiate Amendments to the Text of the Development Code?

The Planning Commission as a whole or Council as a whole may initiate this Text Amendment process.

(d) Text Amendment Initiation Process.

For any proposed Text Amendment, the initiating body, whether the Planning Commission or Council, may make an official Text Amendment proposal to a designee of the Planning and Zoning Department.

(e) Approval Process

(1) Public Hearing at Planning Commission for Text Amendment

- a. Any proposed Text Amendment shall first go before the Planning Commission in a public hearing for a Text Amendment recommendation.
- b. Following initiation of a Text Amendment proposal by the initiating body, the Planning Commission shall add the proposed Text Amendment to its agenda at a public hearing within forty-five (45) days of the proposal's initiation; the public hearing shall be held and a recommendation to approve or deny shall be made at that meeting.
- c. Public notice shall be provided as required for all Planning Commission public hearings.
- d. Planning Commission Public Hearing Proceedings
 - (i) Accessibility. The public hearing shall be held at a time, place, and location accessible to the general public.

- (ii) Planning Staff Input. The Planning Commission may request professional opinion from the Planning Department staff during the public hearing.
- (iii) Public Input. All parties choosing to be heard shall be heard at least once at the hearing.
- (iv) Planning Commission Decision. Following the public hearing, the Planning Commission shall discuss and make a decision to recommend to approve or deny the Text Amendment.
- (v) Text Amendment Criteria. Before recommending the approval of a Text Amendment, the Planning Commission shall first find that the proposed Text Amendment is consistent with all approved plans. The Planning Commission shall recommend to deny the Text Amendment only when the Text Amendment conflicts with one (1) or more objective of an approved land use plan.

(2) Public Hearing at Council for Text Amendment

- a. Following the Planning Commission public hearing, the proposed Text Amendment shall be added to the agenda of a Council meeting within thirty (30) days of the Planning Commission hearing.
- b. Council Meeting Proceedings
 - (i) Accessibility. The public hearing shall be held at a time, place, and location accessible to the general public.
 - (ii) Planning Staff Input. Council may request professional opinion from the Planning Department staff during the Council meeting.
 - (iii) Public Input. All parties choosing to be heard shall be heard at least once at the Council meeting.
 - (iv) Council Decision. Following the

public meeting, Council shall discuss the text amendment, consider the recommendation to approve or deny from the Planning Commission, and vote on whether to approve or deny the proposed Text Amendment.

- (v) Overturning a Planning Commission Recommendation. To approve a Text Amendment that the Planning Commission recommended to approve, Council shall require a majority vote of the present members, provided that a quorum is reached, with the quorum determined by Village Charter. To approve a Text Amendment that the Planning Commission recommended to deny, thereby overturning the Planning Commission recommendation, Council shall require at least two-thirds (2/3) of the entire voting membership of Council.

- (f) **Text Amendment Transmission of Decision.** The decision of Council to approve or deny a proposed Text Amendment shall be transmitted in writing to a designee of the Planning and Zoning Department within three (3) calendar days of the date of the public hearing. A designee of the Planning and Zoning Department shall then facilitate the update of the Development Code document in a timely manner.

1050.12: Rezoning; Amendments to the Official Zoning Map

- (a) **Purpose of the Amendments to the Official Zoning Map** Section. To adapt to new social and economic conditions and to implement the Comprehensive Plan in phases, this Development Code includes an administrative procedure by which the Development Code's map may be changed from time to time.
- (b) **Applicability Amendments to the Official Zoning Map.** Any parcel or collection of parcels may be rezoned following procedures outlined in this section.
- (c) **Who May Initiate Amendments to the Official Zoning Map?** The Planning Commission as a whole, Council as a whole, or any property owner within the area proposed to be rezoned may initiate this Map Amendment process.

- (d) **Amendments to the Official Zoning Map Initiation Process.** For any proposed Map Amendment, the initiating body, whether the Planning Commission, Council, or any property owner within the area proposed to be rezoned, may make an official Map Amendment proposal to a designee of the Planning and Zoning Department.

- (e) **Approval Process for Amendments to the Official Zoning Map**

- (1) Public Hearing at Planning Commission for Map Amendments
 - a. Any proposed Map Amendment shall first go before the Planning Commission in a public hearing for a Map Amendment recommendation.
 - b. Following initiation of a Map Amendment proposal by the initiating body, the Planning Commission shall add the proposed Map Amendment to its agenda at a public hearing within forty-five (45) days of the proposal's initiation; the public hearing shall be held and a recommendation for approval or denial shall be made at that meeting.
 - c. Public notice shall be provided as required for all Planning Commission public hearings.
 - d. Planning Commission Public Hearing Proceedings
 - (i) Accessibility. The public hearing shall be held at a time, place, and location accessible to the general public.
 - (ii) Planning Staff Input. The Planning Commission may request professional opinion from the Planning Department staff during the public hearing.
 - (iii) Public Input. All parties choosing to be heard shall be heard at least once at the hearing.
 - (iv) Planning Commission Decision. Following the public hearing, the Planning Commission shall discuss and make a

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decision to recommend approval or denial of the Map Amendment.

- (v) Map Amendment Criteria. Before recommending the approval of a Map Amendment, the Planning Commission shall find all the following conditions are satisfied:

- (A) The proposed Map Amendment is consistent with all approved plans;
- (B) The uses permitted under the proposed district are compatible with existing uses or zoning in the environs;
- (C) The trend of development, redevelopment, or land use change in the general area since the original zoning was established supports the proposed zoning classification;
- (D) The proposed zoning classification promotes the public interest and not solely the interest of the applicant; and
- (E) Adequate street capacity and public services are anticipated to be available to support the proposed classification.

- (vi) Planning Commission Decision to Recommend Map Amendment. At the public hearing, the Planning Commission shall make a decision to recommend the approval or denial of the proposed Map Amendment.

(2) Public Hearing at Council for Map Amendment

- a. Following the Planning Commission public hearing, the proposed Map Amendment shall be added to the agenda of a Council meeting within thirty (30) days of the Planning Commission hearing.
- b. Council Meeting Proceedings for Map Amendments

- (i) Accessibility. The public hearing shall be held at a time, place, and location accessible to the general public.
- (ii) Planning Staff Input. Council may request professional opinion from the Planning Department staff during the Council meeting.
- (iii) Public Input. All parties choosing to be heard shall be heard at least once at the Council meeting.
- (iv) Council Decision. Following the public meeting, Council shall discuss the Map Amendment, consider the recommendation to approve or deny from the Planning Commission, and vote on whether to approve or deny the proposed Map Amendment.
- (v) Overturning a Planning Commission Recommendation. To approve a Map Amendment that the Planning Commission recommended to approve, Council shall require a majority vote of the present members, provided that a quorum is reached, with the quorum determined by Village Charter. To approve a Map Amendment that the Planning Commission recommended to deny, thereby overturning the Planning Commission recommendation, Council shall require at least two-thirds (2/3) of the entire voting membership of Council.

(f) Map Amendment Transmission of Decision to a designee of the Planning and Zoning Department.

The decision of Council to approve or deny a proposed Map Amendment shall be transmitted in writing to a designee of the Planning and Zoning Department within three (3) calendar days of the date of the public hearing. The A designee of the Planning and Zoning Department shall then facilitate the update of the Development Code's Official Zoning Map in a timely manner.

1050.13: Appeals

- (a) **Purpose of Appeals.** Because actions of administrative officials and bodies under Village regulations are subject to occasional error, the Board of Zoning Appeals may

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hear Appeals of such actions and modify them if it finds an error has been made.

(b) Applicability

- (1)** Except as otherwise provided herein, any party, including the Village itself, that is aggrieved by an alleged error in an administrative action--such as an order, requirement, decision, interpretation, or determination made under this Development Code by a designee of the Planning and Zoning Department, or other authorized administrative official, board, commission, or department of the Village may file an Appeal thereof with the Board of Zoning Appeals. Such actions shall include denial of a Certificate of Compliance, Certificate of Occupancy, Building Permit, Zoning Permit, or other permit or certificate based on noncompliance with the regulations of this Development Code.
- (2)** Where appeal to the Board of Zoning Appeals is not appropriate, such as appeals concerning Council or Board of Zoning Appeals actions, an appellant shall make such appeal to the Court of Common Pleas.

(c) Process

- (1)** Notice of Appeal
 - a. Filing Deadline. A Notice of Appeal shall be filed with a designee of the Planning and Zoning Department within ten (10) days of the date of the action being appealed.
 - b. Contents. The Notice shall contain: the name, address, and telephone number of the property owner filing the appeal; the location of the property affected by the action being appealed; a numerical citation of the regulation governing the action appealed; a statement of the grounds on which the appeal is based; a brief summary of the factual evidence upon which the appeal is based; a plot plan and verbal description of the use affected by the action being appealed.
- (2)** Stay of Proceedings. The filing of a Notice of Appeal shall stay all proceedings in furtherance of the action appealed unless a designee of the Planning and Zoning Department certifies to the Board of Zoning Appeals that in their judgment a

stay would cause imminent peril to life, health, or property. In such case, no proceedings shall be stayed without issuance of a restraining order by the Board of Zoning Appeals or a court of record.

(3) Action by Board

- a. A designee of the Planning and Zoning Department shall transmit to the Board of Zoning Appeals upon receipt the Notice of Appeal and the complete record of the decision appealed. The Board of Zoning Appeals shall set a reasonable time for a meeting to consider the appeal.
- b. Within thirty (30) days of the conclusion of the meeting, the Board shall take final action on the appeal in conformance with the appeal approval criteria, described in this section.
- c. The Board of Zoning Appeals may affirm, modify, or reverse the action appealed, subject only to judicial review. To this end, the Board of Zoning Appeals shall have all the powers of the party whose action was appealed, including the power to direct the issuance of a certificate or permit.

(d) Approval Criteria for Appeals

- (1)** The Board or Zoning and Building Appeals shall sustain an appeal and reverse or modify an action appealed only if it finds that the action was an error not in conformance with applicable regulations of this Development Code by virtue of being:
 - a. Based on erroneous interpretation of those regulations;
 - b. Based on an erroneous finding of a fact material to the action taken under the regulations;
 - c. An abuse of the discretion allowed under the regulations; or
 - d. Clearly not in conformance with applicable approval criteria or other provisions of the regulations pertinent to that permit, approval, or other decision.

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- (2) If the Board of Zoning Appeals finds that the action appealed was undertaken in full compliance with applicable regulations, it shall sustain the action and deny the appeal even if it finds the action or the regulation to be objectionable.
- (3) The Board of Zoning Appeals may recommend to the Planning Commission or Council that the regulations be amended if it finds certain provisions to be undesirable, but it shall not sustain an appeal as an alternative to such an amendment.

1050.14: Enforcement

- (a) **Who Enforces the Development Code?** A designee of the Planning and Zoning Department shall have the power and responsibility to enforce the regulations of the Development Code. A designee of the Planning and Zoning Department shall have the ability to call upon other Village department staff to assist in fulfilling this responsibility.
- (b) **Failure to Comply Is Violation.** Wherever a property owner fails to comply with the regulations of this Development Code, either in process, in conduct of land use, or in structural property, the property owner shall be deemed to be in violation of the Development Code, except in the case that the noncompliance is a nonconforming use or nonconforming structure, as regulated by Chapter 1040 Nonconformities.
- (c) **Two Types of Violations.** This section categorizes violations as one Ticketable Violation.
- (d) **Notice of Violation**
 - (1) Purpose of Ticketable Violations. Because certain violations have less detrimental impact and can be corrected easily and at modest expense, a special enforcement procedure is hereby established for Ticketable Violations.
 - (2) Types of Ticketable Violations. The Village shall establish a written list of violations of this Development Code to be treated as Ticketable Violations. Such list shall be available for public inspection. Ticketable violations shall be considered as civil infractions rather than as criminal misdemeanors.
 - (3) Issuance of Warning Ticket. A Village inspector

shall issue a Warning Ticket to the violator if it determines that there exists any Ticketable Violation as provided herein. No fine or penalty shall be assessed by a Warning Ticket.

- (4) Issuance of Citation. The Village shall issue a Citation to the violator if it determines that the violator has not taken any of the actions specified herein in response to the Warning Ticket, or the same violation by the party to whom the Warning Ticket was issued has been the subject of a previous Citation or Notice of Violation. The Citation shall assess a fine in an amount established by Council.
- (5) Appeal of a Citation. A citation may be appealed through the process outlined in Section 1050.13 "Appeals."

1050.15: Penalties

- (a) **Class of Offense.** Whoever violates any provision of this Development Code is guilty of a misdemeanor of the third degree.

1050.16: Disclosure of Interest, Conflicts of Interest

- (a) **Disclosure of Interest.** If the applicant for any Development Code approval is not the Village, a disclosure of interest shall be filed with the application.
 - (1) Information and Affidavit Required If Applicant Is Not Owner. If the applicant is not the property owner of record of the subject property, the application shall disclose the legal capacity of the applicant and the full names, addresses, and telephone numbers of all owners. In addition, an affidavit of the owner(s) shall be filed with the application stating that the applicant has authority from the owner to make the application.
 - (2) Information Required If Applicant or Owner Is a Trust. If the applicant or fee owner is a trust or trustee thereof, the full name, address, telephone number, and extent of interest of each beneficiary shall be disclosed in the application.
 - (3) Information Required If Applicant or Owner Is a Corporation/Partnership. If the applicant, fee owner, contract purchaser, option holder, or any beneficiary of a trust owning the subject property

is a corporation, the application shall disclose the names and addresses of the corporation's officers, directors, and registered agents, or the partnership's general partners and those shareholders or limited partners owning in excess of 5% of the outstanding stock or interest in the corporation or interest shared by the limited partners.

- (4) Information Required Where Ownership May or Has Changed. Disclosure of present ownership shall include a statement of the name, address, and phone number of the prospective purchaser, if any. In the event of a change in ownership between the time the application is filed and the time of the meeting or public hearing thereupon, such change shall be disclosed by affidavit no later than the time of the meeting or hearing.

(b) Conflict of Interest

- (1) Voting by Interested Members Prohibited. A member of the Planning Commission or Board of Zoning Appeals who knowingly has a direct or indirect interest in any question before that review body, shall disqualify themselves from voting thereupon. For the purposes of this provision, an indirect interest shall be interpreted to include an interest of the reviewer's spouse, sibling, child, parent, in-law, or any organization with which the member holds, has held within the previous two (2) years, or is in discussions concerning future holding, any paid or unpaid office or position.
- (2) Ex Parte Communications Required to be Disclosed. Any member of any application who, prior to the Planning Commission or Board of Zoning Appeals decision on an application, has communicated with parties interested in the outcome thereof or their agents, other than in an official meeting of the Planning Commission or Board of Zoning Appeals or a duly appointed committee thereof or as otherwise authorized in advance by the Chair, shall disclose in a public meeting of the Planning Commission or Board of Zoning Appeals the content of such communication prior to the vote on the application.
- (3) Village Staff or Planning Commission or Board of Zoning Appeals Recommendation of Professionals Prohibited. No Planning Commission or Board

of Zoning Appeals or any member thereof or any employee of the Village shall suggest or recommend an attorney, planner, architect, engineer, or other person or organization offering professional services to an applicant or prospective applicant in connection with an application before that body.

- (4) Compliance with all applicable Ohio laws including Ethics Commission Policies. Members of review bodies shall be subject to Chapter 102 and Section 2921.42 of the Ohio Revised Code and all opinions issued by the Ohio Ethics Commission.

1050.17: Annual Code Review

- (a) Annual Review of Zoning Text and Map. A designee of the Planning and Zoning Department shall maintain a running list of potential amendments to the zoning text and zoning map identified through administration of this Ordinance, public inquiries, staff analysis, or direction from the Planning and Zoning Commission or Village Council.

At least once each calendar year, the Zoning Administrator shall compile and present this list to the Planning and Zoning Commission at a public meeting and recommend which items, if any, should be initiated as formal amendments in accordance with the amendment procedures of this Ordinance.

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Glossary of Terms

A

Accessory (Use Term). A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel. See Section 1040.06 for more information on accessory uses.

Accessory Dwelling Unit (ADU), Attached. An ADU that shares a common wall with the primary dwelling unit.

Accessory Dwelling Unit (ADU), Detached. An ADU that is a freestanding structure separate from the primary dwelling unit.

Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult Bookstore or Adult Video Store. A commercial establishment which, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides,

or other visual representations which depict or described specified sexual activities or specified anatomical areas; or

- (2) Instruments, devices, or paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with specified sexual activities.

Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity; or
- (2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, are regularly shown.

Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or live

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performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

Adult Use. Any single commercial or recreational establishment from which minors are excluded from admittance at least ten (10) percent of the time such establishment is open by virtue of their age and of the presentation therein of entertainment, goods, services, or activities, any of which is obscene or harmful to juveniles as defined by divisions E and F of Section 2907.01 of the Ohio Revised Code. Adult uses include book stores, video stores, motion picture theatres, mini-motion picture theatres or arcades, drive-in theatres, hotels or motels, massage parlors, modeling studios, and bathhouses that meet this definition as well as theatres or eating and drinking places with entertainment that meets this definition. Each such use named herein shall be considered a separate adult use even if located on the same premises and operated under the same management as another such use, except that a second such use shall be considered an Accessory Use to the first if it is established on no more than 20 percent of the total floor area devoted to both uses. Uses such as massage parlors or bath houses that are operated by a licensed medical practitioner, physical therapist, psychiatrist, psychologist, or similar professional for the exclusive purpose of treatment or therapy are not considered adult uses.

Aerospace-Related (Use Term). Uses consisting of the take-off, landing, boarding, maintenance, or storage of aircraft. Aerospace-Related Uses shall include airports, helipads, hangars, flight control towers, National Guard or other military training and storage facilities with aircraft operations, aerospace communications antennas, and associated facilities, such as terminals, concessions, and aircraft fuel storage. Unmanned drones of less than two feet in diameter intended for recreational use shall not be considered aircraft for the purposes of this definition.

Agricultural (Use Term). Uses that involve the production and associated sale of raw food products. Agricultural Uses shall include row crop production, orchards, aquaculture, horticulture, greenhouses, nurseries, horse boarding, feed and grain storage, and forestry. Agricultural Uses shall include certain processing of raw food, such as the production of wine, maple syrup, and vinegars. Agricultural Uses shall also

include farm stands selling products produced on the premises, such as tomatoes, sweet corn, maple syrup, eggs, honey, sauces, and pies. Agricultural tourism uses, such as wine tours and tasting rooms and pick-your-own operations, shall be included as Agricultural Uses, but shall not include the use of agricultural properties for commercial events unrelated to the agricultural production of the property.

Artisanal Industrial (Use Term). Uses consisting of hand-made artisan goods production and their associated sales in small workshops of less than five thousand (5,000) square feet of gross floor area, where the gross floor area includes any outdoor storage of materials or products. Artisanal Industrial Uses shall include small artist studios and artist live-work units; woodworking shops; leather crafts; ceramics studios; and chocolate shops. Artisanal Industrial Uses shall not include operations with automated manufacturing processes, the storage of flammable fluids in quantities greater than three hundred (300) gallons, or the emission of gases greater than what would be typical of one (1) ceramics kiln of twelve (12) cubic feet or less.

Artist Live-Work Unit. See “Live-Work Unit.”

B

Boat and Trailer: Watercraft and their trailers, including jet skis, fishing boats, sailboats, and similar equipment.

Building Permit. An official approval to construct a new building or expand or remodel an existing building to ensure the structure meets all health and safety standards.

Build-to Zone. The area on the lot where all or a portion of the street-facing building facade must be located, established as a minimum and maximum setback range.

Bulk Sales Store. A specialty store where goods are sold in bulk where customers bring their own carrying containers to reduce or eliminate more commonly used packaging (i.e., plastic).

C

Canopy/Awning Sign. A sign that is either attached to, affixed to, or painted on an awning or canopy.

Collocation. In the context of telecommunications facilities, the use of a wireless telecommunication facility by more than one (1) wireless telecommunication provider.

Commercial Vehicle. Any motor vehicle designed, used, or maintained primarily for business or industrial purposes, including but not limited to:

- (1) Vehicles with a gross vehicle weight rating (GVWR) exceeding 10,000 pounds.
- (2) Vehicles with commercial signage, equipment racks, storage compartments, or advertising displays.
- (3) Vehicles classified as box trucks, dump trucks, tow trucks, buses, semitrailers, delivery vans, or similar.

Commercial Vehicle, Light Duty. A vehicle used for business purposes that is:

- (1) A passenger car, van, or pickup truck;
- (2) Without visible exterior commercial modifications (e.g., no ladders, equipment racks, or bulk storage); and
- (3) No more than two square feet of non-illuminated signage per vehicle side.

Concept Plan. A plan that generally indicates the overall design of a proposed PMUD project with sufficient information to enable the applicant and the city to discuss the concept for the proposed development and to determine if the proposal is generally consistent with the Community Plan.

D

Development Code. The portion of the codified ordinances of the Village of Buckeye Lake, Ohio, between Chapters 1000 and 1053.

Discount Store. A retail establishment with a floor area less than twelve thousand (12,000) square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority of the items in its inventory for sale at a price per item of \$10.00 or less, adjusted for inflation.

Domestic Animal. A cat, dog, or other small animal of the types commonly maintained as household pets.

Driveway. A driveway is an improved vehicle pathway that leads from a right-of-way to a dwelling unit.

Dwelling Unit. Space within a building designed or used exclusively as regular living quarters and Accessory Uses thereto for one (1) family, not more than two (2) household employees.

E

F

Family. An individual or two (2) or more persons, each related to the other by blood, marriage, or adoption, or foster children, and including not more than three (3) additional persons not related as set forth above, who are all living together as a single household unit in which members share common kitchen facilities and have access to all parts of the dwelling.

Final Development Plan. A detailed plan showing the location of all site improvements, including easements, utilities, buildings, parking areas, circulation routes, points of ingress and egress, transportation, and other public improvements (both on- and off-site), landscaping, architectural drawings, loading and unloading zones, service areas, ground signage, directional signage, location of refuse containers, lighting, and accessory structures, and may include a subdivision plat. Critical dimensions are shown unless otherwise indicated.

Freestanding Sign. A sign principally supported by a structure affixed to the ground, and not supported by a building, including one (1) sign supported by one (1) or more columns, poles, or braces placed in or upon the ground and two (2) monument signs affixed to the ground with no voids between the base and the sign area.

Front Building Line. The straight line parallel to the front lot line that separates all parts of a building from the open spaces between the building and a front lot line.

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Front Lot Line. A lot line dividing a lot from a public or private street and is the line from which the required front setback is measured. If a lot has more than one (1) Lot Line that abuts a street right-of-way, such as is the case with a corner lot, the lot may have more than one (1) Front Lot Line.

Front Yard, Actual. An actual yard extending along the full frontage of a lot between a front lot line and the opposite building line extended to the side lot lines.

Front Yard, Required. The minimum depth of the front yard required by this Development Code, where the front yard is the shortest measure from the front lot line to the front building line. See Section 1000.11 for an illustration of this term.

Front Yard Setback. The shortest horizontal distance between a structure and any portion of the front lot line. See Section 1000.11 for an illustration of this term.

G

General Right-of-Way (Use Term). Uses consisting of typical uses of the right-of-way, including pedestrian paths, pedestrian streets, bus stops, bus shelters, electric bus recharging ports, and bus turnaround areas.

General Utility (Use Term). Uses consisting of public utilities pumps, pipelines, wires, and ponds related to the delivery of telecommunications data, natural gas, water, sewage, stormwater, electric, or steam heat. General Utility Uses shall include water reservoirs and channels; stormwater detention basins; public utilities, including pumping stations and power substations; and telecommunications antennas under forty (40) feet in height. General Utility Uses do not include power plants or solar or wind energy systems. Solar and wind energy systems with less than one (1) megawatt of capacity shall be considered accessory uses to other land uses. Solar and wind energy systems with a capacity of one (1) megawatt or greater shall be considered Light Industrial Uses. General Utility Uses do not include oil and gas wells, surfacing mines, or quarries, which shall all be considered Heavy Industrial Uses. General Utility Uses do not include landfills or waste transfer facilities, which shall be considered Heavy Industrial Uses.

Group Home. A residential facility licensed by the Ohio Department of Mental Health, the Ohio Department of

Developmental Disabilities, or some other state agency or department, that provides room board, personal care, supervision, and habilitation, rehabilitation, or mental health services, to one (1) or more handicapped persons. (See definition of “Handicapped”). There are two (2) size categories of group homes:

- (1) Small Group Home. A residential facility that provides the services listed above for eight (8) or fewer handicapped persons.
- (2) Large Group Home. A residential facility that provides the services listed above nine (9) to sixteen (16) handicapped persons.

The definition of Group Home does not include housing to be occupied by two or more related or unrelated persons who have been convicted as sexual predators or sexual offenders, as defined by the Ohio Revised Code.

H

Heavy Industrial (Use Term). Uses consisting primarily of welding, compressing, cutting, compounding, distillation, manufacturing, packaging, coating, reconditioning, laundering, or refining of food and drink products, consumer products, building supplies, chemicals, commercial goods, or raw materials. Heavy Industrial Uses shall include oil and gas wells; recycling centers; armories; bulk fuel storage; canning and preserving factories; motor freight, rail freight, or air freight terminals; vulcanizing shops; water or sewage treatment plants; power plants; and compacting. Heavy Industrial Uses shall not include operations that may fall within the definition of Artisanal Industrial Uses or Light Industrial Uses and shall not include toxic waste disposal sites.

Heavy Truck. Any ground vehicle weighing more than twenty-six thousand (26,000) pounds. Heavy trucks include transit buses, mobile cranes, cement mixers, refuse trucks, and tractors designed to pull refrigerated trailers, dry vans and other equipment. These types of vehicles are primarily used for long-haul transportation.

Home Occupation. A gainful pursuit conducted by one (1) or more residents of a dwelling unit as an Accessory Use to such dwelling on the premises thereof.

Hosting Platform. Any person or entity that facilitates, through advertising or reservation booking, a Short-Term Rental arrangement (e.g., Airbnb, VRBO)

I

Inoperable Vehicle. A motor vehicle that has been in a wrecked, dismantled, or non-operating condition for more than thirty (30) days since its arrival on a premises.

Institutional (Use Term). Uses that are public or quasi-public in nature, such as houses of worship, cemeteries, mortuaries, libraries, museums and aquariums, police stations, fire stations, EMS stations, correctional facilities, philanthropic institutions, homeless shelters and food pantries, schools, and non-commercial meeting halls.

J

K

Kennel. Any lot or premises on which four (4) or more domestic animals are bred, groomed, boarded, sheltered, trained, offered for adoption, or sold for commercial or humane purposes, including animal shelters.

L

Lattice Tower. In the context of telecommunications facilities, a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

Legacy Lots. The original Legacy Lots from the Neel, Myer, Bounds, Elliot, Worth, The Ohio Electric Railway Company, Buckeye Lake Park Allotment (Carlin Addition), Essex, Rosebraugh, Sturgeon, and Holtsberry subdivisions shall have a minimum lot area and width of not less than the area originally platted in that addition or subdivision.

Light Industrial (Use Term). Uses consisting primarily of welding, compressing, cutting, compounding, distillation, manufacturing, packaging, coating, reconditioning, laundering, or refining of food and drink products, consumer products, building supplies, chemicals, commercial goods, or raw materials, where

such activity does not comprise the storage of flammable or hazardous materials in excess of one thousand (1000) gallons, and where such activity does not produce emissions or vibrations that would constitute a health hazard. Light Industrial Uses shall include indoor warehousing and storage and distribution facilities; laboratories for medical, dental, and optical research; and film and photographic testing. Light Industrial Uses shall not include operations that may fall within the definition of Artisanal Industrial Uses.

Live-Work Unit. Properties that combine residential and no-residential uses and are typically found in commercial or mixed-use areas or as a transition use between commercial and residential zones. In some cases the work unit should not exceed 50 percent to the total floor area of the live-work unit. The commercial spaces may be used for a variety of commercial purposes, including artist studios, workshops, or galleries.

Local Contact Person: A person identified by the operator who is available 24 hours a day to respond to complaints or emergencies at the Short-Term Rental within thirty (30) minutes travel time.

Lot Area. The square footage of a lot on a horizontal plane, not including any area within the right-of-way. See Section 1000.11 for an illustration of this term.

Lot Coverage. The percentage of the total lot area that is covered by manmade surfaces, such as principal structures; accessory structures over one hundred (100) square feet, such as patios, decks, garages, carports, and pools; and other surfaces, such as driveways, sidewalks, parking lots, and areas of pavement; but excluding pervious pavement and permeable paver systems. See Section 1000.11 for an illustration of this term.

Lot Line. A line dividing one (1) lot from another lot or from a street or any public place.

Lot Depth. The distance between the midpoint of the front lot line and the rear of the lot along a path perpendicular to the front lot line. See Section 1000.11 for an illustration of this term.

Lot Width. The length of a lot's shortest front lot line. See Section 1000.11 for an illustration of this term.

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M

Manufactured Home. A building unit or assembly of closed construction fabricated off-site that conforms to HUD standards and is designed for use as a dwelling when connected to required utilities

Manufactured Home Park (Mobile Home Park). A parcel of land under single ownership or control that has been planned and improved for the placement of two (2) or more manufactured or mobile homes for dwelling purposes, together with all open space, internal drives, utilities, and accessory buildings incidental to such use

Micro-Vehicle. Micro-vehicles are any small vehicles that (1) do not use internal combustion engines, that (2) weigh less than three hundred (300) pounds, that (3) do not have the capacity to generate twenty (20) horsepower or greater, and shall include bicycles, unicycles, push scooters, electric scooters, and electric bicycles.

Mini-Warehouse. See “Self-Storage.”

Monopole. In the context of telecommunications facilities, a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Motor Vehicle. A vehicle with one (1) or more wheels, treads, jets, or propellers designed to transport one (1) or more people or cargo loads and with a motor capable of producing twenty (20) horsepower or greater.

Multi-Family (2-4 Units). A building designed for two families, or housekeeping units, living independently of each other in separate dwelling units.

Multi-Family (2-4 Units). A building designed for two families, or housekeeping units, living independently of each other in separate dwelling units.

establishments; indoor entertainment and events facilities, such as game rooms, religious ceremonies, gyms, and ice skating rinks; day care centers; health, fitness, pool, or athletic clubs; and lodging. Neighborhood Commercial Uses shall not include crematoria; any use considered an Artisanal Industrial, Light Industrial, or Heavy Industrial use; uses fitting the definition of Vehicle-Oriented Use or Weapons-Related Use; operations of fifteen thousand (15,000) square feet of gross floor area or greater; outdoor kennels; emergency or in-patient medical care; firearms, dangerous ordnance, or weapons sales; gunsmith shops; or firing ranges.

Nine-Plus-Unit Residential (Use Term). Uses consisting of nine (9) or more dwelling units per lot or group living homes of nine (9) or more bedrooms. Nine-Plus-Unit Residential Uses shall include buildings with nine (9) or more dwelling units on one (1) lot, large group homes with nine (9) or more bedrooms, single-room occupancy uses with nine (9) or more rentable bedrooms, dormitories with nine (9) or more rentable bedrooms, assisted living facilities with nine (9) or more units or bedrooms, nursing homes with nine (9) or more units or bedrooms, and convalescent homes with nine (9) or more units or bedrooms. Nine-Plus-Unit Residential Uses shall also include mobile home parks with more than nine (9) mobile home spaces. Nine-Plus-Unit Residential Uses shall not include cottage courts with more than eight (8) units per court or row houses of one (1) or two (2) units per lot with more than eight (8) contiguous units per row house structure.

Non-Owner-Occupied Short-Term Rental. A Short-Term Rental in which the dwelling is not occupied by the owner or permanent resident during guest occupancy.

Nude Model Studio. Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided solely to be sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

Nudity or a State of Nudity.

- (1) The appearance of a human bare buttock, anus, genitals, or areola of the female breast; or
- (2) A state of dress which fails to cover opaquely a human buttock, anus, or genitals, or areola of the female breast.

N

Neighborhood Commercial (Use Term). Commercial uses of less than fifteen thousand (15,000) square feet of gross floor area per building per lot, including sales of goods; services; office uses; health services; veterinary services; home improvement stores; hardware stores; garden supply stores; eating and drinking

O

Official Zoning Map. The most updated version, as adopted by the Council, of the map that depicts the geographic distributions of each zoning district within the Village boundaries.

Outdoor Arena (Use Term). Outdoor uses that attract large numbers of people to sporting or entertainment events. Outdoor Arena Uses include stadiums, arenas, outdoor concert venues, racetracks, fairgrounds and festival grounds, amphitheaters, and flea markets. Outdoor Arena Uses may include associated indoor spaces, such as bathrooms, halls, and offices, and may include the sale of associated food, drinks, and merchandise, such as in the case of a stadium's food concessions.

Owner-Occupied Short-Term Rental. A Short-Term Rental in which the property owner or permanent resident occupies the dwelling as their primary residence and is present overnight during guest occupancy.

P

Parking Area. A portion of a lot designed to accommodate the temporary storage of motor vehicles or their accessories, such as trailers or campers. Parking areas shall include outdoor parking areas, such as parking lots and driveways, and indoor parking areas, such as parking structures and garages.

Parking Area Accessways. Vehicle pathways connecting a right-of-way and a parking area, where such parking area is not intended for a dwelling.

Parks and Preserves (Use Term). Uses consisting of passive recreation; natural woods, wetlands, or forests; and neighborhood beautification uses. Parks and Preserves Uses include pedestrian plazas, pedestrian squares, fountains, community gardens, parks, picnic areas, and nature preserves.

Personal Wireless Services. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal law at 47 U.S.C. Section 332(c)(7).

Preliminary Development Plan. A plan, submitted at the time of rezoning, outlining permitted and conditional

land use development sites, major circulation patterns, critical natural areas to be preserved, open space areas and linkages, buffer areas, entryways, and major utilities and their relationship with surrounding uses. A preliminary development plan shall include a composite plan and any other development plan adopted prior to the effective date of these regulations that are still in force.

Projecting Sign. A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

Propane Storage. Bulk storage of liquefied petroleum gas (LP-Gas), including propane, in stationary above-ground or underground tanks, for wholesale or retail delivery, exchange, or on-site dispensing. This use does not include portable propane cylinders customarily associated with residential, commercial, or recreational uses.

Proprietary Symbol. A graphic, logotype, or other representation registered as a trademark or service mark or otherwise associated in content or in style, color, or other aspect of its appearance with a particular organization or a particular product or service identified with or promoted by an organization.

Q

R

Rear Lot Line. The lot line which is most opposite the front lot line. Each lot shall have one (1) rear lot line. In the case of a corner lot with more than one (1) front lot line, the rear lot line is the lot line which is most opposite the shortest front lot line. In the case of an irregular or triangular-shaped lot, the rear lot line is a line ten (10) feet in length within the lot situated parallel to and at the maximum distance from the front lot line. See Section 1000.11 for an illustration of this term.

Rear Yard. Any undeveloped area of a lot that has a setback from a front lot line equal to or more than X, where X equals the distance between a front lot line and the most proximal point of a rear facing exterior wall of a principal structure, measured perpendicularly from the front lot line. For this definition, a rear facing exterior wall is any wall that is more than one-hundred twenty (120) degrees off of parallel of all front lot lines.

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Rear Yard Setback. The shortest horizontal distance between a structure and a rear lot line of the lot. See Section 1000.11 for an illustration of this term.

Recreational (Use Term). Indoor or outdoor active recreation. Some examples of these uses include athletic courts, fields, and rinks; golf courses; boat launches, boat houses, and marinas; and campgrounds. This term does not include shooting ranges or other weapons-related uses; racetracks; or athletic courts, fields, and rinks that are used by professional teams or leagues.

Recreational Vehicle. A recreational boat or a vehicle primarily designed as temporary living quarters in conjunction with recreation, camping, or travel use that either has its own motive power or is drawn by another vehicle. Recreational vehicles include travel trailers, camping trailers, truck campers, motor homes, and similar vehicles.

Recreational Vehicle Park (RV Park). A parcel of land under single ownership or control designed, improved, and maintained for the short-term parking and occupancy of two (2) or more recreational vehicles for transient, seasonal, or vacation purposes, together with internal drives, open space, service buildings, and recreational facilities.

Regional Commercial (Use Term). Commercial uses of at least fifteen thousand (15,000) square feet of gross floor area per building per lot, including sales of goods, such as department stores; services; office uses; health services and hospitals, including emergency and inpatient services; self-storage centers; veterinary services; home improvement stores; hardware stores; garden supply stores; eating and drinking establishments, including commercial kitchens and catering kitchens; indoor entertainment and events facilities, such as game rooms, religious ceremonies, gyms, and ice skating rinks; day care centers; health, fitness, pool, or athletic clubs; lodging; bus and rail stations; and film, television, radio, and animation studios. Regional Commercial Uses shall not include crematoria; any use considered an Artisanal Industrial, Light Industrial, or Heavy Industrial use; uses fitting the definition of Vehicle-Oriented Use or Weapons-Related Use; operations of less than fifteen thousand (15,000) square feet of gross floor area; outdoor kennels; firearms, dangerous ordnance, or weapons sales; gunsmith shops; or firing ranges.

Residential District. Any area within the Traditional Residential District, the Suburban Residential District, the Lake Anna Neighborhood District, or the Corridor District.

Residential Uses. Any use involving the long-term residence of an individual or household in a dwelling unit, where such dwelling unit is owned by one (1) or more of the inhabitants or where such dwelling unit is rented by one (1) or more of the inhabitants but where the rental duration is not available for a period of less than twenty eight (28) days. A residential use shall include a Single-Unit Residential Use, a Two-Unit Residential Use, a Three- to Eight-Unit Residential Use, and a Nine-Plus-Unit Residential Use.

S

Self-Storage. A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities. Self-storage facilities are considered examples of Regional Commercial Uses.

Setback. The horizontal distance between a lot line and the closest portion of a building or structure, where such distance line is drawn along the shortest path.

Sexually Oriented (Use Term). An adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater or adult theater. "Sexually oriented Use" does not include a nude model studio.

Shade Tree. A shade tree shall be a woody plant, usually deciduous, that normally grows with one (1) main trunk and has a canopy that screens and filters the sun in the summer season.

Short-Term Rentals. Furnished, self-contained apartments or houses, or portions thereof, that are available to be rented a continuous period of less than thirty (30) days. They are usually seen as an alternative to hotels and are typically advertised and booked using third-party online platforms, such. Short-term rental uses are a form of lodging, which is included as an example of a Regional Commercial Use and of a Neighborhood Commercial Use, depending on the square footage of the lodging use.

Side Lot Line. Any lot line not considered a front lot line or a rear lot line. See Section 1000.11 for an illustration of this term.

Side Yard Setback. The shortest horizontal distance between a structure and a side lot line of the lot. See Section 1000.11 for an illustration of this term.

Sign. Any visual or graphic device that is designed and/or used to communicate--primarily through use of words, numbers, characters, and/or proprietary symbols, as defined herein--a verbal and/or visual message. Such a device shall be considered a sign regardless of whether a message is currently displayed thereupon. Sign shells, embellishments, and support structures shall be considered part of the sign.

Sign, Canopy/Awning. A sign located on an awning. See Section 1030.08 for an illustration of this term.

Sign, Freestanding. A sign that is attached to, erected on, or supported by some structure, such as a post, mast, or frame that is not itself an integral part of or attached to a building or other structure whose principal function is something other than support of a sign. See Section 1030.08 for an illustration of this term.

Sign, Projecting. Any permanent building sign attached perpendicular to a building wall and extending laterally more than twelve (12) inches but not more than forty eight (48) inches from the face of such wall. See Section 1030.08 for an illustration of this term.

Sign, Temporary. A sign that is not permanently affixed to a structure or permanently embedded in the ground, and is designed to be visible from the right-of-way and displayed for a short period of time, specifically fewer than one-hundred eighty (180) days in a calendar year. See Section 1030.08 for an illustration of this term.

Sign, Wall. Any building sign painted on, attached flush against, or extending not more than one (1) foot from an exterior wall in a parallel manner. See Section 1030.08 for an illustration of this term.

Sign, Window. A permanent sign that is painted or mounted onto a windowpane, or that is hung directly inside a window for the purpose or effect of identifying any premises from the sidewalk or street; or a temporary sign advertising special sales, events, or products. See Section 1030.08 for an illustration of this term.

Sign Area. The total exposed surface on the largest single sign face of a sign, including sign background, but excluding purely decorative embellishments and any supporting structure that does not form part of the sign proper. The area of a "light box"- illuminated sign shall be the area enclosed within the cabinet. The area of a sign consisting solely of individual letters or symbols presented with no added background or decoration against a building wall or other surface that does not serve solely or principally as a sign, such as an awning or canopy, shall be the sum of the areas within rectangular envelopes completely enclosing each separate letter or symbol, excluding punctuation, or each attached group thereof. The sign area of a sign that displays messages on more than two faces or on a single continuous surface that wraps around the sign (such as a spherical sign or balloon) shall include only such sign area as may be visible at any one (1) time from a point on the ground within two hundred (200) feet of the sign.

Sign Height. Measured as the vertical distance from the highest part of a sign, including support structures and embellishments, to: (1) the mean average grade of the land--or level of the roof in the case of a roof sign--abutting the base of or directly beneath the sign, for facade signs; awning and canopy signs; roof signs; projecting signs; and ground signs more than fifty (50) feet from the edge of a public street pavement; or (2) the curb level, as defined herein, of the street from which the sign is intended to be viewed, for all other ground signs; or, in the case of a lot abutting more than one (1) street, the mean average of the curb levels of such streets.

Sign Illumination. Any lighting source, other than the sun, that illuminates the surface or interior of a sign. Lighting around the border of a sign, such as in the case of perimeter lighting around a window displaying a window sign or in the case of a border of lights around a marquee sign, shall be considered part of the sign illumination. Sign illumination shall not be construed as referring to any illumination of signs provided by light sources intended to generally illuminate an area in which a sign is located--such as street lights, facade lighting, or parking lot lighting--rather than specifically to illuminate the sign.

Single-Unit Residential (Use Term). Uses with a dwelling unit that is attached by one (1) or more party walls to one (1) or more other dwelling units each of which is located on a separate subdivided lot or, in a site

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condominium or site cooperative, a separate building site; or, a building or manufactured home housing only a single dwelling unit that is separated from other buildings by open space.

Specified Anatomical Areas. Human genitals.

Specified Sexual Activities.

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated.

Structure Height. The vertical distance between the average grade plane along the front elevation of the structure and the highest point of any flat roof or the midpoint of any pitched roof. See Section 1000.11 for an illustration of this definition.

Stub Street. The purpose of a stub street is connecting subdivisions together as they are developed to allow residents and service vehicles to travel between subdivisions and to develop an interconnected network of local streets, over time. The definition of a stub street is a reasonable future subdivision through-road from one subdivision to another. To be “reasonable,” the stub street must meet the following criteria:

- (1) The adjoining land that would extend the stub street must have like zoning or is proposed to have like zoning in an area plan; and
- (1) Said adjoining land must be currently undeveloped; and
- (1) There is no major physical boundary (e.g., large waterway, large grade differential, etc.) between the properties that would preclude extension of the stub street.
- (1) At completion, the stub street contains signage that notifies the public of its future extension.

T

Technically Suitable. In the context of telecommunications facilities, the location of a wireless telecommunication antenna reasonably serves the purpose for which it is intended within the bandwidth of frequencies for which the owner or operator of the antenna has been licensed by the FCC to operate without a significant loss of communication capability within developed areas of the Village.

Telecommunication(s). The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term “personal wireless services”.

Telecommunications Tower (Use Term). A tower of up to one-hundred ninety-nine (199) feet in height designed to have sufficient structural loading capacity to accommodate at least three (3) communications antenna platforms or antenna arrays of equal loading capacity for three (3) separate providers of telecommunication service to be located on the structure when constructed to the maximum allowable height.

Temporary (Use Term). Uses established with limited durations, such as festivals, yard sales or garage sales, construction activities and construction offices, model homes, temporary storage units, and temporary art installations. Temporary Uses shall not include those uses that constitute Outdoor Arena Uses, such as fairgrounds or outdoor concert venues, that have few events per year but where hosting such festival- or large event-type uses constitute a principal purpose of the property.

Temporary Sign. Any sign, banner - that is visible from the right-of-way - pennant, flag, or advertising display constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard, or other like materials that are impermanent in nature and are intended to be displayed for a short duration or replaced periodically. Temporary signs shall not include prohibited sign types specified in Section 1030.08.

Three- to Eight-Unit Residential (Use Term). Uses consisting of Three- to Eight-Unit dwelling units per lot or group living homes of six (6) to eight (8) bedrooms. Three- to Eight-Unit Residential Uses shall include cottage courts with no more than eight (8) units per court, row houses of single-unit or two-unit dwellings attached on both sides with no more than eight (8) contiguous units, single-room occupancy uses with six (6) to eight (8) rentable bedrooms, dormitories with six (6) to eight (8) rentable bedrooms, large group homes with six (6) to eight (8) bedrooms, assisted living facilities with six (6) to eight (8) units or bedrooms, nursing homes with six (6) to eight (8) units or bedrooms, and convalescent homes with six (6) to eight (8) units or bedrooms.

Two-Unit Residential (Use Term). Uses consisting of two (2) dwelling units per lot, side-by-side or stacked. Two-unit Residential Uses shall also include single-unit attached dwellings, such as side-by-side duplexes where the vertical party wall is built above the lot line.

U

Utility Trailer: A non-motorized trailer used for transporting personal goods, equipment, or recreational items such as ATVs or snowmobiles.

V

Vehicle-Oriented (Use Term). Uses that sell or service automobiles and boats, including motor vehicle sales; car washes; car fueling stations; car repair and maintenance shops; drive-throughs; motor vehicle part and accessory stores; commercial off-street parking lot as a principal use of a lot; boat and marine equipment sales; car and truck rental establishments; storage of trucks or buses; truck stops; bus garages, terminals, parking, and services; and large equipment sales, rental, and storage. Vehicle-Oriented Uses shall not include outdoor storage associated with an Artisanal Industrial, Light Industrial, or Heavy Industrial use.

Vision Triangle. The area bounded by the street property lines of corner lots and a line joining points along said street lines twenty (20) feet from their point of intersection. For any street-and-driveway intersection, the vision triangle shall be defined as the area bounded by the street property line and the edge of the driveway and a line joining points along said street and driveway twenty (20) feet from their point of intersection. See Section 1030.02 for an illustration of this term.

W

Wall Sign. A sign attached to or painted on the exterior wall of a building and not extending from the building's wall more than twelve (12) inches.

Warehouse. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Window Sign. A sign affixed to the interior or exterior of a window or placed immediately behind a window pane.

Wireless Telecommunication Antenna. The physical device through which electromagnetic, wireless telecommunication signals authorized by the Federal Communications Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless Telecommunication Equipment Shelter. The structure or cabinet in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.

Wireless Telecommunication Facility. A facility consisting of the equipment, structures, and site improvements, i.e. fencing and landscaping, involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.

Wireless Telecommunication Tower. Any structure which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

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X

Y

Z

Zoning Inspector. A zoning inspector is a municipal or local government official responsible for enforcing and overseeing zoning regulations and involves conducting inspections, reviewing permit applications, and monitoring construction and land use activities to confirm that they adhere to zoning laws.

Zoning Permit. A standard form which is issued by the Zoning Administrator when it is determined that the proposed construction of buildings and structures and the proposed use of land and buildings and structures thereon are in compliance with all of the provisions of these rules.

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Village of Buckeye Lake

Development Code
